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**Summary**

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## Regulations and other Acts

Gouvernement du Québec

### **O.C. 868-2020, 19 August 2020**

Environment Quality Act  
(chapter Q-2)

#### **Landfilling and incineration of residual materials —Amendment**

#### **Clean Air —Amendment**

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials and the Regulation to amend the Clean Air Regulation

WHEREAS, under paragraph *e* of section 53 of the Environment Quality Act (chapter Q-2), the Government may make regulations applicable to the whole or to any part of the territory of Québec, to determine the methods of incineration and their conditions of use;

WHEREAS, under section 64.1 of the Act, a regulation of the Government determines the residual materials elimination facilities that are subject to the provisions of sections 64.2 to 64.12 of the Act;

WHEREAS, under paragraph 2 of section 70 of the Act, the Government may make regulations that may prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination;

WHEREAS, under paragraph 4 of section 70 of the Act, the Government may make regulations that may prohibit the establishment, in any part of the territory of Québec, of residual materials elimination facilities or certain residual materials elimination facilities;

WHEREAS, under paragraph 5 of section 70 of the Act, the Government may make regulations that may determine the conditions or prohibitions applicable to the establishment, operation and closure of any residual materials elimination facility, in particular incinerators, landfills and treatment, storage and transfer facilities;

WHEREAS, under paragraph 6 of section 70 of the Act, the Government may make regulations that may prescribe the conditions or prohibitions applicable to residual materials elimination facilities after they are closed, including the conditions or prohibitions relating

to maintenance and supervision, prescribe the period of time during which the conditions or prohibitions are to be applied and determine who will be required to ensure that they are applied;

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 5 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish standards for the installation and use of any type of apparatus, device, equipment or process designed to control the release of contaminants into the environment;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under subparagraph 14 of the first paragraph of section 95.1 of the Act, the Government may make regulations to require a person or municipality to provide, for the activities or classes of activities the Government determines or on the basis of an activity's potential impacts on the environment, a financial guarantee to enable the Minister of the Environment and the Fight Against Climate Change to meet any obligation imposed on the person or municipality by the Act or the regulations that the person or municipality has failed to meet and whose cost may be charged to the person or municipality, and to determine the nature and amount of the guarantee and the conditions governing its use by the Minister and its remittance; the amount of the guarantee may vary according to the class, nature and potential impacts on the environment of the activity for which the guarantee is required;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the records to be kept and preserved by any person or municipality carrying on an activity governed by the Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the period for which they must be preserved;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister by any person or municipality carrying on an activity governed by the Act or the regulations, determine their form and content and the conditions governing their preservation and sending;

WHEREAS, under subparagraph 24 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the methods for collecting, preserving and analyzing water, air, soil or residual material samples for the purposes of any regulation made under the Act;

WHEREAS, under section 115.27 of the Act, the Government may, in a regulation made under the Act, in particular specify that a failure to comply with the regulation may give rise to a monetary administrative penalty and set forth the amounts of the penalty;

WHEREAS, under section 115.34 of the Act, the Government may in particular determine the regulatory provisions made under the Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the landfilling and incineration of residual materials and a draft Regulation to amend the Clean Air Regulation were published in Part 2 of the *Gazette officielle du Québec* of 19 February 2020 with a notice that they could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulations with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting the landfilling and incineration of residual materials and the Regulation to amend the Clean Air Regulation, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Regulation respecting the landfilling and incineration of residual materials

Environment Quality Act  
(chapter Q-2, ss. 64.1, 70, 95.1, 115.27 and 115.34)

**1.** The Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) is amended by replacing section 3 by the following:

“3. The purpose of this Regulation is to ensure the protection of the environment against pollution caused by the disposal of residual materials. For that purpose, it prescribes in particular which residual materials may be accepted at the facilities referred to in section 2, the conditions subject to which the facilities are to be sited and operated, and the conditions that apply to their closure and post-closure management.”.

**2.** Section 4 is amended by replacing paragraph 2 by the following:

“(2) hazardous materials within the meaning of section 1 of the Environment Quality Act (chapter Q-2), as well as any product resulting from the treatment of such materials by a stabilization, fixation or solidification process, other than the materials referred to in paragraph 8 of section 4 of the Regulation respecting hazardous materials (chapter Q-2, r. 32) treated using a stabilization process such that they are no longer leachable materials within the meaning of section 3 of that Regulation;”.

**3.** Section 6 is amended

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

“With the exception of the other landfills authorized by this Regulation or any other regulation, the engineered landfills governed by Division 2 are the only landfills in which residual materials to which Division VII of Chapter IV of Title I of the Environment Quality Act (chapter Q-2) applies may be landfilled, except the following:

(1) batches of branches, stumps or shrubs less than 60 m<sup>3</sup>;

(2) soil excavated from land that has not been contaminated by human activity;

(3) plant species the transportation of which is likely to result in the propagation of invasive exotic species;

(4) wood debris removed from the surroundings of dams.”;

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

“Despite the provisions of the first paragraph, animal carcasses to which the provisions of section 5 do not otherwise apply, as well as their ash, may be disposed of in an animal cemetery authorized by the Minister under section 22 of the Environment Quality Act.”.

**4.** Section 12 is amended by replacing “tariffs” in the first paragraph by “prices” and “certificate of authorization” by “authorization”.

**5.** Section 18 is amended by inserting “the stockpiling platform for contaminated soil or other residual materials intended to be used as cover material,” after “if present,” in the first paragraph.

**6.** Section 24 is amended by striking out “rock” and inserting “within the meaning of the Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1)” after “quarry” in the portion before paragraph 1.

**7.** The following is added after section 24:

“**24.1.** A stockpiling platform for contaminated soil or other residual materials intended to be used as cover material must be composed of one of the following materials:

(1) a homogenous natural soil layer with a constant hydraulic conductivity of  $1 \times 10^{-6}$  cm/s or less to a minimum depth of 3 m, the hydraulic conductivity to be established *in situ*;

(2) a layer of clayey materials with a constant hydraulic conductivity of  $1 \times 10^{-7}$  cm/s or less to a minimum depth of 1 m;

(3) a geomembrane at least 1.5 mm thick;

(4) a bentonite geocomposite;

(5) a layer of bituminous concrete over a bituminous membrane, or a layer of cement concrete, the operator being required, in either case, to verify the platform or have it verified at least once a year to detect fractures or fissures that might form and to repair any defects detected;

(6) any other liner system composed of materials at least as effective as one of the above-mentioned systems.

The platform must have a liquid collection system.”.

**8.** Section 28 is amended by adding the following paragraph at the end:

“Any liner system installed as of 17 September 2020 must be adequately protected from natural or man-made damage that might affect its effectiveness.”.

**9.** Section 32 is amended by replacing “accepted” in the second paragraph by “received”.

**10.** Section 39 is amended in the first paragraph

(1) by inserting “whether they are to be landfilled or used to cover the residual materials received in the disposal areas,” after “landfill,” in the portion before subparagraph 1;

(2) by replacing “land rehabilitation work,” in subparagraph 2 by “rehabilitation work on land, on a contaminated soil stockpiling site or on a contaminated soil processing site,”;

(3) by inserting “municipality that is the” between “the” and “source” in subparagraph 3;

(4) by adding “and broken down according to their source” after “weight” in subparagraph 4.

**11.** Section 40 is revoked.

**12.** Section 40.1 is amended by inserting the following paragraph after the second paragraph:

“Where the soil referred to in the first and second paragraphs is from a contaminated soil stockpiling site or contaminated soil treatment site authorized under the Environment Quality Act (chapter Q-2), the operator may have an independent expert take the samples referred to in this section from the stockpiling or treatment site. The samples must be separate from any other samples required to be taken pursuant to the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46).”.

**13.** The following is inserted after section 40.1:

“**40.2.** The soil referred to in subparagraph 2 of the first paragraph of section 39 may not be mixed with other residual materials at any place other than an engineered landfill in order to be used as cover material.”.

**14.** Section 42 is amended

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

“The operator must take or have taken, for each batch of 4,000 tons or less of the same material used for the purpose of covering residual materials, or once a year

where the quantity of that material used annually is less than 4,000 tons, and each time that a material of a different type is used, a sample of that material for it to be measured and analyzed in order to ensure compliance with the requirements of the first paragraph. If two or more materials of different types are mixed together to be used for such purposes, they must be mixed evenly and the result of the mixing must comply with the requirements of the first paragraph. The results of the measurements and analyses must appear in the log referred to in section 39.”;

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

“Contaminated soil or other residual materials intended to be used as cover material may be stockpiled at an engineered landfill only in areas that meet the containment requirements set out in this Regulation and that have not received a final cover prescribed by section 50, or on a stockpiling platform complying with the requirements of section 24.1.”.

**15.** The following is inserted after section 42:

“**42.1.** Any material used for the construction of access roads in residual materials disposal areas must comply with the same requirements as those applicable to materials used to cover residual materials.”.

**16.** Section 44 is amended by striking out “at the frequency specified in the authorization obtained pursuant to section 22 or 31.5 of the Environment Quality Act (chapter Q-2)”.

**17.** The following is inserted after section 48:

“**48.1.** Where the release of odours causes odour nuisances beyond the limits of the engineered landfill, the operator must, as soon as possible, produce a characterization of the landfill for the purpose of identifying and analyzing all odour sources.

As soon as it is completed, the operator must send to the Minister the results of the characterization, as well as a report detailing the remedial measures the operator has taken or intends to take to deal with those nuisances and the timetable for the work’s completion.”.

**18.** Section 50 is amended

(1) by replacing “and 3” in the third paragraph by “to 4”;

(2) by replacing “, the material meets where applicable the requirements of the third paragraph and the minimum thickness of the layers is as prescribed in those subparagraphs” in the fourth paragraph by “and the minimum thickness of the layers is as prescribed in those

subparagraphs. In addition, the material used must, for the layers referred to in subparagraphs 2 to 4 of the second paragraph, comply with the requirements of the third paragraph”.

**19.** Section 52 is amended

(1) by replacing “sections 39 and 40” in subparagraph 1 of the first paragraph by “section 39”;

(2) by replacing subparagraph 3 of the first paragraph by the following:

“(3) the results of the testing or measurements performed pursuant to sections 38, 63, 64, 66 and 68, other than the results sent to the Minister pursuant to section 71, and a summary of the results of the testing, analyses or measurements made pursuant to sections 38, 39, 40.1, 42, 63, 66, 67 and 68, along with their interpretation;”;

(3) by adding the following at the end of the first paragraph:

“(7) the prices for the operator’s services that are posted at the entrance to the landfill in accordance with section 64.11 of the Environment Quality Act (chapter Q-2);

(8) where applicable, the new tariff and the date fixed for the coming into force of that tariff, along with a summary of the actions taken by the operator in accordance with section 64.3 of the Environment Quality Act.”;

(4) by replacing the second paragraph by the following:

“The report must be signed by the operator, certify the accuracy of the information it contains and be sent to the Minister in a computer medium using the technology-based documents prescribed by the Minister, if applicable, within 90 days following the end of each year of operation. The report must include any other information the Minister may require under section 68.1 of the Environment Quality Act (chapter Q-2).

The information contained in the report is public.”.

**20.** Section 63 is amended by inserting “, other than fecal coliforms” after “section 53” in subparagraph 2 of the first paragraph.

**21.** Section 65 is amended

(1) by replacing “or a leachate or water treatment system are” in the first paragraph by “, a leachate or water treatment system or a stockpiling platform for contaminated soil or other residual materials intended to be used as cover material is”;

(2) by replacing “the treatment system location” in the second paragraph by “the location of the treatment system and the stockpiling platform, if applicable,”;

(3) by replacing “and the treatment system” in the portion of the third paragraph before subparagraph 1 by “; the treatment system and the stockpiling platform, if applicable”;

(4) by replacing subparagraph 2 of the third paragraph by the following:

“(2) the observation wells must be situated at a maximum distance of 150 m hydraulically downgradient from the disposal areas or the location of the treatment system or stockpiling platform, if applicable, so that the quality of the groundwater reaching that distance can be monitored. If all or part of a buffer zone has been established on an existing landfill, the monitoring perimeter may be extended to include the landfill, but without exceeding the distance of 150 m from the disposal areas or related treatment system or stockpiling platform;”;

(5) by replacing “or treatment system are” in subparagraph 4 of the third paragraph by “; treatment system or stockpiling platform, where applicable, is”.

**22.** Section 70 is amended by inserting the following after the first paragraph:

“Where there is no laboratory accredited for analyzing a substance referred to in this Regulation, the samples taken pursuant to this Regulation must, for the purpose of analyzing the substance concerned and despite the provisions of the first paragraph, be sent to a laboratory that meets ISO/CEI 17025, General requirements for the competence of testing and calibration laboratories, which is published jointly by the International Organization for Standardization and the International Electrotechnical Commission.”.

**23.** Section 71 is amended by inserting “, if applicable” after “prescribed by the Minister” in the first paragraph.

**24.** Section 77 is amended by replacing “certificates of authorization” in the second paragraph by “authorizations”.

**25.** Sections 80 and 81 are replaced by the following:

“**80.** The operator must begin the process of closing the engineered landfill on the day when it permanently ceases accepting residual materials for disposal, whether because the landfill has reached its maximum capacity

or because landfilling operations have otherwise been terminated. The operator must immediately notify the Minister in writing of that date.

The operator must, within a maximum period of 18 months from that date, permanently close the landfill by installing the final cover and any other siting feature or equipment required under this Regulation or pursuant to the authorization obtained under section 22 or 31.5 of the Environment Quality Act (chapter Q-2).

**81.** Within 6 months following the date indicated in the first paragraph of section 80, the operator must send to the Minister a closure report prepared by independent experts, attesting to

(1) the working order, effectiveness and reliability of the landfill liner system, the leachate or water collection and treatment systems, the biogas collection and evacuation or removal system and the network of groundwater observation wells installed at the landfill in accordance with this Regulation;

(2) compliance with the limit values that apply to discharges of leachate or water, to emissions of biogas and to groundwater; and

(3) compliance with the requirements of this Regulation or with the authorization as regards the final cover and the integration of the landfill into the surrounding landscape.

The closure report must specify any instances of non-compliance with the provisions of this Regulation or with the authorization and indicate the remedial measures to be taken. It must also specify any work remaining to be completed to permanently close the landfill, for which the operator must also include a timetable for the work’s completion.

The operator must notify the Minister in writing of the date on which the landfill is permanent closed.”.

**26.** Section 89 is amended in the first paragraph

(1) by striking out “40,”;

(2) by inserting “40.2,” after “40.1,”;

**27.** Section 91 is amended by striking out “With the exception of the layer of soil or other material suitable for vegetation,” at the beginning of the second paragraph.

**28.** Section 102 is amended by striking out the second paragraph.



**29.** Section 103 is amended

- (1) by striking out the first paragraph;
- (2) by replacing “landfill referred to in the first paragraph” in the second paragraph by “construction or demolition waste landfill”.

**30.** Section 105 is amended

- (1) by replacing “40.1” in the first paragraph by “40.2”;
- (2) by replacing the fourth paragraph by the following:

“The operator must take or have taken, for each batch of 4,000 tons or less of the same material used for the purpose of covering residual materials, or once a year where the quantity of that material used annually is less than 4,000 tons, and each time that a material of a different type is used, a sample of that material for it to be measured and analyzed to ensure compliance with the requirements of subparagraph 1 of the second paragraph. If two or more materials of different types are mixed together to be used for such a purpose, they must be mixed evenly and the result of the mixing must comply with the requirements of subparagraph 1 of the second paragraph. The results of the measurements and analyses must appear in the report referred to in section 52.”

**31.** Section 106 is amended by striking out “With the exception of the layer of soil or material suitable for vegetation,” at the beginning of the third paragraph.**32.** Section 117 is amended by adding the following paragraph at the end:

“The soil referred to in the first paragraph may contain contaminants in a concentration equal to or lower than the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) for volatile organic compounds and in Schedule II to that Regulation for other contaminants; those limit values do not apply to contaminants that do not originate from human activity.”

**33.** Section 119 is amended by inserting the following after the first paragraph:

“The soil used to cover residual materials may also contain contaminants in a concentration equal to or lower than the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37); those limit values do not apply to contaminants that do not originate from human activity.”

**34.** Section 121 is amended

- (1) by replacing “collected by or for a municipality” in paragraph 1 by “, whether or not it has been subjected to physical treatment such as sorting, drying, compaction or pressurization, chemical treatment such as adding acid or liming agents, or biological treatment”;

- (2) by inserting “, whether or not it has been subjected to biological treatment,” after “sludge” in paragraph 2;

- (3) by adding the following paragraph at the end:

“For the purposes of this section, the expression “incineration facility” has the meaning assigned by section 101 of the Clean Air Regulation (chapter Q-2, r. 4.1) to the term “incinerator”.”

**35.** Sections 126 and 127 are revoked.**36.** Section 128 is amended in the French text by replacing “45 paragraphe 1” in the first paragraph by “du paragraphe 1 de l’article 45, des articles”.**37.** Divisions 3, 4 and 5 of Chapter III are revoked.**38.** Section 136 is amended

- (1) by striking out “, except transfer stations that receive only construction or demolition waste within the meaning of section 101” in the first paragraph;

- (2) by replacing “to be prepared for further transport to another place for disposal” in the second paragraph by “in order to be transported at a later time to another place for disposal”.

**39.** Section 137 is amended by inserting “, a construction or demolition waste landfill” after “landfill” in the first paragraph.**40.** Section 139 is amended

- (1) by replacing “paragraph 1 of section 45, sections 48, 49, subparagraph 1 of the first paragraph of section 52 and the second and third paragraphs of section 124” in the first paragraph by “paragraph 1 of section 45, sections 48 and 49, subparagraph 1 of the first and second paragraphs of section 52, and the second and third paragraphs of section 124”;

- (2) by striking out the third paragraph.

**41.** Section 139.1 is amended by adding “, unless it is established for the transfer of 30 metric tons or less of residual materials every week and is not used in whole or in part for the transfer of household waste” at the end of the first paragraph.

**42.** Section 139.2 is amended by replacing the second paragraph by the following:

“The provisions of sections 37 and 39, subparagraph 1 of the first paragraph and second paragraphs of section 52, and the second and third paragraphs of section 124 do not apply to a low capacity transfer station where it is established for the transfer of 30 metric tons or less of residual materials every week.”

**43.** Section 141 is replaced by the following:

“**141.** The financial guarantee must be in one of the following forms:

(1) a bank draft or a certified cheque made out to the Minister of Finance;

(2) a debt security in Canadian dollars issued or guaranteed by the Gouvernement du Québec or any other government in Canada having a market value at least 10% greater than the amount of the financial guarantee established in accordance with section 140 and whose term is longer than the term of the guarantee by 12 months;

(3) a security with a waiver of the benefits of discussion and division issued by a legal person authorized to stand security under the Bank Act (S.C. 1991, c. 46), the Insurers Act (chapter A-32.1) or the Act respecting financial services cooperatives (chapter C-67.3);

(4) an irrevocable letter of credit issued by a legal person referred to in paragraph 3.”

**44.** Section 142 is amended

(1) by replacing “sums of money, orders” by “bank drafts”;

(2) by striking out “certificate of”.

**45.** Section 143 is amended

(1) by striking out “, a financial guarantee policy” in the first paragraph;

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

“Subject to the law applicable in Québec, a guarantee provided in the form of an irrevocable letter of credit must comply with the rules of the International Chamber of Commerce related to stand-by letters of credit as the rules read on the day the guarantee is issued.”

**46.** Section 144 is amended by inserting “or reimburse” after “pay”.

**47.** The title of Chapter VI is replaced by the following:

“OWNERSHIP OF LAND”.

**48.** Sections 146, 147 and 148 are revoked.

**49.** Section 149.1 is amended by inserting the following after paragraph 1:

“(1.1) to send to the Minister the results of the characterization provided for in section 48.1, as well as the report referred to in that section;”.

**50.** Section 149.2 is amended

(1) by replacing “the first or second paragraph of section 40 or the third paragraph of section 40.1” in paragraph 3 by “the fourth paragraph of section 40.1 or the second paragraph of section 139”;

(2) by replacing “6” in paragraph 7 by “8”;

(3) by replacing “second” in paragraph 8 by “third”;

(4) by replacing “of closure of” in paragraph 10 by “on which the person begins the process of closing”;

(5) by replacing paragraphs 12 to 15 by the following:

“(12) to notify the Minister in writing of the date on which the landfill is permanently closed, in accordance with the third paragraph of section 81;”.

**51.** Section 149.3 is amended

(1) by striking out paragraph 10;

(2) by replacing “provided for therein” in paragraph 11 by “provided for in that section”;

(3) by inserting the following after paragraph 14:

“(14.1) to comply with the conditions provided for in section 42.1 relating to the materials used for the construction of access roads in residual materials disposal areas;”.

(4) by replacing paragraph 27 by the following:

“(27) to send for the purpose of analysis, to a laboratory that is accredited by the Minister or meets the standard referred to in the second paragraph of section 70, the samples taken pursuant to this Regulation, in accordance with that section;”;

(5) by striking out paragraphs 48, 49, 50 and 51;

(6) by adding the following at the end:

“(58) to comply with the conditions provided for in the first and second paragraphs of section 164.1 relating to residual materials in a site referred to in that article.”.

**52.** Section 149.4 is amended

(1) by striking out “rock” in paragraph 5;

(2) by inserting the following after paragraph 5:

“(5.1) to comply with the conditions provided for in section 24.1 relating to the siting of a stockpiling platform for contaminated soil or other residual materials intended to be used as cover material;”;

(3) by inserting “and that the system is adequately protected” after “leakproof” in paragraph 9;

(4) by inserting “other” after “soils or” in paragraph 16;

(5) by inserting “and according to the conditions” after “in the cases” in paragraph 30;

(6) by striking out paragraph 37.

**53.** Section 149.5 is amended

(1) by inserting the following after paragraph 2:

“(2.1) mixes the soil referred to in section 40.2 at any place other than an engineered landfill;

(2.2) fails to produce a characterization of the engineered landfill in the case and on the conditions provided for in the first paragraph of section 48.1;”;

(2) by striking out paragraph 8.

**54.** Section 149.6 is amended

(1) by striking out “the first paragraph of” in paragraph 6;

(2) by striking out “the second paragraph of” in paragraph 7.

**55.** Section 149.7 is amended

(1) by inserting “or products resulting from the processing of such materials by a stabilization, fixation or solidification process” after “hazardous materials” in paragraph 1;

(2) by striking out paragraphs 9 and 10.

**56.** Section 150 is amended by inserting “the second paragraph of section 48.1,” after “section 45.”.

**57.** Section 151 is amended

(1) by striking out “the first paragraph of section 40,” in the first paragraph;

(2) by replacing “, section 81, the fourth paragraph of section 127, section 146 or the second paragraph of section 155” in the first paragraph by “or section 81”;

(3) by replacing “the first or second paragraph of section 40 or the third paragraph of section 40.1” in subparagraph 1 of the second paragraph by “the fourth paragraph of section 40.1 or the second paragraph of section 139”;

(4) by replacing “of closure of” in subparagraph 3 of the second paragraph by “on which the person begins the process of closing”;

(5) by striking out subparagraph 4 of the second paragraph.

**58.** Section 152 is amended

(1) by inserting “42.1,” between “section” and “43” in the first paragraph;

(2) by inserting “or second” between “first” and “paragraph of section 70” in the first paragraph;

(3) by replacing “or 126, the first, second or third paragraph of section 127, the second paragraph of section 134, section 138, 139.3, 140, 143 or the second paragraph of section 159” in the first paragraph by “, 138, 139.3, 140 or 143, the second paragraph of section 159 or section 164.1”;

(4) by striking out subparagraph 1 of the second paragraph.

**59.** Section 153 is amended

(1) by replacing “, 125 or 132” in the first paragraph by “or 125”;



(2) by replacing the second paragraph by the following:

“Every person who fails to permanently close an engineered landfill in the cases and according to the conditions provided for in section 80 also commits an offence and is liable to the same fines.”

**60.** Section 154 of the Regulation is amended by replacing paragraph 1 by the following:

“(1) contravenes the first paragraph of section 6, section 13, 14, 15, 16 or 40.2, the first paragraph of section 48.1, the second paragraph of section 71, the first paragraph of section 86, section 87 or 88, the first paragraph of section 94, 95 or 97, the second paragraph of section 104, the first paragraph of section 111, section 112, 113, 114 or 116, the first paragraph of section 139.1, the fourth paragraph of section 139.2, section 145 or the second, third or fifth paragraph of section 161.”

**61.** Section 154.1 is amended by replacing “the first paragraph of section 102, the second paragraph of section 103, section 115” by “section 102, 103 or 115”.

**62.** Section 154.2 is amended by replacing “the second paragraph of section 62, the first paragraph of section 129 or section 130” in the first paragraph by “or the second paragraph of section 62”.

**63.** Section 155 is revoked.

**64.** Section 155.1 is amended by replacing “tariffs” by “prices” and by adding “, except engineered landfills reserved exclusively for the use of an industrial, commercial or other establishment” at the end.

**65.** The following is inserted after section 164:

“**164.1.** The custodian of any land that was used as a residual materials disposal site, has been decommissioned and was subject to a cover requirement at the time it was closed is required to ensure that the residual materials remain completely covered with soil at all times.

If the custodian fails to do so, the custodian must

(1) collect any residual materials that have been scattered;

(2) grade the residual materials and cover them with a soil layer at least 60 cm thick;

(3) establish a vegetative layer of herbaceous plants on the soil layer.

This section applies to any residual materials disposal site where such materials are landfilled or deposited and that was subject to a cover requirement at the time it was closed or decommissioned, such as a dump closed pursuant to section 126 of the Regulation respecting solid waste (chapter Q-2, r. 13). This section does not apply to the facilities listed in section 2 of this Regulation.”

**66.** Schedules I and II are revoked.

**67.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 47 and 48, paragraph 2 of section 57, and section 63, which come into force on 31 December 2020.

## Regulation to amend the Clean Air Regulation

Environment Quality Act  
(chapter Q-2, ss. 53 and 95.1)

**1.** The Clean Air Regulation (chapter Q-2, r. 4.1) is amended in section 15 by replacing “, to fugitive particle emissions to which Division III of Chapter II of this Title applies and to emissions from residual materials incineration facilities referred to in Chapter III of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19)” by “and to fugitive particle emissions to which Division III of Chapter II of this Title applies”.

**2.** Section 102 is amended by replacing “animal incinerators or residual materials incineration facilities referred to in Chapter III of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19)” by “or animal incinerators”.

**3.** Section 214 is revoked.

**4.** Schedule H is replaced by the following:

“**SCHEDULE H**  
(ss. 75, 77, 87, 91, 92, 153, 156 and 197)

AIR DISPERSION MODEL

### Dispersion models

The dispersion models that may be used are those in the latest edition of the US-EPA Guideline on Air Quality Models (Appendix W to Part 51). A recognized alternative may be used if the operator establishes that, in the case at hand, that model performs better than the models

indicated in the guideline. The choice of the alternative model must be motivated by theoretical considerations and be supported by a comparative statistical analysis of the results, following the prescriptions of the Guideline on Air Quality Models. The latest version of the model must be used.

### Calculation of the concentration of a contaminant in the atmosphere

Using the model, the operator must calculate the concentration in the atmosphere of each contaminant emitted for which a limit value is prescribed by sections 75 and 153 and in Schedules G and K.

The concentration of a contaminant in the atmosphere for a single source must be calculated by modeling with one of the following methods:

- (1) a simple model, called a level 1 model, for a single source; or
- (2) a multi-source complex model, called a level 2 model, simulating a single source.

Modeling with a level 2 model is required if the concentration of contaminants calculated with a level 1 model is deemed significant according to the following formula:

$$C \geq 4 \times (LV-IC)/5$$

where LV and IC are, respectively, the limit value and the initial concentration provided for in Schedules G and K.

If the establishment has several emission sources, the concentrations of contaminants in the atmosphere must be calculated using a level 2 model.

### Parameters

All the parameters required for the model must be presented, namely,

- (1) the model used and its version;
- (2) the non-default options;
- (3) the choice of environment (rural/urban);
- (4) the dimensions of the modeling domain;
- (5) the modeling scenario or scenarios;
- (6) the physical features of the emission sources; and
- (7) the calculations made to obtain the emission rates.

For level 2 modeling, the following parameters must also be presented:

- (1) a description of the calculation points table;
- (2) the origin and period of the meteorological data;
- (3) the surface characteristics required to prepare the meteorological data files.

### Modeling scenarios

The modeling scenarios must make it possible to reproduce the highest projected concentrations of contaminants on the basis of the period of application of the limit value. However, those scenarios do not include contaminant emissions attributable to unplanned and unpredictable situations, such as the use of generators in an emergency.

By using the concentration obtained for the calculation with a level 1 model, the daily and annual concentrations are obtained in the following manner:

$$C_{\text{daily}} = C_{\text{MAX-H}} \times 0.24$$

$$C_{\text{AN}} = C_{\text{MAX-H}} \times 0.04$$

where  $C_{\text{daily}}$  is the daily concentration,  $C_{\text{AN}}$  is the annual concentration and  $C_{\text{MAX-H}}$  is the highest hourly concentration calculated.

For a level 2 model, the operator must prepare meteorological data files on the basis of 5 years of complete meteorological data representative of the location of the establishment. When such files are made available by the Ministère du Développement durable, de l'Environnement et des Parcs, they must be used.

In the case of a contaminant referred to in Schedule K for which the limit value established in column 1 is over a period of less than 1 hour, the concentration is calculated using the following formula:

$$C(T) = C_{\text{MAX-H}} \times 0.97 T^{-0.25}$$

where T is the time in hours and  $C_{\text{MAX-H}}$  is the maximum concentration for 1 hour.

The operator must take into account the topography and include calculation points on the property limits or the limits of the industrial zone.

The initial concentrations of contaminants in the atmosphere, without the contribution of the source or sources considered for the modeling, must be added to the

concentrations calculated. The resulting concentrations must be presented to enable comparison with the limit values prescribed by Schedules G and K.

### Information to be retained

The operator must retain the following information and documents for a minimum of 5 years:

(1) one or more topographic maps showing the region for which the calculations have been made, indicating the pertinent geographical, physical and human elements. Each map must include a scale and the direction of geographical North;

(2) a top view and a sectional view indicating the dimensions of the establishment's buildings, as taken into account in the model, and the location of the sources;

(3) the physical features of each source and the operating characteristics;

(4) for each contaminant and each period for which a limit value is prescribed, a table showing the maximum annual concentrations calculated for all the calculation points and years and their locations, the initial concentrations, the sum of the maximum concentrations calculated and the initial concentrations, and the limit value. When preparing that table, the calculation points located within the property limits or the limits of the industrial zone are excluded;

(5) the input data required for the operation of the model in a form compatible with its use (model input file) for the modeling carried out;

(6) the data generated by the operation of the model in a form compatible with its use (model input file) for the modeling carried out.

For level 2 modeling, the operator must also retain the following information and documents for a minimum of 5 years:

(1) the map or maps provided for in subparagraph 1 of the first paragraph, which will show the calculation points table, the establishment, and the property limits or the limits of the industrial zone;

(2) a 16-direction wind rose obtained from the meteorological data used in the model and indicating the average wind speed, the calm wind frequency and the proportion of missing data;

(3) for the contaminant whose maximum concentration calculated is the highest for each period for which a limit value is prescribed and for each contaminant whose maximum concentration calculated is significant, maps showing the modeling calculation results in the form of isopleth curves for each calculation point, except for the points located within the property limits, and for the entire calculation period. For each map, the results presented must include the initial concentration;

(4) for each contaminant and each applicable period, maps showing the number of exceedances for each calculation point, except for the points located within the property limits, and for the entire calculation period. The number of exceedances is calculated taking into account the initial concentration;

(5) the table provided for in subparagraph 4 of the first paragraph, which will also show the maximum number of exceedances calculated at the worst calculation point for all the calculation points and years, and their locations. When preparing that table, the calculation points located within the property limits or the limits of the industrial zone are excluded.”

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104589

Gouvernement du Québec

**O.C. 869-2020**, 19 August 2020

Environment Quality Act  
(chapter Q-2)

### **Amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains**

Amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains

WHEREAS, under section 2.1 of the Environment Quality Act (chapter Q-2), it is the responsibility of the Minister of the Environment and the Fight Against Climate Change to elaborate and propose to the Government a protection policy for lakeshores, riverbanks, littoral zones and floodplains, to implement such policy and to coordinate its application, and the policy adopted by the Government must be published in the *Gazette officielle du Québec*;

WHEREAS the Government made the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35);

WHEREAS the policy must be amended to harmonize it with the regulations for the implementation of the environmental authorization scheme, made by Order in Council 871-2020 dated 19 August 2020;

WHEREAS, under paragraph 6 of section 4 of the Regulation respecting the *Gazette officielle du Québec* (chapter C-8.1.1, r. 1), the Government may order that a document published in the French Edition of Part 2 also be published in English;

WHEREAS draft amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains were published in Part 2 of the *Gazette officielle du Québec* of 19 February 2020;

WHEREAS it is expedient to make the amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains with certain adjustments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains, attached to this Order in Council, be made;

THAT the amendments also be published in the English Edition of the *Gazette officielle du Québec*.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## Amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains

Environment Quality Act  
(chapter Q-2, s. 2.1)

**1.** The Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35) is amended by revoking section 2.7.

**2.** Section 3.2 is amended

(1) by adding “or, as applicable, they are eligible for a declaration of compliance or are exempted under the Regulation respecting the regulatory scheme applying

to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*)” at the end of paragraph *b*;

(2) in paragraph *e*,

(a) by replacing the second dash by the following:

“— removal or pruning of dead vegetation or vegetation affected by a pest or disease, or carried out for public safety purposes;”;

(b) by replacing the third dash by the following:

“— unless carried out as a result of a natural disturbance, such as a windfall, epidemic, fire or freezing rain, in which case it may be greater, harvesting for forest development purposes of not more than 50% of the trees 10 cm or more in diameter, provided at least 50% of the forest cover is maintained;”;

(c) by striking out “whose shore or bank has a slope of less than 30%” in the fifth dash;

(d) by replacing “a 5-metre wide view window if the slope of the lakeshore or riverbank is greater than 30%, or to create a trail or stairs giving access to the body of water” in the sixth dash by “5-metre wide view windows up to 10% of the riparian portion of a lot, and to create access to the body of water”;

(e) by inserting “to cultivate non-aquatic plants and mushrooms,” at the beginning of the eighth dash;

(3) by replacing “of soil” in paragraph *f* by “of non-aquatic plants and mushrooms”;

(4) in paragraph *g*,

(a) by replacing “vegetation or mechanical means” in the sixth dash by “phytotechnologies or inert materials”;

(b) by inserting “the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*), the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*) and” in the seventh dash after “in accordance with”.

**3.** Section 3.3 is amended

(1) by adding “docks on wheels” at the end of subparagraph *a* of the second paragraph;

(2) by replacing “the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2)” in subparagraph *d* of the second paragraph by “the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) and the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*)”;

(3) by adding “or, as applicable, they are eligible for a declaration of compliance or are exempted under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact” at the end of subparagraph *h* of the second paragraph.

#### 4. Section 4.2.1 is amended

(1) by replacing “the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2)” in paragraph *f* by “the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) and the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*)”;

(2) by adding “or, as applicable, that is eligible for a declaration of compliance or that is exempted under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact” at the end of paragraph *i*.

#### 5. Section 4.2.2 is amended

(1) by inserting “the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*), the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*) and” in paragraph *d* after “in accordance with”;

(2) by replacing “the Water Withdrawal and Protection Regulation” in paragraph *e* by “the Regulation respecting activities in wetlands, bodies of water and sensitive areas and the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact”;

(3) by inserting “or, as applicable, are eligible for a declaration of compliance or are exempted under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact” at the end of paragraph *m*.

6. These amendments come into force on 31 December 2020.

104590

Gouvernement du Québec

### O.C. 870-2020, 19 August 2020

Environment Quality Act  
(chapter Q-2)

#### Municipal wastewater treatment works — Amendment

Regulation to amend the Regulation respecting municipal wastewater treatment works

WHEREAS, under section 31.32 of the Environment Quality Act (chapter Q-2), Division III.1 of Chapter IV of Title I of the Act applies to the municipal wastewater treatment works and municipal water management works determined by government regulation;

WHEREAS, under paragraph 3 of section 31.41 of the Act, the Government may make regulations to prescribe the content and form of a depollution attestation;

WHEREAS, under paragraph 17 of section 46 of the Act, the Government may, by regulation, determine the qualifications of natural persons assigned to the operation of municipal water treatment equipment;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under section 115.27 of the Act, the Government may, in a regulation made under the Act, in particular specify that a failure to comply with the regulation may give rise to a monetary administrative penalty and set forth the amounts of the penalty;

WHEREAS, under the first paragraph of section 115.34 of the Act, the Government may in particular determine the regulatory provisions made under the Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;



WHEREAS the Government made the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting municipal wastewater treatment works was published in Part 2 of the *Gazette officielle du Québec* of 19 February 2020 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the Regulation to amend the Regulation respecting municipal wastewater treatment works, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting municipal wastewater treatment works

Environment Quality Act  
(chapter Q-2, ss. 31.32, 31.41, 46, 95.1, 115.27 and 115.34)

**1.** The Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) is amended in section 1

(1) by inserting “in whole or in part” after “treatment works situated” in the first paragraph;

(2) by inserting “or into a storm water management system” after “being discharged into the environment” in the second paragraph.

**2.** Section 2 is amended

(1) by inserting the following definitions in alphabetical order:

“**overflow**” means any discharge of untreated wastewater into the environment or into a storm water management system; (*débordement*)

“**diversion**” means any discharge of partially treated wastewater into the environment due to the bypass of a stage of treatment by the treatment plant; (*dérivation*)”

(2) by inserting the following definitions in alphabetical order:

“**outfall**” means a main that receives the effluent from a treatment plant, where the effluent is subject to the monitoring provided for in section 6, and that transports the effluent to the final point of discharge; (*émissaire*)

“**diversion point**” means a point subject to the monitoring provided for in section 9 installed to bypass a stage of the treatment plant; (*ouvrage de dérivation*)

“**overflow point**” means a point subject to the monitoring provided for in section 9 installed to discharge untreated wastewater into the environment or into a storm water management system. (*ouvrage de surverse*)

**3.** Section 3 is replaced by the following:

“**3.** The Minister issues a depollution attestation to the operator of municipal wastewater treatment works referred to in section 1.”

**4.** Section 10 is replaced by the following:

“**10.** 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) must be held by any natural person who

(1) operates a treatment plant and monitors its operation;

(2) takes the samples 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; or

(3) takes a measurement or a reading required by this Regulation.

The holder of the certificate or apprenticeship card must show it on request.

For the purposes of the first paragraph, an apprenticeship card is valid if it is issued for a maximum period of 3 years following the holder’s registration in the vocational training and qualification program and if it is not renewable.

Despite the first paragraph, obtaining a qualification certificate or an apprenticeship card is not required to operate works that do not contribute directly to the operation of the liquid treatment chain of the treatment plant;

**5.** Section 11 is replaced by the following:

“**11.** A natural person who carries out one of the tasks listed in section 10 in a plant that will change classes in relation to the class of treatment plant referred to in its initial certificate must obtain a new certificate covered by section 10.

The holder of the certificate must hold his or her apprenticeship card for the new class of treatment plant not later than 4 months after one of the following dates, whichever comes first:

- (1) the date of issue of the authorization required for the work carried out at the treatment plant;
- (2) the date of transmission of the declaration of compliance required for the work performed at the treatment plant;
- (3) the date of amendment of the depollution attestation.

Until the natural person obtains a new certificate, the natural person must show, on request, the apprenticeship card given to the natural person during the natural person's admission to the training program.

**11.1.** The operator of a municipal wastewater treatment works must ensure that the tasks listed in section 10 are carried out by a person who is the holder of the valid qualification certificate or apprenticeship card referred to in that section.

In addition, the operator must ensure that the holder of the certificate takes the necessary steps to obtain a new certificate in the cases and within the time provided for in section 11.”.

**6.** Section 15 is amended

(1) by replacing subparagraph 1 of the first paragraph by the following:

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

(1.1) a diversion or an overflow elsewhere than from an overflow point or diversion point;”;

(2) in subparagraph 2 of the first paragraph

(a) by inserting “shutdown or” after “equipment”;

(b) by adding “or diversions” at the end;

(3) by striking out “of wastewater” in subparagraph 3 of the first paragraph;

(4) by adding the following after subparagraph 3 of the first paragraph:

“(4) a diversion or an overflow other than from an overflow point or a diversion point.”;

(5) by replacing the second, third and fourth paragraphs by the following:

“The notice must contain

(1) the date and time corresponding to the beginning of the event;

(2) the location of the discharge, overflow or diversion by indicating in particular its geographical coordinates;

(3) in the case of planned work, the reasons why it is impossible to carry out the work without any overflow, diversion or discharge elsewhere than at the final discharge point of the outfall.

(4) the uses of the receiving environment that could be affected;

(5) the real or estimated volumes of wastewater that are discharged, overflowed or diverted;

(6) the measures taken or planned by the operator to limit the discharge, overflow or diversion and minimize the effects of the event;

(7) the estimated date of the end of the event;

(8) the cleaning measures that will be set up after the event; and

(9) the measures set up to communicate to the public the information relating to a planned event.

In the cases provided for in subparagraphs 1, 1.1, 2 and 4 of the first paragraph, the notice is sent to the Minister without delay. It may be a written or verbal notice. In the latter case, the operator must send a written copy of the notice within 48 hours following the verbal notice. In the

case provided for in subparagraph 1 of the first paragraph, where the discharge will result in work for the alteration, repair or maintenance of the works, the notice is sent in accordance with the fourth paragraph.

In the case referred to in subparagraph 3 of the first paragraph, the notice is sent to the Minister 45 days before the planned event. The notice must be in writing.

All written notices referred to in this section must be sent electronically.

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

**7.** Section 17 is amended

(1) by striking out “, in addition to the elements referred to in section 31.34 and, where applicable, those referred to in section 31.35 of the Environment Quality Act (chapter Q-2),” in the portion before paragraph 1;

(2) by replacing paragraph 4 by the following:

“(4) the standards of discharge, overflow and diversion;”;

(3) by replacing “and overflows of wastewater” in paragraph 7 by “, overflows and diversions”;

(4) by adding the following paragraphs at the end:

“(11) the nature, quantity, quality and concentration of each contaminant covered by a standard or a requirement;

(12) the nature, origin and quality of the wastewater treated by the works;

(13) the applicable corrective programs, if any;

(14) the master plans of municipal water management that apply, if any;

(15) the standards, conditions, restrictions or prohibitions imposed by the Minister under section 31.37 of the Environment Quality Act;”

**8.** Section 19 is amended by replacing “required under section 11” by “or apprenticeship card required under the first paragraph of section 10 or his or her apprenticeship card required under the third paragraph of section 11”.

**9.** Section 21 is amended by replacing paragraph 4 by the following:

“(4) 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;

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

**10.** Section 23 is amended by replacing paragraph 5 by the following:

“(5) who fails to comply with the measures planned to minimize or eliminate the effects of an event in accordance with the sixth paragraph of section 15.”.

**11.** Section 24 is amended by adding the following at the end:

“Any person who fails to comply with section 10 or 11 commits an offence and is liable to the fine provided for in the first paragraph applicable to a natural person.”.

**12.** Section 25 is amended by replacing paragraph 4 by the following:

“(4) 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;

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

**13.** Section 28 is amended by replacing paragraph 5 by the following:

“(5) who fails to comply with the measures planned to minimize or eliminate the effects of an event in accordance with the sixth paragraph of section 15.”.

**14.** This Regulation comes into force on 31 December 2020.

104591



Gouvernement du Québec

## O.C. 871-2020, 19 August 2020

Environment Quality Act  
(chapter Q-2)

### Several regulations for the implementation of the environmental authorization scheme

Several regulations for the implementation of the environmental authorization scheme

WHEREAS the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) was assented to on 23 March 2017 and came into force on 23 March 2018, with some exceptions;

WHEREAS several regulations are necessary for the implementation of the environmental authorization scheme provided for by the Act;

WHEREAS, under subparagraph 10 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2), the Government may determine, by regulation, any activity other than the activity already provided for in that section for which no one may, without first obtaining an authorization from the Minister of the Environment and the Fight Against Climate Change, carry out a project involving one or more of those activities;

WHEREAS, under subparagraph 3 of the first paragraph of section 23 of that Act, a person or municipality that applies to the Minister for an authorization must provide any other information or documents determined by regulation, which information or documents may vary according to the class of activities and the territory in which they are carried on;

WHEREAS, under the second paragraph of section 23 of that Act, a regulation made under subparagraph 3 of the first paragraph of that section may also determine which of the information and documents concerned are public;

WHEREAS, under the third paragraph of section 23 of that Act, the regulation may also prescribe the terms and conditions governing the authorization applications, including the use of a specific form; those terms and conditions may vary according to the type of structure, works, industrial process, industry, work or other activity;

WHEREAS, under subparagraph 5 of the first paragraph of section 24 of that Act, when assessing a project's impacts on the quality of the environment, the Minister takes into consideration, in particular, in the cases

provided for by government regulation, the greenhouse gas emissions attributable to the project and the reduction measures the project may entail;

WHEREAS, under the first paragraph of section 28 of that Act, in addition to the cases provided for in that Act, the Government may, by regulation and for any activity or class of activities it determines, prescribe the valid term of an authorization;

WHEREAS, under the second paragraph of section 28 of that Act, the Government may also determine by regulation the activities or classes of activities for which the authorization may be renewed, subject to the terms and conditions determined in the authorization and such a regulation may also specify the provisions of that Act that apply to a renewal;

WHEREAS, under subparagraph 5 of the first paragraph of section 30 of that Act, the holder of an authorization may not make a change in the activities authorized by the Minister without first obtaining from the latter an amendment of the authorization, in the cases prescribed by government regulation;

WHEREAS, under the first paragraph of section 31.0.2 of that Act, any person or municipality that wishes to continue or carry on an activity authorized under subdivision 1 of Division II of Chapter IV of Title I of that Act must obtain a transfer of the authorization concerned from its holder and the latter must, to that end, first send the Minister a notice of transfer containing the information and documents prescribed by government regulation;

WHEREAS, under the first paragraph of section 31.0.5 of that Act, an authorization holder must, in the case of activities or classes of activities determined by government regulation, and within the time prescribed by that regulation, inform the Minister of any permanent cessation of authorized activities;

WHEREAS, under the first paragraph of section 31.0.6 of that Act, the Government may, by regulation, designate the activities referred to in section 22 or 30 of that Act that, subject to the conditions, restrictions and prohibitions determined in the regulation, are eligible for a declaration of compliance prior to their carrying out;

WHEREAS, under the third paragraph of section 31.0.6 of that Act, the provisions of the regulation may vary according to the class of activities, persons or municipalities, the territory concerned or the characteristics of a milieu and the regulation may also prescribe any transitional measure applicable to activities in progress that become eligible for such a declaration on the date of its coming into force;

WHEREAS, under the first paragraph of section 31.0.7 of that Act, declarations of compliance filed with the Minister must include the information and documents determined by regulation of the Government, in the manner and form specified in the regulation;

WHEREAS, under the second paragraph of section 31.0.7 of that Act, such a regulation may, in particular, require that a declaration be signed by a professional or any other person qualified in the field concerned, who must attest that the proposed activity meets any conditions, restrictions and prohibitions determined in the regulation and it may also require that the declaration be accompanied by a financial guarantee;

WHEREAS, under section 31.0.8 of that Act, such a regulation may also require the filing, after certain classes of activities it specifies have been carried out, of a certificate of compliance with the applicable conditions, restrictions and prohibitions, signed by a professional or any other person qualified in the field concerned, in the manner and form specified in the regulation;

WHEREAS, under the first paragraph of section 31.0.11 of that Act, the Government may, by regulation and subject to any conditions, restrictions and prohibitions specified in it, exempt certain activities referred to in section 22 of that Act from subdivision 1 of Division II of Chapter IV of Title I of that Act;

WHEREAS, under the second paragraph of section 31.0.11 of that Act, such a regulation may exempt any part of the territory of Québec and any class of persons, municipalities or activities it specifies from that subdivision, and a regulation made under that section may also, if necessary, set out conditions, restrictions and prohibitions which may vary according to the type of activity, the territory concerned and the characteristics of a milieu;

WHEREAS, under the third and fourth paragraphs of section 31.0.11 of that Act, the Government may also, by regulation, require a declaration of activity, in the manner and form prescribed in the regulation, for activities exempted under the first or second paragraph and prescribe any transitional measure applicable to the activities concerned that are in progress on the date of its coming into force;

WHEREAS, under subparagraph 5 of the first paragraph of section 31.15 of that Act, in addition to the information required under section 27 of that Act, an authorization to operate an industrial establishment must contain any other element determined by government regulation;

WHEREAS, under section 31.16 of that Act, the holder of an authorization to operate an industrial establishment must, within the time and in the manner and form

prescribed by government regulation, inform the Minister of any event or incident resulting in a contravention of the authorization's provisions and of the measures being taken to minimize or eliminate the effects of the event or incident and to eliminate and prevent its causes;

WHEREAS, under the second paragraph of section 31.18 of that Act, within the time and in the manner and form prescribed by government regulation, the authorization holder must submit an application to the Minister to renew the authorization for the same period as that provided for in the first paragraph of that section;

WHEREAS, under the first paragraph of section 31.20 of that Act, if an authorization to operate an industrial establishment is being renewed for the first time, the Minister must, in the manner and form prescribed by government regulation, publish a notice announcing a public consultation on the renewal application and make the application record available for a period of at least 30 days;

WHEREAS, under the second paragraph of section 31.20 of that Act, the notice announcing a public consultation referred to in the first paragraph of that section must state that any group, person or municipality may, within the time and in the manner and form prescribed by government regulation, submit comments to the Minister;

WHEREAS, under the fourth paragraph of section 31.20 of that Act, the renewal application record of an authorization to operate an industrial establishment must include the authorization proposed by the Minister and any other documents prescribed by government regulation;

WHEREAS, under section 31.22 of that Act, in the cases prescribed by government regulation, sections 31.20 and 31.21 of that Act, which concern the first renewal of an authorization to operate an industrial establishment, apply, with the necessary modifications, to any application to amend an authorization submitted by the holder under section 30 and to any subsequent renewal application;

WHEREAS, under the first paragraph of section 31.24 of that Act, a holder of an authorization to operate an industrial establishment who plans to partially or totally cease the operations of the establishment must inform the Minister within the time prescribed by government regulation;

WHEREAS, under the first paragraph of section 31.26 of that Act, an operator of an existing industrial establishment must submit an authorization application to the Minister within the time and in the manner and form prescribed by government regulation to operate that establishment;

WHEREAS, under the fourth paragraph of section 31.26 of that Act, sections 31.20 and 31.21 of that Act also apply to the first renewal of an authorization to operate an existing industrial establishment in the cases prescribed by government regulation;

WHEREAS, under section 31.69 of that Act, the Government may make regulations to regulate the matters set forth therein with respect to land protection and rehabilitation;

WHEREAS, under the second paragraph of section 31.81 of that Act, the Minister may issue or renew a water withdrawal authorization for a shorter or longer term than the 10-year term set in that section to serve the public interest or in the cases prescribed by regulation of the Government;

WHEREAS, under the first paragraph of section 31.83 of that Act, the holder of a water withdrawal authorization must, within the time prescribed by regulation, inform the Minister of any permanent cessation of water withdrawal;

WHEREAS, under the second paragraph of section 32 of that Act, the Government may, by regulation, define a waterworks system, a sewer system and a rainwater management system;

WHEREAS, under section 46 of that Act, the Government may, by regulation, govern water protection and management for matters set forth therein, in particular in subparagraphs *a* and *b* of paragraph 16, to determine, for withdrawals of water to supply persons, the minimum number of persons at which such a withdrawal becomes subject to the Minister's authorization despite the withdrawal's daily maximum flow rate of less than 75,000 litres per day and, in the cases and under the conditions specified, exempt water withdrawals from that Act or the regulations;

WHEREAS, under subparagraph *f* of paragraph 1 of section 46.0.3 of that Act, a characterization study of the wetlands and bodies of water must include in particular any other element prescribed by government regulation;

WHEREAS, under paragraph 6 of section 46.0.12 of that Act, the Government may, by regulation, define any term or expression used in Division V.1 of Chapter IV of Title I of that Act respecting wetlands and bodies of water;

WHEREAS, under the first paragraph of section 53.30 of that Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec;

WHEREAS, under section 70 of that Act, the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec;

WHEREAS, under the first paragraph of section 70.6 of that Act, whoever has possession of a hazardous residual material must keep a register containing the information prescribed by government regulation;

WHEREAS, under the second paragraph of section 70.8 of that Act, in addition to the information and documents required under section 23 of that Act, the authorization application for hazardous materials management must be accompanied by a hazardous materials management plan prepared in accordance with government regulation;

WHEREAS, under subparagraph 5 of the first paragraph of section 70.9 of that Act, any other activity determined by government regulation is also subject to the Minister's authorization in accordance with subparagraph 5 of the first paragraph of section 22 of that Act;

WHEREAS, under the first paragraph of section 70.14 of that Act, a hazardous materials management authorization may be renewed by the Minister in accordance with the terms and conditions prescribed by government regulation;

WHEREAS, under the first paragraph of section 70.18 of that Act, a holder of a hazardous materials management authorization must inform the Minister within the time prescribed by government regulation of any total or partial cessation of activities;

WHEREAS, under the first paragraph of section 70.19 of that Act, the Government may, by regulation, regulate the matters set forth therein with respect to hazardous materials management;

WHEREAS, under subparagraph 5 of the first paragraph of section 95.1 of that Act, the Government may make regulations to establish standards for the installation and use of any type of apparatus, device, equipment or process designed to control the release of contaminants into the environment;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of that Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under subparagraph 9 of the first paragraph of section 95.1 of that Act, the Government may make regulations to exempt any person, municipality or class of activity it determines from all or part of that Act and prescribe, in such cases, environmental protection and quality standards applicable to the exempted persons, municipalities and activities, which may vary according to the type of activity, the territory concerned or the characteristics of the milieu;

WHEREAS, under subparagraph 10 of the first paragraph of section 95.1 of that Act, the Government may make regulations to require a certificate of compliance with regulatory standards, before or after certain specified classes of activities it determines are carried out, signed by a professional or any other person qualified in the field concerned, and prescribe the applicable terms and conditions;

WHEREAS, under subparagraph 13 of the first paragraph of section 95.1 of that Act, the Government may make regulations to determine the terms and conditions governing authorization, accreditation or certification applications made under that Act, and those governing applications to amend, suspend or revoke an existing authorization, accreditation or certification, including the use of a specific form; those terms and conditions may vary according to the type of structure, works, industrial process, industry, work or other activity;

WHEREAS, under subparagraph 14 of the first paragraph of section 95.1 of that Act, the Government may make regulations to require a person or municipality to provide, for the activities or classes of activities the Government determines or on the basis of an activity's potential impacts on the environment, a financial guarantee to enable the Minister to meet any obligation imposed on the person or municipality by that Act or the regulations that the person or municipality has failed to meet and whose cost may be charged to the person or municipality, and to determine the nature and amount of the guarantee and the conditions governing its use by the Minister and its remittance, and the amount of the guarantee may vary according to the class, nature and potential impacts on the environment of the activity for which the guarantee is required;

WHEREAS, under subparagraph 15 of the first paragraph of section 95.1 of that Act, the Government may make regulations to require a person or municipality to take out liability insurance to cover the activities or classes of activities the Government determines or on the basis of an activity's potential impacts on the environment, determine the scope, term and amount of the insurance, the latter of which may vary according to the class, nature and potential impacts on the environment of the activity for which the insurance is required, and prescribe any other conditions applicable to the insurance;

WHEREAS, under subparagraph 16 of the first paragraph of section 95.1 of that Act, the Government may make regulations to determine the persons or municipalities that may apply for an authorization or its amendment or renewal, or for an accreditation or certification, and the qualifications required for that purpose;

WHEREAS, under subparagraph 17 of the first paragraph of section 95.1 of that Act, the Government may make regulations to determine how section 115.8 of that Act is to be applied, in particular the conditions for filing the declaration provided for in that section, and the persons or municipalities that are exempted from the obligation to file such a declaration;

WHEREAS, under subparagraph 18 of the first paragraph of section 95.1 of that Act, the Government may make regulations to determine the persons authorized to sign any document required under that Act or the regulations;

WHEREAS, under subparagraph 19 of the first paragraph of section 95.1 of that Act, the Government may make regulations to determine the form of any authorization, accreditation or certification issued under that Act or any regulation made under it;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of that Act, the Government may make regulations to prescribe the records to be kept and preserved by any person or municipality carrying on an activity governed by that Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the period for which they must be preserved;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of that Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister by any person or municipality carrying on an activity governed by that Act or the regulations, determine their form and content and the conditions governing their preservation and sending;

WHEREAS, under subparagraph 23 of the first paragraph of section 95.1 of that Act, the Government may make regulations to determine the methods for collecting, analyzing, calculating and verifying any release of a contaminant into the environment;

WHEREAS, under subparagraph 25 of the first paragraph of section 95.1 of that Act, the Government may make regulations to prescribe the collection, analyses, calculations and verifications that must be done wholly or partly by a person or municipality accredited or certified by the Minister under that Act and specify the statements of analysis results that must be prepared and sent to the Minister;

WHEREAS, under second paragraph of section 95.1 of that Act, a regulation made under that section may also prescribe any transitional measure necessary for its implementation;



WHEREAS, under section 115.27 of that Act, the Government may, in a regulation made under that Act, in particular specify that a failure to comply with the regulation may give rise to a monetary administrative penalty and set forth the amounts of the penalty;

WHEREAS, under the first paragraph of section 115.34 of that Act, the Government may determine the regulatory provisions made under that Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, under section 124.1 of that Act, no provision of a regulation, the coming into force of which is later than 9 November 1978, likely to affect the immovables comprised in a reserved area or in an agricultural zone established in accordance with the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), applies to that area or zone unless the regulation provides it expressly;

WHEREAS the Government made the following Regulations:

—Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2);

—Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3);

—Regulation respecting industrial depollution attestations (chapter Q-2, r. 5);

—Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin (chapter Q-2, r. 5.1);

—Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1);

—Regulation respecting motor vehicle traffic in certain fragile environments (chapter Q-2, r. 9);

—Regulation respecting biomedical waste (chapter Q-2, r. 12);

—Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16);

—Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18);

—Regulation respecting used tire storage (chapter Q-2, r. 20);

—Agricultural Operations Regulation (chapter Q-2, r. 26);

—Regulation respecting pulp and paper mills (chapter Q-2, r. 27);

—Regulation respecting snow elimination sites (chapter Q-2, r. 31);

—Regulation respecting hazardous materials (chapter Q-2, r. 32);

—Regulation respecting certain measures to facilitate the carrying out of the Environment Quality Act and its regulations (chapter Q-2, r. 32.1);

—Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

—Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);

—Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

—Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells (chapter Q-2, r. 47.1);

—Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48);

WHEREAS, under section 101 of the Pesticides Act (chapter P-9.3), the content of the Pesticides Management Code (chapter P-9.3, r. 1) and of the other regulations may vary according to the nature, importance and extent of the activities carried on, the classes of persons carrying them on, the environment in which the activities are carried on, the means or systems used, the pesticides or classes of pesticides or the classes or subclasses of permits or certificates;

WHEREAS, under section 105 of that Act, the Government enacts by regulation a Pesticides Management Code which may prescribe rules, restrictions or prohibitions respecting activities related to the distribution, storage, transportation, sale or use of any pesticide, pesticide container or any equipment used for any of those activities;

WHEREAS, under section 109 of that Act, the Government may, by regulation, regulate the matters set forth therein with respect to pesticides;

WHEREAS the Government made the Pesticides Management Code (chapter P-9.3, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the following draft Regulations were published in Part 2 of the *Gazette officielle du Québec* of 19 February 2020 with a notice that they could be made by the Government on the expiry of 60 days following that publication:

— Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact;

— Design code of a storm water management system eligible for a declaration of compliance;

— Regulation respecting the reclamation of residual materials;

— Regulation respecting activities in wetlands, bodies of water and sensitive areas;

— Snow, Road Salt and Abrasives Management Regulation;

— Regulation to amend the Regulation respecting industrial depollution attestations;

— Regulation to amend the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin;

— Regulation to amend the Regulation respecting sand pits and quarries;

— Regulation to amend the Regulation respecting biomedical waste;

— Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries;

— Regulation to amend the Regulation respecting the burial of contaminated soils;

— Regulation to amend the Regulation respecting used tire storage;

— Regulation to amend the Agricultural Operations Regulation;

— Regulation to amend the Regulation respecting pulp and paper mills;

— Regulation to amend the Regulation respecting hazardous materials;

— Regulation to amend the Water Withdrawal and Protection Regulation;

— Regulation to amend the Land Protection and Rehabilitation Regulation;

— Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations;

— Regulation to amend the Regulation respecting hot mix asphalt plants;

— Regulation to amend Pesticides Management Code;

WHEREAS the draft Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact revokes the Regulation respecting the application of section 32 of the Environment Quality Act, the Regulation respecting the application of the Environment Quality Act, the Regulation respecting certain measures to facilitate the carrying out of the Environment Quality Act and its regulations, and the Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells;

WHEREAS the draft Regulation respecting activities in wetlands, bodies of water and sensitive areas replaces the Regulation respecting motor vehicle traffic in certain fragile environments;

WHEREAS the draft Snow, Road Salt and Abrasives Management Regulation replaces the Regulation respecting snow elimination sites;

WHEREAS it is expedient to make the Regulations with amendments;

WHEREAS, for the purposes of harmonization with those Regulations, it is also expedient to make the following Regulations:

— the Regulation to amend the Regulation respecting compensation for adverse effects on wetlands and bodies of water;

— the Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects;

— the Regulation to amend the Regulation respecting water quality in swimming pools and other artificial pools;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the following Regulations, attached to this Order in Council, be made:

—Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact;

—Design code of a storm water management system eligible for a declaration of compliance;

—Regulation respecting the reclamation of residual materials;

—Regulation respecting activities in wetlands, bodies of water and sensitive areas;

—Snow, Road Salt and Abrasives Management Regulation;

—Regulation to amend the Regulation respecting industrial depollution attestations;

—Regulation to amend the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin;

—Regulation to amend the Regulation respecting sand pits and quarries;

—Regulation to amend the Regulation respecting compensation for adverse effects on wetlands and bodies of water;

—Regulation to amend the Regulation respecting biomedical waste;

—Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries;

—Regulation to amend the Regulation respecting the burial of contaminated soils;

—Regulation to amend the Regulation respecting used tire storage;

—Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects;

—Regulation to amend the Agricultural Operations Regulation;

—Regulation to amend the Regulation respecting pulp and paper mills;

—Regulation to amend the Regulation respecting hazardous materials;

—Regulation to amend the Water Withdrawal and Protection Regulation;

—Regulation to amend the Land Protection and Rehabilitation Regulation;

—Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations;

—Regulation to amend the Regulation respecting hot mix asphalt plants;

—Regulation to amend the Regulation respecting water quality in swimming pools and other artificial pools;

—Regulation to amend Pesticides Management Code.

YVES OUELLET,

*Clerk of the Conseil exécutif*

## **Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact**

Environment Quality Act

(chapter Q-2, ss. 22, 23, 24, 28, 30, 31.0.2, 31.0.5, 31.0.6, 31.0.7, 31.0.8, 31.0.11, 31.15, 31.18, 31.20, 31.22, 31.26, 31.81, 32, 46, 46.0.3, 46.0.12, 53.30, 70, 70.9, 70.14, 70.19, 95.1, 115.27, 115.34 and 124.1)

### **PART I**

#### **GENERAL PROVISIONS**

**1.** This Regulation sets out the regulatory scheme applying to activities on the basis of their environmental impact, in accordance with Division II of Chapter IV of Title I of the Environment Quality Act (chapter Q-2), hereinafter referred to as “the Act”, to complement the activities governed by the environmental impact assessment and review procedure provided for in Subdivision 4 of Division II of Chapter IV of Title I of the Act and the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1), or by the environmental and social impact assessment and review procedure applicable in the territories referred to in sections 133 and 168 of the Act.

The regulatory scheme applies, on the basis of their level of impact, to

(1) activities that require a prior authorization pursuant to section 22 of the Act, hereinafter referred to as an “authorization”, and those that require the prior amendment of an authorization pursuant to section 30 of the Act, hereinafter referred to as an “amendment”, specifying in particular the information and documents that must be provided in support of an application in order for it

to be considered, the terms and conditions governing an application for the issue, amendment, renewal, suspension or revocation of an authorization, and the terms and conditions governing the transfer of an authorization or the cessation of an authorized activity;

(2) activities eligible for a declaration of compliance pursuant to section 31.0.6 of the Act, hereinafter referred to as a “declaration of compliance”, specifying, in particular, the conditions, restrictions and prohibitions regarding eligibility, hereinafter referred to as the “eligibility conditions”, and those that apply to the carrying on of the activities, along with the information and documents that must be provided in support of a declaration of compliance and, where applicable, the declaration from a professional that must accompany the declaration of compliance or the attestation that must be provided once the activity has been completed;

(3) activities exempted from authorization pursuant to section 31.0.11 of the Act, hereinafter referred to as “exempted activities”, specifying in particular the conditions, restrictions and prohibitions that apply to the carrying on of the activities and, where applicable, the attestation from a professional that must be provided once the activity has been completed.

The regulatory scheme is based on the type of impact the activity has on the environment, or on the type of environment in which the activity is carried on.

This Regulation also includes specific provisions for activities governed by other laws or regulations, including the Regulation respecting the environmental impact assessment and review of certain projects.

The provisions of this Regulation do not restrict the application of the provisions of other regulations made under the Act that also apply to the carrying on of activities covered by this Regulation.

**2.** Section 118.3.3 of the Act does not apply to this Regulation, nor does section 46.0.2 of the Act apply to interventions in

(1) the following man-made sites:

(a) an irrigation pond;

(b) a water management or treatment facility referred to in subparagraph 3 of the first paragraph of section 22 of the Act;

(c) a body containing water pumped from a sand pit or quarry, if it has not been restored;

(d) a commercial fishing pond;

(e) a pond for the production of aquatic organisms;

(2) an environment in which the vegetation is dominated by reed phalaris (*Phalaris arundinacea L.*) or the introduced sub-species of common water reed (*Phragmites australis (Cav.) Trin. ex Steud. subsp. australis*), and when the soil is not hydromorphic.

For the purposes of subparagraph 1 of the first paragraph,

(1) the works must be on land or in a floodplain, excluding riverbanks and lakeshores and any wetlands present in that floodplain;

(2) the works must still be in use or, if not in use, must have been unused for at least 10 years;

(3) a wetland resulting from work under a program to promote the restoration and creation of wetlands and bodies of water under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or from work carried out in accordance with the Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) is not considered to be a man-made works;

(4) a wetland into which storm water is discharged cannot be considered to be a water management or treatment facility.

## TITLE I DEFINITIONS

**3.** In this Regulation, unless otherwise indicated by context,

“accredited laboratory” means a laboratory accredited pursuant to section 118.6 of the Act; (*laboratoire accrédité*)

“ambient noise” means the total noise present in a given situation, at a certain time, usually composed of noise emitted by several near and remote sources; (*bruit ambiant*)

“aquaculture site” means a site on water or on land used for the cultivation, raising or reproduction of aquatic organisms, in particular fish, amphibians, echinoderms, shellfish, crustaceans or plants, for consumption or seeding purposes; (*site aquacole*)



“declaration of antecedents” means the declaration referred to in section 115.8 of the Act; (*déclaration d’antédédents*)

“ditch” means a ditch along a public or private road, a common ditch or a drainage ditch, as defined in subparagraphs 2 to 4 of section 103 of the Municipal Powers Act (chapter C-47.1); (*fossé*)

“dwelling” means any construction intended for human habitation that is connected to individual or collective systems for the supply of drinking water and the treatment of wastewater; (*habitation*)

“fishing pond site” means a place comprising one or more units, containing cultured fish exclusively, closed on all sides to hold the fish captive, used for recreational fishing but not used to fatten fish; (*site d’étang de pêche*)

“greenhouse gas” means a gas referred to in Schedule A.1 of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15); (*gaz à effet de serre*)

“harmful plant species” means a plant species that has a negative impact on the environment, biodiversity, human health, the economy or society; (*espèce floristique nuisible*)

“hydrogeological study” means a study signed by an engineer or geologist that describes, for a given territory, the distribution, composition and behaviour of groundwater and its interactions with geological formations, surface water and human activities; (*étude hydrogéologique*)

“invasive exotic plant species” means a plant introduced outside its natural distribution area that may constitute a threat to the environment, biodiversity, human health, the economy or society; (*espèce floristique exotique envahissante*)

“Minister” means the minister responsible for the administration of the Act; (*ministre*)

“particular noise” means a component of the ambient noise that may be specifically identified and is associated with the activities carried out in a place; (*bruit particulier*)

“plans and specifications” means engineering documents signed and sealed by an engineer; (*plans et devis*)

“predictive noise study” means a study to predict the propagation of noise from a given source, signed by a professional with suitable qualifications; (*étude prédictive du climat sonore*)

“professional” means a professional within the meaning of section 1 of the Professional Code (chapter C-26); any person authorized by a professional order to perform an activity exercised by a member of the order is deemed to be a professional; (*professionnel*)

“public institution” means any of the following institutions, facilities or establishments:

(1) “educational institution”: any institution providing preschool, elementary or secondary education and governed by the Education Act (chapter I-13.3) or by the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), a private educational institution governed by the Act respecting private education (chapter E-9.1), an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), a general and vocational college, a university, a research institute, a superior school or an educational institution of which more than one-half of the operating expenditures are paid out of the appropriations voted by the National Assembly, and for the purposes of this Regulation, includes childcare centres and day care centres governed by the Educational Childcare Act (chapter S-4.1.1);

(2) “correctional facility”: any facility used for the detention of persons and governed by the Act respecting the Québec correctional system (chapter S-40.1);

(3) “health and social services institution”: any health and social services institution governed by the Act respecting health services and social services (chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (chapter S-5) and, for the purposes of this Regulation, any other place where lodging services are provided for senior citizens or for any users entrusted by a public institution governed by any of the aforementioned Acts;

(4) “tourist establishment”: an establishment which offers to the public restaurant services or sleeping accommodations, including the rental of camping spaces and, for the purposes of this Regulation, tourist information offices, museums, ski stations, holiday camps, outdoor recreation areas, public beaches, rest areas, golf courses, marinas and sites with guided tourist visits; (*établissement public*)

“public road” means a public highway within the meaning of the Highway Safety Code (chapter C-24.2); (*voie publique*)

“reference noise level ” means a particular noise to which a corrective term may be added; (*niveau acoustique d'évaluation*)

“residual noise” means noise that lingers at a given place, in a given situation, when the particular noise is eliminated from the ambient noise; (*bruit résiduel*)

“sewer system” means any works used to collect, store, transport or process wastewater, in whole or in part of domestic origin, before being discharged into the environment, with the exception of

(1) a sewer line serving a single building connected to a sewer system, when the line is located within the property line for the building;

(2) a storm water management system to collect wastewater of domestic origin from an overflow, or treated wastewater;

(3) equipment or a device to treat wastewater, other than wastewater of domestic origin, that is not operated by a municipality; (*sewer system*)

“storm water management system” means any man-made works used to collect, store, transport or treat storm water, with the exception of

(1) a sewer system;

(2) a line serving a single building that is connected to a storm water management system and located within the property line for that building;

(2) equipment or a device intended to treat water other than storm water; (*système de gestion des eaux pluviales*)

“storm water” or “runoff” means surface water from liquid precipitation or snow or ice melt; (*eaux pluviales ou eaux de ruissellement*)

“temporary industrial camp” means all temporary facilities and their dependencies that meet all the following conditions:

(1) the facilities are occupied or set up for not more than 6 months per 12-month period for carrying out forest management, mining exploration or transportation activities or work related to the production, transportation or distribution of electric power and, except for the salvaging of timber following a forest fire, are designed to house 80 or fewer people;

(2) the facilities are situated in one of the following territories:

(a) a territory not organized into a local municipality, including an unorganized territory amalgamated with one of the municipalities of Rouyn-Noranda, La Tuque or Senneterre, as it was delimited the day before the amalgamation;

(b) the James Bay territory as described in the Schedule to the James Bay Region Development and Municipal Organization Act (chapter D-8.2);

(c) the territory situated north of the 55th parallel;

(d) the territories of the municipalities of Blanc-Sablon, Bonne-Espérance, Côte-Nord-du-Golfe-du-Saint-Laurent, Gros-Mécatina and Saint-Augustin and the territory of any other municipality constituted under the Act respecting the municipal reorganization of the territory of Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent (S.Q. 1988, c. 55; S.Q. 1996, c. 2); or

(e) the territories that are not accessible at any time by road vehicles; (*campement industriel temporaire*)

“waterworks system” means a mains, a system of mains or a facility or equipment used to treat, store or supply water intended for human consumption, with the exception of

(1) in the case of a building connected to a waterworks system, a mains or any other equipment serving the building that is located within the property line for the building;

(2) if more than one building is served by the system, a mains or any other equipment located within the buildings that, like the system, belongs to the same owner; (*système d'aqueduc*)

“withdrawal site” means the place where water enters a facility installed to make water withdrawals; (*site de prélèvement d'eau*)

#### 4. For the purposes of this Regulation,

(1) a reference to an environmental impact assessment and review procedure is a reference to the environmental impact assessment and review procedure provided for in Subdivision 4 of Division II of Chapter IV of Title I of the Act and the environmental and social impact assessment and review procedure applicable in the territories referred to in sections 133 and 168 of the Act;

(2) a reference to a category 1, 2 or 3 water withdrawal is a reference to the categories established by the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(3) a reference to the inner, intermediate or outer protection zone of a water withdrawal is a reference to the protection zones defined pursuant to the Water Withdrawal and Protection Regulation;

(4) the terms defined by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*) must be used;

(5) the term “mineral substances” has the meaning given in section 1 of the Mining Act (chapter M-13.1);

(6) the term “claim” means a claim within the meaning of the Mining Act;

(7) the terms “livestock waste”, “raising site”, “spreading site” and “parcel” have the meaning given in section 3 of the Agricultural Operations Regulation (chapter Q-2, r. 26) for the activities to which that Regulation applies;

(8) the term “forest development activity” has the meaning given in paragraph 1 of section 4 of the Sustainable Forest Development Act (chapter A-18.1);

(9) the term “linear infrastructure” refers to the following infrastructures, including their right of way:

(a) a road infrastructure, excluding the water management and treatment facilities referred to in section 32 of the Act;

(b) an oil pipeline;

(c) a natural gas supply or distribution pipeline;

(d) a power or telecommunications transmission or distribution line;

(10) the expression “granular residual materials” means one of the materials referred to in the second paragraph of section 13 of the Regulation respecting the reclamation of residual materials (*insert here the reference to the Compilation of Québec Laws and Regulations*);

(11) the expression “municipal wastewater treatment works” has the meaning given in the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);

(12) the expression “depollution attestation” means an attestation issued by the Minister to a municipal wastewater treatment works pursuant to section 31.33 of the Act;

(13) distances to or from a lake or watercourse are calculated from its high-water mark, and distances to or from a wetland are calculated from its edge.

## TITLE II

### SCOPE AND MISCELLANEOUS PROVISIONS

**5.** This Regulation applies in a reserved area and an agricultural zone established pursuant to the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

**6.** Unless otherwise provided for, if a project involves the carrying on of several activities that do not have the same level of environmental impact, but one of which requires an authorization or the amendment or renewal of an authorization pursuant to the Act or this Regulation, the application for authorization will be analyzed solely on the basis of the activity that requires the authorization, amendment or renewal.

**7.** An activity referred to in the first paragraph of section 22 or section 30 of the Act that is eligible for a declaration of compliance or exempted pursuant to this Regulation does not require authorization pursuant to the second paragraph of section 22 of the Act.

Any person or municipality carrying on an activity eligible for a declaration of compliance or exempted pursuant to this Regulation that no longer meets an eligibility condition must obtain authorization from the Minister before continuing with that activity.

**8.** Where, for an activity governed by this Regulation, a provision sets a condition for the laying out or presence of an infrastructure, works, facility, equipment or apparatus for the subsequent carrying on of the activity, the person or municipality must use it for the activity in accordance with its intended purpose.

**9.** Any apparatus or equipment used to reduce the discharge of contaminants into the environment must be maintained in good working order at all times. In addition, it must be used in an optimal way to limit contaminant discharges to a minimum.

The same applies to any layout, infrastructure, works or facility governed by this Regulation.

## TITLE III

### INFORMATION AND DOCUMENTS RELATING TO AN ACTIVITY

**10.** Every person or municipality that files, with the Minister, an application, a declaration of compliance, a notice or any other information or document required by

this Regulation must use the appropriate forms available on the website of the Minister's department and submit them electronically.

In addition, any supplementary information or document sent to the Minister when an application for authorization is being analyzed must be submitted electronically.

**11.** Unless otherwise specified in this Regulation or in another regulation made under the Act, a person or municipality must, for the entire period during which activities are carried on as part of a project and for a minimum period of 5 years after activities cease, keep a copy of the following information and documents:

(1) any information and documents filed with the Minister by the person or municipality and, where applicable, by a previous holder or declarant;

(2) any information and document needed to produce the information and documents referred to in subparagraph 1;

(3) any information and documents mentioned in this Regulation in connection with the standards, conditions, restrictions and prohibitions that apply to any activity that is part of the project.

The person or municipality must also keep a copy of the data entered in any register required by this Regulation for a minimum period of 5 years after entry. They must be provided for the Minister's perusal at the Minister's request.

The information and documents referred to in the first paragraph must be provided for the Minister's perusal within 20 days after being requested by the Minister.

**12.** An applicant need not provide information or a document required for the issue, renewal or amendment of an authorization if such information or document is included in a study, report, notice or other document that the applicant must send to the Minister pursuant to this Regulation.

The applicant must, however, indicate where the required information or document can be found in the document previously filed. In addition, if the activity is being carried on, the information or document must be the most recent available.

**13.** Where more than one study, report, notice or similar document is required pursuant to this Regulation, a single document may be filed with the Minister provided it contains all the elements required by this Regulation.

**14.** Subject to any confidential industrial or trade secrets identified pursuant to section 23.1 of the Act in connection with an application for authorization, the information and documents required to be filed under this Regulation in connection with an application related to an authorization or for a declaration of compliance are public in nature, with the exception of

(1) information or documents concerning the location of a threatened or vulnerable species;

(2) a prevention or emergency response plan;

(3) an experimental protocol filed in connection with an authorization for research and experimental purposes under section 29 of the Act;

(4) a declaration of antecedents;

(5) a technical program for each project phase for the surveying, drilling, completion, fracturing, reconditioning, extraction testing and flow testing of an underground reservoir filed with the minister responsible for the Petroleum Resources Act (chapter H-4.2) in connection with an application for authorization or approval under that Act.

The information, documents, and supplementary studies required by the Minister under section 24 of the Act are also public information.

Subject to any information that is public information pursuant to the second paragraph of section 31 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2), the programs referred to in subparagraph 5 of the first paragraph become public information 5 years after completion of the work, in accordance with section 140 of the Petroleum Resources Act or, if they are filed in connection with an exploration, production or storage project following the drilling of a well, 2 years after the date of permanent closure of the well.

#### TITLE IV AUTHORIZATION

##### CHAPTER I APPLICATION FOR AUTHORIZATION

**15.** The information and documents required under this Title must be supplemented by the specific information and documents required for each type of activity as set out in Part II of this Regulation.

All the information and documents required by the Act and this Regulation for a project must be submitted if the application for authorization for the project is to be considered for analysis by the Minister.

## **DIVISION I** **GENERAL CONTENT**

**16.** Every application for authorization must include the following general information and documents:

(1) the information needed to identify the applicant and, where applicable, the applicant's representative;

(2) where the applicant has more than one establishment, the contact information for the establishment covered by the application;

(3) where the applicant has relied on the services of a professional or other person to prepare the project or application:

(a) the information needed to identify that professional or person;

(b) a summary of the tasks entrusted to the professional or person;

(c) a declaration by the professional or person attesting that the information and documents provided are accurate and complete;

(4) the information and documents referred to in section 17 describing and stating the location of the project and each activity it involves that requires authorization;

(5) the information and documents referred to in section 18 concerning the impact of the project and of each activity it involves that requires authorization;

(6) the information and documents referred to in section 20 concerning greenhouse gas emissions, if any;

(7) the information and documents referred to in section 22 concerning the groundwater monitoring program, if any;

(8) where the application concerns an activity for research and experimental purposes, the information and documents referred to in section 23;

(9) where the application concerns a general authorization, the information and documents referred to in section 26;

(10) the declaration of antecedents, with the contents set out in section 36;

(11) where applicable, a list of the activities eligible for a declaration of compliance or the exempted activities covered by this Regulation that are part of the project;

(12) an attestation by the applicant or the applicant's representative that all the information and documents provided are accurate and complete.

Where fees are payable under the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28), the applicant must include, with the application, payment of the fees for the processing of the application.

**17.** The description of the project and of each activity requiring authorization it involves must include everything that the applicant plans to do, use, construct or lay out temporarily or permanently, and in particular

(1) the nature and the technical and operational characteristics of the project and the activities it involves;

(2) the procedure and implementation schedule for each phase of the project or an activity;

(3) the buildings, equipment, apparatus, facilities, constructions, works and storage areas;

(4) the source, nature and quantity of the residual materials likely to be generated, stored, retained, treated, recovered or eliminated, and the measures for managing such residual materials;

(5) any descriptive element required to demonstrate compliance with the standards, conditions, restrictions and prohibitions prescribed by the Act or its regulations or prescribed in an authorization issued following an environmental impact assessment and review procedure.

The location of the project and of each of the activities it involves must be indicated using

(1) a georeferenced site plan, including the delimitation of all intervention zones, discharge points, observation wells and measuring or sampling points;

(2) a site description indicating, in particular, the presence of wetlands, bodies of water and specific habitats, the principal environmental characteristics of the site, and their location on the plan referred to in subparagraph 1;

(3) where an activity covered by the application will be carried on in an agricultural zone within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) and will require authorization from the Commission de protection du territoire agricole du Québec, mention of that fact.



**18.** The impacts of the project and of each of the activities it involves include, in particular,

- (1) the nature, source, quantity and concentration of all the contaminants likely to be discharged;
- (2) a description of the anticipated environmental impacts;
- (3) a description of the proposed mitigation measures, including those relating to site rehabilitation;
- (4) a description of the proposed monitoring, maintenance, supervision and control measures, including a description of the equipment, apparatus, observation wells, measuring or sampling points and other facilities needed for that purpose;
- (5) any other information or document showing that the project or activity complies with the standards, conditions, restrictions and prohibitions prescribed by the Act or its regulations or prescribed in an authorization issued following an environmental impact assessment and review procedure.

## DIVISION II GREENHOUSE GAS EMISSIONS

**19.** This Division covers consideration of the greenhouse gas emissions attributable to the carrying on of an activity or the use of certain equipment or processes and the reduction measures that may be put in place for the purposes of an application for authorization or an analysis of the impacts of the application, to make applicants aware of the fight against climate change.

**20.** An application for authorization that concerns the carrying on of an activity listed in Schedule I or the use of equipment or a process listed in that Schedule must include the following information and documents:

- (1) the activity, equipment or process concerned, listed in Schedule I;
- (2) an estimate, produced by a suitably qualified person, of
  - (a) the annual greenhouse gas emissions attributable to the carrying on of the activity or the use of the equipment or process covered by the application;
  - (b) in the case of the hydrocarbon-related activities referred to in Chapter IV of Title II of Part II and in addition to the emissions referred to in subparagraph *a*, the greenhouse gas emissions attributable to the construction and closure of the facilities;

- (3) a description of the reduction measures for greenhouse gas emissions that the applicant plans to put in place at each stage in the carrying on of the activity or use of the equipment or process, along with an estimate of the ensuing reduction in greenhouse gas emissions, produced by a suitably qualified person, with the exception of the emissions attributable to the use of residual biomass as the principal fuel in equipment referred to in paragraphs 1 and 2 of Schedule I;

- (4) a demonstration that the greenhouse gas emissions attributable to the carrying on of the activity or use of the equipment or process have been considered and minimized, taking the best available technology and technical and economic feasibility into account, as established by the applicant.

The first paragraph does not apply

- (1) to an application concerning an activity listed in Schedule I or to the use of equipment or a process listed in that Schedule that is covered by a government authorization pursuant to section 31.5 of the Act following the application of the environmental impact assessment and review procedure after 23 March 2018. In such a case, the applicant must, however, provide a reference to the documents filed for the purpose of that procedure that estimate the greenhouse gas emissions attributable to the activity or the equipment or process, and describe the steps taken to mitigate the emissions;

- (2) to an existing industrial establishment within the meaning of the second paragraph of section 31.25 of the Act.

**21.** For the purposes of subparagraph 5 of the first paragraph of section 24 of the Act, the greenhouse gas emissions attributable to a project and the reduction measures it may require are taken into consideration in the analysis of the impact of the project if it involves

- (1) the carrying on of an activity or the use of equipment or a process listed in Schedule I; or
- (2) the carrying on of an activity or the use of equipment or a process that is based on technology that has not previously been used in Québec or is not generally used for the purpose proposed by the applicant, when the activity or use is likely to emit, annually, 10,000 or more tonnes of greenhouse gas, CO<sub>2</sub> equivalent.

## DIVISION III GROUNDWATER MONITORING PROGRAM

**22.** Where an application for authorization concerns an industrial or commercial activity in one of the categories listed in Schedule IV of the Land Protection

and Rehabilitation Regulation (chapter Q-2, r. 37), and where a withdrawal facility for water for human consumption or food processing is located less than 1 km downstream from the land concerned, the application must include a groundwater monitoring program to ensure compliance with the requirements of the Land Protection and Rehabilitation Regulation, including

- (1) a description of the land's prevailing hydrogeological conditions;
- (2) unless the program is conducted by an engineer or geologist, an opinion from such a professional attesting to the accuracy of the data included in the program and stating that the system of monitoring wells allows the quality of the groundwater to be monitored in accordance with the requirements of the Regulation;
- (3) a list of the substances referred to in paragraph 2 of section 5 of the Land Protection and Rehabilitation Regulation, and the location of the emission points of those substances;
- (4) a detailed description of the system of monitoring wells, including their number and location.

However, the monitoring program referred to in the first paragraph is not required if the applicant provides, with the application for authorization, a document showing that the industrial or commercial activity carried on on the land is not likely to alter the quality of the water referred to in the first paragraph because of substances listed in Schedule V of the Land Protection and Rehabilitation Regulation. If that demonstration is based in whole or in part on the land's prevailing hydrogeological conditions, it must be signed by an engineer or geologist.

#### **DIVISION IV** AUTHORIZATION FOR RESEARCH AND EXPERIMENTAL PURPOSES

**23.** Where an application for authorization concerns a research and experimental project referred to in section 29 of the Act, the application for authorization must include the information and documents required by that section and a reference of the provisions of the Act or its regulations from which the project is likely to derogate.

#### **DIVISION V** GENERAL AUTHORIZATION

**24.** For the purposes of section 31.0.5.1 of the Act,

- (1) maintenance work on a watercourse is work to maintain it in a functional hydraulic and ecological state by

(a) maintaining or restoring the watercourse to a dynamic balance, as reflected in a hydraulic geometry adapted to the conditions of the watershed;

(b) maintaining or re-establishing the ecological functions of the watercourse;

(c) restoring the normal flow of water in the watercourse; or

(d) ensuring proper management of vegetation and sediments in the littoral zone or on a riverbank, lakeshore or floodplain;

- (2) work in a lake to regulate the water level or maintain the lake bed is solely work to remove sediment from the mouth of an affluent or immediately upstream from the outflow of the lake.

The work referred to in the first paragraph must be planned in a way that takes into account the specific features of the hydrographic network in the watershed concerned, the regional wetlands and bodies of water plan and the water master plan applicable, and previous work in the watercourse or lake, if any.

**25.** Paragraph 1 of section 46.0.3 of the Act, requiring a characterization study, does not apply to an application for general authorization, except for

- (1) work carried out in a wetland, unless intended to remove trees or shrubs;
- (2) work carried out in a lake.

Sections 315 and 331 do not apply in the case of an application for general authorization.

**26.** An application for general authorization must include the following supplemental information and documents:

- (1) the plan required by subparagraph 1 of the second paragraph of section 17 showing a radius of 1 km upstream and downstream from the intervention zone and the location of environments of conservation interest or that may be restored, as identified in the regional wetlands and bodies of water plan;

- (2) an identification of the problems connected with the watercourses or lakes that require work, and the level of risk associated with the performance or non-performance of the work;

(3) a description of previous maintenance work on a watercourse or previous work to regulate the water level of a lake or maintain a lake bed, if any;

(4) when the work concerns the removal of sediment or the reprofiling of a river or lake bed, the longitudinal and transversal sections of the land showing the current and planned profile of the watercourse or lake;

(5) in the cases provided for in the second paragraph, an opinion, signed by a professional or a person qualified in the fields of hydrogeomorphology, hydrology or hydraulics, showing that the planned work matches the problems identified in the application and the characteristics and particularities of the watercourse concerned, in particular with respect to fluvial dynamics and the watercourse's evolutionary stage;

(6) in the cases provided for in the third paragraph, an opinion, signed by a professional or a person qualified in characterization and the ecology of wetland and water-body ecosystems, showing that the planned work matches the problems identified in the application and attesting that the ecological functions and biodiversity of the wetlands and bodies of water concerned will not be affected;

(7) any relevant elements in a regional wetlands and bodies of water plan.

The notice referred to in subparagraph 5 of the first paragraph is also required in the following cases:

(1) the work targets a stretch of the watercourse that may change position;

(2) the last work to clean the watercourse occurred less than 5 years previously;

(3) the work will affect a continuous or cumulative stretch of 1,000 m or more of the same watercourse;

(4) the sediment has a median diameter of more than 2 mm.

The notice referred to in subparagraph 6 of the first paragraph is also required in the following cases:

(1) the work is likely to have an impact on a threatened or vulnerable species or a species likely to be designated as threatened or vulnerable under the Act respecting threatened or vulnerable species (chapter E-12.01);

(2) the work is carried out in wetlands and bodies of water identified in a regional wetlands and bodies of water plan as having special conservation interest.

## CHAPTER II AMENDMENT OF AUTHORIZATION

**27.** This Chapter applies to the cases provided for in subparagraphs 1 to 4 of the first paragraph of section 30 of the Act and to the cases requiring the amendment of an authorization identified in Titles II, III and IV of Part II.

**28.** A holder of authorization intending to carry on a new activity requiring authorization pursuant to section 22 of the Act as part of a project that involves previously authorized activities must file an application for the amendment of the authorization. For that purpose, the holder of authorization must file with the Minister all the information and documents required by the provisions of this Regulation that apply to the new activity.

**29.** An application for the amendment of an authorization must include the following general information and documents:

(1) the number and date of issue of the authorization for which an amendment is requested;

(2) the information and documents required by section 16 and by the specific provisions that apply to the activity, if they relate to the amendment or, if they were filed previously, in their updated form if there have been any changes;

(3) a complete description of the planned change that requires the amendment of the authorization and a presentation of the reasons for the change, including

(a) everything that the applicant plans to do, use, construct or lay out temporarily or permanently, in particular to ensure compliance with the conditions, restrictions, prohibitions and standards applicable;

(b) the information and documents required by section 17 and the specific provisions that apply to the activity, if they relate to the amendment or, if they were filed previously, in their updated form if there have been any changes;

(4) the environmental impacts of the project as amended, including

(a) the information and documents required by section 18 and the specific provisions that apply to the activity, if they relate to the amendment or, if they were filed previously, in their updated form if there have been any changes;



(b) an assessment of the consequences of the change with respect to the nature, quantity, location or concentration of contaminants discharged into the environment;

(c) where the amendment concerns an activity, equipment or a process listed in Schedule I, the information and documents on greenhouse gas emissions referred to in section 20 for the amendment requested, except if

i. the amendment is covered by a government authorization pursuant to section 31.7 of the Act after 23 March 2018. In such a case, the applicant must, however, provide a reference to the documents filed for the purpose of the environmental impact assessment and review procedure that estimate the greenhouse gas emissions attributable to the activity or the equipment or process, and describe the steps taken to mitigate the emissions;

ii. the applicant is an emitter referred to in section 2 or 2.1 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1);

iii. the amendment concerns only the operation of an industrial establishment authorized pursuant to subparagraph 1 of the first paragraph of section 22 of the Act.

**30.** If information based on estimated data has already been filed by the applicant for an amendment, the applicant must file the most recent real data relating to that information, collected during the carrying on of the activity covered by the application for an amendment.

**31.** Where the application for amendment concerns an authorization for research and experimental purposes, it must include an update of the experimental protocol in accordance with the second paragraph of section 31 of the Act.

**32.** This Chapter applies to applications for amendment made pursuant to section 122.2 of the Act.

### CHAPTER III RENEWAL OF AUTHORIZATION

**33.** An application for the renewal of an authorization must include the following information and documents:

(1) the number and date of issue of the authorization for which renewal is requested by the authorization holder;

(2) the information and documents specified in Chapter I, with the exception of those relating to greenhouse gas emissions referred to in section 20 or, if they were filed previously, as updated;

(3) the information and documents required by the specific provisions that apply to the activity, if they relate to the renewal or, if they were filed previously, as updated.

**34.** If information based on estimated data has already been filed by the authorization holder, the authorization holder must file the most recent real data relating to that information, collected during the carrying on of the activity covered by the application for renewal.

**35.** Unless otherwise provided for in this Regulation, every application for the renewal of an authorization must be submitted to the Minister at least 120 days before the authorization expires.

Where the application for renewal is made within the time limit prescribed by the first paragraph, the authorization remains valid despite its expiry until a decision on the application has been made by the Minister.

### CHAPTER IV DECLARATION OF ANTECEDENTS

**36.** The declaration of antecedents must include the following information:

(1) the information needed to identify the applicant or holder of authorization and, where applicable, their representative;

(2) a description of any situation referred to in section 115.5, 115.6 or 115.7 of the Act that applies to the applicant or holder or, in the case of a legal person, one of its directors, officers or shareholders, along with the information needed to identify them;

(3) a declaration by the applicant or holder attesting that the information and documents provided are accurate and complete.

A declaration is not required to be filed by a legal person established in the public interest.

The declaration must be updated by the applicant, holder of authorization or representative and filed with the Minister as soon as possible after

(1) a change occurs in the situation previously declared in accordance with subparagraph 2 of the first paragraph;

(2) a new situation arises to which section 115.5, 115.6 or 115.7 of the Act applies.

## CHAPTER V TRANSFER OF AUTHORIZATION

**37.** A holder of authorization intending to transfer the authorization to a person or municipality that wishes to continue or complete the carrying on of an activity authorized in accordance with section 31.0.2 or 31.7.5 of the Act must file a notice of transfer with the Minister containing the following information and documents:

- (1) the number and date of issue of the authorization to be transferred;
- (2) the planned date of the transfer;
- (3) the name of and information needed to identify the transferee;
- (4) the declaration of antecedents of the transferee, with the contents set out in section 36;
- (5) where applicable, a declaration attesting that the transferee holds the guarantee or liability insurance needed to carry on the activity covered by the authorization;
- (6) an attestation by the holder of authorization and the transferee that all the information and documents they have provided are accurate and complete.

**38.** For the purposes of section 31.0.2 of the Act, the person legally authorized to act on behalf of the transferor may send the notice of transfer to the Minister provided the notice contains justification of the person's capacity to act.

The notice of transfer referred to in the first paragraph of section 31.0.2 and the declaration of antecedents are not required to transfer the authorization for a raising site that concerns only the raising of livestock and the storage of livestock waste. The new operator of the raising site is deemed to be the holder of authorization as soon as operations begin and has the same rights and obligations as the previous holder.

## CHAPTER VI SUSPENSION OR REVOCATION OF AUTHORIZATION

**39.** The holder of an authorization who applies for its suspension or revocation pursuant to section 122.2 of the Act must file, with the authority that issued the authorization, the following information:

- (1) the number and date of issue of the authorization for which suspension or revocation is requested;

- (2) the reason for which suspension or revocation of the authorization is requested;

- (3) in the case of an application for suspension, the period for which suspension is requested;

- (4) in the case of an application for revocation, the date on which revocation is requested;

- (5) a declaration by the applicant that all the information and documents provided are accurate and complete.

## CHAPTER VII CESSATION OF AN AUTHORIZED ACTIVITY

**40.** For the purposes of section 31.0.5 of the Act, activities determined by government regulation are

- (1) activities in connection with which a provision of the Act or its regulations deals with the permanent cessation or termination of the activity or the closure of an establishment or place;

- (2) activities listed in Schedule II.

Subject to any other time limit prescribed by the Act or a regulation under it, a person who permanently ceases an activity referred to in the first paragraph must inform the Minister not later than 30 days after the cessation by filing a notice of cessation of activity that includes the following information:

- (1) the number and date of issue of the authorization for the activity that has ceased;

- (2) the date of cessation of the activity;

- (3) the reason for the cessation of the activity;

- (4) a declaration by the holder of authorization attesting that it will comply with the cessation measures prescribed by the Minister in the authorization, if any;

- (5) a declaration by the holder attesting that all the information and documents provided are accurate and complete.

## TITLE V DECLARATION OF COMPLIANCE

**41.** A declaration of compliance must include, in addition to the specific information and documents that may be required by this Regulation, the following information and documents:

(1) the information needed to identify the declarant and, where applicable, the declarant's representative;

(2) where applicable, the contact information for the establishment covered by the declaration;

(3) where the declarant has relied on the services of a professional or other person to prepare the project or declaration:

(a) the information needed to identify that professional or person;

(b) a summary of the tasks entrusted to the professional or person;

(c) a declaration by the professional or person attesting that the information and documents provided are accurate and complete;

(4) a description of the activity covered by the declaration of compliance, including the work needed to carry it on, specifying in particular

(a) any information needed to verify the compliance of the activity with the eligibility conditions and any other standard, condition, restriction or interdiction prescribed by the Act or its regulations or prescribed in an authorization issued following an environmental impact assessment and review procedure;

(b) the planned duration of the activity and its implementation schedule;

(5) information on the location of the activity using a georeferenced plan, specifying:

(a) the contact information for the place concerned;

(b) the boundaries within which the activity will be carried on;

(c) the presence of wetlands or bodies of water and their designation;

(6) when the declaration of compliance concerns a change referred to in section 30 of the Act or in this Regulation in connection with an authorized activity and if the change is eligible for a declaration of compliance, the number of the authorization concerned;

(7) a declaration by the declarant or the declarant's representative attesting that

(a) the activity will be carried on in accordance with any standard, condition, restriction or interdiction prescribed by the Act or its regulation or prescribed in an authorization issued following an environmental impact assessment and review procedure;

(b) all the information and documents provided are accurate and complete.

The declarant must also include, with the declaration, payment of the fees payable under the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28).

The plan referred to in subparagraph 5 of the first paragraph need not be provided if a plan or other document including all the information required in that subparagraph has been submitted previously as part of an application for authorization. Such a plan or document may also be updated.

**42.** The declarant must, as soon as possible, inform the Minister of any change in the information or documents provided in the declaration of compliance.

**43.** A person or municipality that continues the activity of a declarant must inform the Minister in accordance with section 31.0.9 of the Act by submitting, in addition to the attestation and guarantee referred to in that section, the following information and documents:

(1) the information needed to identify the person or municipality and, where applicable, the professionals or persons mandated by the person or municipality;

(2) where applicable, an update of the description of the activity and its location, including an update of the schedule for the work;

(3) the date on which the activity is to be continued by the new declarant.

The obligations set out in the second paragraph of section 41 and in section 42 apply, adapted as required, to a person or municipality continuing an activity covered by a declaration of compliance.

**44.** Any activity covered by a declaration of compliance must begin not later than 2 years after the declaration is filed.

After that time, a declarant that has not begun the activity must submit a new declaration mentioning the fact that no change has been made to the initial declaration or, where applicable, updating the information and documents prescribed in first paragraph of section 41 and in the specific provisions that apply to the activity.

The obligations set out in the second paragraph of section 41 and in section 42 apply, adapted as required, to the new declaration.

**PART II**  
REGULATORY SCHEME GOVERNING  
ACTIVITIES

**TITLE I**  
ACTIVITIES REGULATED BY OTHER SPECIFIC  
MECHANISMS OR GENERALLY EXEMPTED

**CHAPTER I**  
ACTIVITIES COVERED BY AN  
ENVIRONMENTAL IMPACT ASSESSMENT  
AND REVIEW PROCEDURE

**DIVISION I**  
PROCEDURE UNDER TITLE I OF THE ACT

**45.** Unless a contrary decision has been made pursuant to section 31.6 of the Act, in addition to the activities referred to in section 22 of the Act, authorization is required for any activity arising from a project covered by the environmental impact assessment and review procedure prescribed by Subdivision 4 of Division II of Chapter IV of Title I of the Act for which the governmental authorization provides a condition, restriction or prohibition.

Ministerial authorization may not, however, be issued before the governmental authorization is issued pursuant to section 31.5 of the Act, except if the activities covered by the ministerial authorization are intended for the completion of an impact study.

**46.** The activities referred to in section 45 may be covered by a declaration of compliance or be exempted from authorization, as provided for in this Regulation.

Despite the first paragraph and unless covered by a contrary decision pursuant to section 31.6 of the Act, the following activities are not eligible for a declaration of compliance and are not exempted activities:

- (1) tree-clearing activities;
- (2) construction work on a watertight storage facility for livestock waste;
- (3) the construction of any linear infrastructure referred to in the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1), including temporary or permanent roads needed for access to the infrastructure;

(4) the construction of a bridge or culvert, including temporary works;

(5) the construction of energy-dissipating weirs and baffles for hydroelectric works;

(6) the storage, crushing and sieving of brick, concrete and bituminous coated materials during construction work;

(7) the construction and operation of a storage site for petroleum products or liquid mixtures of hydrocarbons.

For the purposes of this section, the construction of an infrastructure, place or works includes its siting, replacement, substantial modification and dismantling.

**47.** In addition to the general content prescribed by section 16, the supplemental information and documents required for an activity referred to in section 45 are the information and documents prescribed in Titres II, III and IV of Part II for the activity concerned.

An applicant need not provide the required information or documents if such information or documents were previously provided for an environmental impact assessment and review procedure. However, the applicant must indicate where the required information or document can be found in the documents previously filed.

**DIVISION II**  
PROCEDURE UNDER TITLE II OF THE ACT

**48.** Authorization is required for any activity arising from a project subject to the environmental and social impact assessment and review procedure, if the activity is subject to prior ministerial authorization pursuant to section 22 of the Act and this Regulation.

The activities referred to in the first paragraph may be covered by a declaration of compliance or be exempted from authorization, as provided for in this Regulation.

The activities covered by a ministerial authorization, declaration of compliance or exemption may not, however, begin before the Minister issues a certificate or attestation in accordance with sections 154 and 189 of the Act, except when they concern the completion of an impact study.

**49.** In addition to the general content prescribed by section 16, the supplemental information and documents required for an activity referred to in the first paragraph of section 48 are

- (1) the certificate of authorization or attestation of exemption issued by the Minister pursuant to section 154 or 189 of the Act;

(2) the information and documents provided for in Titles II, III and IV of Part IV for the activity concerned.

An applicant need not provide information or a document previously provided for the impact assessment and review procedure, but must indicate where the information and documents can be found in the documents previously filed with the Minister.

## CHAPTER II ACTIVITIES REGULATED BY OTHER LAWS OR REGULATIONS

**50.** The following activities are exempted from authorization or the amendment of authorization pursuant to sections 22 and 30 of the Act and this Regulation:

(1) activities subject to the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01) with the exception, for the portion carried on in a wetland or body of water, of

(a) the construction, widening or straightening of a road managed by the minister responsible for the Act respecting roads (chapter V-9) and that is classified as an autoroute or a national, regional or collector road;

(b) the construction, improvement or repair of a road or a route that skirts a lake or a watercourse by encroaching on its bed or a “riparian ecotone” within the meaning of section 2 of that Regulation;

(2) the construction and operation of a storage site for petroleum products referred to in section 7 of the Building Act (chapter B-1.1) and any other liquid mixture of hydrocarbons referred to in the Petroleum Products Regulation (chapter P-30.01, r. 2) when the construction of the site complies with Chapter VIII of the Construction Code (chapter B-1.1, r. 2) and its operation complies with Chapter VI of the Safety Code (chapter B-1.1, r.3).

(3) activities carried on in an aquatic reserve, biodiversity reserve or ecological reserve or on land reserved for such purposes pursuant to the Natural Heritage Conservation Act (chapter C-61.01) when the activities are authorized pursuant to that Act;

(4) activities carried on in the habitat of a threatened or vulnerable species of flora identified pursuant to paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01) when the activities are authorized pursuant to that Act;

(5) the application of pesticides in accordance with the Pesticides Management Code (chapter P-9.3, r. 1) other than work involving the use of pesticides requiring authorization pursuant to section 298 of this Regulation;

(6) the burial of inedible meat in accordance with the provisions of section 7.3.1 of the Regulation respecting food (chapter P-29, r. 1);

(7) work to recover and reclaim halocarbons from a fire extinguisher, fire extinguishing system or refrigeration or air conditioning unit performed in accordance with the Regulation respecting halocarbons (chapter Q-2, r. 29).

Despite subparagraphs 1 to 5 of the first paragraph and unless covered by a decision to the contrary made under section 31.6 of the Act, sections 22 and 30 of the Act and this Regulation apply to the activities referred to in those subparagraphs when they result from a project subject to an impact assessment and review procedure.

## CHAPTER III ACTIVITIES GENERALLY EXEMPTED

**51.** The following activities are exempted from authorization or the amendment of authorization pursuant to sections 22 and 30 of the Act:

(1) activities carried on in accordance with an order issued pursuant to the Act;

(2) activities carried on in accordance with measures for the cessation of an activity required by the Minister pursuant to the first paragraph of section 31.0.5 of the Act;

(3) technical surveys prior to a project, with the exception of seismic surveys in bodies of water;

(4) indoor shooting sessions;

(5) the operation of an establishment the only contaminant discharge from which is a discharge of wastewater from an industrial process of less than 10 m<sup>3</sup> per day into a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);

(6) the cultivation of cannabis, non-aquatic plants or mushrooms, including all the operations needed to ensure their growth, from soil preparation to harvest, including drainage and post-harvest tilling of the soil, with the exception of crops that require authorization pursuant to section 133, are eligible for a declaration of compliance pursuant to section 135, or fail to meet the conditions for exemption provided for in section 136.

For the purposes of subparagraph 6 of the first paragraph, any activity relating to the cultivation of plants or mushrooms that requires authorization, such as water withdrawal, soil fertilization or amendment with a residual material or water treatment, is not exempted from



such authorization pursuant to this section and must be carried on in accordance with the provisions applicable to that activity.

**52.** The following activities are exempted from authorisation or the amendment of authorization pursuant to sections 22 and 30 of the Act, except if they involve work in a wetland or body of water:

- (1) the following pre-project work:
  - (a) surveys other than stratigraphic surveys conducted while exploring for hydrocarbons;
  - (b) drilling work other than drilling work connected with activities to explore for, store or produce hydrocarbons referred to in the Petroleum Resources Act (chapter H-4.2);
  - (2) displays or events requiring the use of pyrotechnic equipment or a device or apparatus to reproduce or amplify sound;
- (3) the racing, testing or displaying of motor vehicles;
- (4) the laying out, maintenance and dismantling of linear infrastructures, with the exception of those referred to in sections 348 and 350;
- (5) activities to crush and sieve topsoil that does not contain any residual materials as well as surface mineral substances during construction or demolition work.

**53.** The following activities are exempted from authorization or the amendment of authorization pursuant to sections 22 and 30 of the Act, except if they involve work in a watercourse, lake or wetland:

- (1) the replacement or modification of technical equipment for a hydroelectric power station or dam when it involves no change in the minimum and maximum operating levels, even if it leads to an increase in power;
- (2) the replacement or modification of technical equipment for a wind farm or solar energy facility, even if it leads to an increase in power.

**54.** The following activities are exempted from authorization or the amendment of authorization pursuant to sections 22 and 30 of the Act:

- (1) the destruction by fire, carried out by a person authorized to act for that purpose by the minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1), of a building installed without entitlement on land in the domain of the

State and located in a place without road access allowing passage of the equipment needed to dismantle the building and transport the debris, on the following conditions:

- (a) no furniture constituting or deemed to constitute a hazardous material is burned;
  - (b) no hazardous residual material is used for the burning;
  - (c) the activity is carried out in a way that prevents runoff water from reaching a watercourse, lake or wetland with water at its surface;
- (2) the piling of woody debris removed from the vicinity of a dam when carried out
    - (a) 100 m or more away from a category 1, 2 or 3 groundwater withdrawal site, except a withdrawal site connected to the activity;
    - (b) 60 m or more away from a watercourse or lake and 30 m or more away from a wetland;
    - (c) outside a floodplain;
  - (3) the burning of woody debris removed from the vicinity of a dam, on the following conditions:
    - (a) no more than 150 m<sup>3</sup> of wood is burned each day;
    - (b) no dwelling or public institution is located within a radius of 25 km;
    - (c) no hazardous residual material is used for the burning;
    - (d) the activity is carried out in a way that prevents runoff water from reaching a watercourse, lake or wetland with water at its surface;
  - (4) the establishment of a prefabricated holding tank serving a building or place not subject to the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22), on the following conditions:
    - (a) the holding tank must be compliant with the standard BNQ 3682-901 or the standard CSA-B66;
    - (b) the holding tank must be used only to store wastewater;
    - (c) the location standards provided for in section 7.1 of the Regulation respecting waste water disposal systems for isolated dwellings are met;



(d) the holding tank is equipped with a water level detection device connected to a sound alarm and a visual indicator allowing the verification of the fill level of the tank;

(e) no animal waste is discharged into the holding tank.

#### CHAPTER IV RESEARCH AND EXPERIMENTAL WORK

**55.** The following research and experimental work, if needed to validate a product or process, is eligible for a declaration of compliance before the commercial release of the product or the commercial operation of the plant, on the following conditions:

(1) the work is carried on in accordance with an experimental protocol drawn up by a suitably qualified person that specifies

- (a) the research objectives;
- (b) the experimental materials;
- (c) the experimental or sampling device;
- (d) the location of the discharge points;
- (e) the variables measured;
- (f) the implementation schedule;

(2) the project is eligible for

(a) provincial tax credits for scientific research and experimental development;

(b) a research and development or innovation program administered by a Québec government department or body; or

(c) a measure implemented by a department or body referred to in section 15.4.3 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) as part of the multi-year action plan on climate change;

(3) the work does not require the withdrawal of 75,000 or more litres of water per day;

(4) the work is not carried on in a wetland or body of water;

(5) the discharges into the environment contain no hazardous materials and the work does not constitute an operation referred to in section 8 of the Regulation respecting hazardous materials (chapter Q-2, r. 32);

(6) when the work includes releases into the atmosphere, air dispersion modelling has been performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), showing compliance with the air quality standards in Schedule K of that Regulation.

An activity referred to in the first paragraph must be carried on in accordance with the following conditions:

(1) a representative sampling program must be established to measure the concentration of the contaminants released into the atmosphere if the air dispersion modelling shows that the concentration of the contaminant at the point of calculation is expected to exceed 80% of the air quality standard presented in Schedule K of the Clear Air Regulation;

(2) when the work includes the addition of a discharge point of wastewater into the environment,

(a) the volume discharged at the discharge point is less than 10 m<sup>3</sup> per day;

(b) apparatus or equipment to treat the discharge is installed;

(c) a representative sampling program is established to measure the concentration of the contaminants discharged.

**56.** In addition to what is required by section 41, a declaration of compliance for a research and experimental activity referred to in section 55 must include the following information:

(1) in the location plan required, the location of the discharge points;

(2) when the work includes releases into the atmosphere, a description of the modelling performed and a declaration from a professional

(a) confirming that air dispersion modelling has been performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), showing compliance with the air quality standards in Schedule K of that Regulation;

(b) indicating the operating conditions needed to ensure compliance with the standards of the Clean Air Regulation, in particular the efficiency of the air purification apparatus and the number and characteristics of the release points;

(c) identifying, where applicable, the contaminants at a concentration of more than 80% of the air quality standard and the location of the calculation points where this occurs;

(3) where applicable, confirmation from the declarant that the activity will be carried on in accordance with the operating conditions indicated in the attestation from the professional who performed the air dispersion modelling;

(4) where applicable, a description of the sampling programs that will be established.

**57.** The following research and experimental work is exempted from authorization or the amendment of authorization pursuant to sections 22 and 30 of the Act:

(1) research and experimental work carried on in an eligible public research centre within the meaning of paragraph *a.1* of section 1029.8.1 of the Taxation Act (chapter I-3) or in an educational institution, on the following conditions:

(a) the work does not require a water withdrawal of 75,000 litres or more per day;

(b) the work is not carried on in a wetland or body of water;

(2) any other research and experimental work carried out before the commercial release of a product or the commercial operation of a plant, on the conditions provided for in subparagraphs 1 to 5 of the first paragraph of section 55.

## TITLE II

### ACTIVITIES WITH MULTIPLE ENVIRONMENTAL IMPACTS

**58.** Unless otherwise specified, the provisions applicable to a project that includes one of the activities referred to in this Title are completed by the provisions of Title III, for activities with a specific environmental impact, and the provisions of Title IV, for activities carried on in sensitive environments, which apply to the activities for that project.

## CHAPTER I

### INDUSTRIAL ESTABLISHMENTS

#### DIVISION I

##### ACTIVITIES REQUIRING AUTHORIZATION

**59.** This Chapter applies to industrial establishments referred to in Division 0.1 of the Regulation respecting the operation of industrial establishments (chapter Q-2, r. 5) the operation of which requires authorization pursuant to subparagraph 1 of the first paragraph of section 22 and of section 31.10 of the Act.

**60.** In addition to the general content prescribed by section 16, the application for authorization must include the following supplemental information and documents:

(1) a list and a summary description of the depollution activities that the applicant is implementing or planning to implement and details on the objectives, timeframe and progress of the activities;

(2) a general process diagram and, if needed, a diagram for each sector.

**61.** The operator of an existing industrial establishment within the meaning of the second paragraph of section 31.25 of the Act must submit an application for authorization to the Minister within 6 months after the coming into force of the regulation applying to the category of industrial establishments to which it belongs.

#### DIVISION II

##### RENEWAL OF AUTHORIZATION

**62.** The holder of an authorization for the operation of an industrial establishment must submit an application for the renewal of authorization to the Minister at least 180 days before the expiry of the authorization.

#### DIVISION III

##### PUBLIC CONSULTATION

**63.** Despite section 31.20 of the Act, the first renewal of an authorization for the operation of an industrial establishment issued before 23 March 2018 does not require a public consultation, except in the cases referred to in section 66.

**64.** For the first renewal of an authorization for the operation of an industrial establishment or the issue of such an authorization for an existing industrial establishment within the meaning of the second paragraph of section 31.25 of the Act, the Minister publishes, within 90 days after sending the proposed authorization for the industrial establishment, the notice referred to in section 31.20 of the Act announcing the holding of a public consultation on the application, in a newspaper circulated in the region where the industrial establishment is located and on the website of the Minister's department.

The notice of consultation contains the following information:

(1) the consultation period for the application;

(2) the web link for consulting the information file on the application for authorization;

(3) the contact information for the places where the information file may be consulted, and the business hours and days;

(4) to allow any group, person or municipality to submit comments on the application:

(a) an e-mail address and mailing address for that purpose;

(b) the deadline for submitting comments.

**65.** The information file on the application for the renewal or issue of authorization submitted for public consultation must contain, in addition to the authorization proposed by the Minister, the following information and documents:

(1) a copy of the notice referred to in the second paragraph of section 64;

(2) the application submitted to the Minister by the applicant, with the exception of the information referred to in sections 23.1 and 118.5.3 of the Act that is not public information;

(3) a list of the other information held by the Minister concerning the nature, quantity, quality and concentration of the contaminants discharged into the environment by the industrial establishment that is available on request.

**66.** Sections 31.20 and 31.21 of the Act and sections 64 and 65 of this Regulation, adapted as required, apply to any subsequent application for the renewal of authorization, to the first renewal of an authorization for an existing industrial establishment within the meaning of the second paragraph of section 31.25 of the Act, and to any application for amendment intended, with respect to a standard for the discharge of contaminants established by the Minister pursuant to the first paragraph of section 26 of the Act

(1) to delay by more than 6 months the date of implementation of the standard for the discharge of contaminants established by the Minister pursuant to the first paragraph of section 26 of the Act; or

(2) to obtain amendments to a standard for the discharge of contaminants established by the Minister pursuant to the first paragraph of section 26 of the Act.

## CHAPTER II ELIMINATION AND TRANSFER OF RESIDUAL MATERIALS

### DIVISION I RESIDUAL MATERIALS ELIMINATION FACILITIES

#### *§1. Activities requiring authorization*

**67.** This Division applies to residual materials elimination facilities that require authorization pursuant to subparagraph 7 of the first paragraph of section 22 of the Act.

**68.** In addition to the general content prescribed by section 16, an application for authorization concerning one of the following sites or facilities must include the supplemental information and documents listed in the second paragraph:

(1) an engineered landfill site;

(2) a landfill site for construction or demolition debris;

(3) a trench landfill site;

(4) an incineration facility;

(5) a residual materials transfer station;

(6) a landfill site for residual materials from a pulp and paper mill;

(7) a landfill site for residual materials from a sawmill;

(8) a landfill site for residual materials from a plant manufacturing oriented strand board.

The supplemental information and documents are:

(1) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 1 km;

(2) a description of the municipal zoning within a radius of 2 km;

(3) the location of any airport within a radius of 8 km;

(4) the plans and specifications for the site or facility and any other equipment or works needed;

(5) a maintenance and inspection program, a monitoring and control program and a sampling and analysis plan for water, leachates, gases and air quality;

(6) any document that shows compliance with the conditions set by the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) when the application includes, for the site or facility or one of its components, an exemption from a requirement of that regulation or the use of an alternative system, technique or material, provided a provision of that regulation allows for such an exemption or use;

(7) except for an incineration facility or transfer station:

(a) a hydrogeological study;

(b) a topographical survey of the land showing contour lines at intervals of not more than 1 m;

(c) a study describing the physical, chemical and bacteriological characteristics of the groundwater withdrawn on the land covered by the application;

(d) a study describing the physical, chemical and bacteriological characteristics of the surface water close to the future discharge points into the environment, if any, and the uses made of the water;

(e) a geotechnical study of non-consolidated deposits, rock and eliminated materials and an assessment of the geotechnical constraints associated with the work to lay out and operate the site;

(f) longitudinal and cross sections of the land showing, in particular, its original and final contours;

(8) except for a trench landfill site, a study of the integration of the site with the surrounding landscape;

(9) for an engineered landfill site, a landfill site for construction or demolition debris and a trench landfill site, the quality assurance and control programs needed to ensure the application of the provisions of sections 34 to 36 of the Regulation respecting the landfilling and incineration of residual materials;

(10) for an engineered landfill site, the systems inspection, maintenance and cleaning program needed to ensure the application of section 44 of the Regulation respecting the landfilling and incineration of residual materials.

**69.** In addition to the general content prescribed by section 16, an application for authorization for a northern landfill must include the following supplemental information and documents:

(1) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 1 km;

(2) a study describing the soil at the place where the landfill will be established down to a minimum depth of 30cm below the planned level of the residual materials;

(3) the plans and specifications for the landfill and for any other equipment or works required;

(4) a maintenance and inspection program, a monitoring and control program, and a sampling and analysis plan to describe the supervisory measures and the monitoring of water, leachates, gases and air quality.

## **§2.** *Activities eligible for a declaration of compliance*

**70.** The following activities connected with a residual materials elimination facility are eligible for a declaration of compliance:

(1) the establishment, operation and modification of a remote landfill referred to in Division 6 of Chapter II of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

(2) the establishment, operation and modification of an incineration facility with a nominal capacity equal to or less than one tonne per hour, provided it incinerates only inedible meat in accordance with the provisions of the Regulation respecting food (chapter P-29, r. 1).

**71.** In addition to what is required by section 41, the declaration of compliance must include the following information:

(1) in the case of the activity referred to in paragraph 1 of section 70, confirmation from the declarant that the activity will be carried on in accordance with the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

(2) in the case of the activity referred to in paragraph 2 of section 63, a declaration from an engineer attesting that the facility is in compliance with the Act and the Clean Air Regulation (chapter Q-2, r. 4.1).

The declarant of an activity referred to in subparagraph 1 of the first paragraph must, when filing a declaration of compliance with the Minister, file a copy of the declaration with the regional county municipality concerned or, where applicable, the local municipality concerned if its territory is not included in the territory of a regional county municipality.

### §3. Exempted activities

**72.** The following activities are exempted from authorization pursuant to this Division and from the amendment of authorization pursuant to section 30 of the Act:

(1) the storage of residual materials for use as cover materials for areas that meet the containment requirements of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) and have not been covered with a final cover in accordance with section 50 of that regulation;

(2) the reclamation of residual materials as cover materials used for the daily covering of an engineered landfill site or the monthly covering of a landfill site for construction or demolition debris referred to in that regulation.

**73.** The establishment and operation of a residual materials transfer station referred to in the second paragraph of section 139.2 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) are exempted from authorization pursuant to this Division.

#### DIVISION II

##### BURIAL OF BRANCHES, STUMPS, SHRUBS AND INVASIVE EXOTIC PLANT SPECIES

**74.** The burial of branches, stumps and shrubs pursuant to this Chapter is exempted from authorization on the following conditions:

(1) the quantity of such materials buried on a single lot is less than 60 m<sup>3</sup>;

(2) the operator does not carry on the same activity within a radius of 500 m;

(3) the burial occurs

(a) 30 m or more away from a wetland, watercourse or lake;

(b) 100 m or more away from a category 1, 2 or 3 groundwater withdrawal site.

**75.** The burial of invasive exotic plant species pursuant to this Chapter on the site where they are removed is exempted from authorization on the following conditions:

(1) the burial does not occur in the littoral zone or on a riverbank or lakeshore, or less than 10 m away from a wetland;

(2) if the burial occurs less than 30 m away from the littoral zone or between 10m and 30 m away from a wetland, the materials buried are covered with at least 2 m of soil free of the invasive exotic plant species;

(3) if the burial occurs 30 m or more from the littoral zone or a wetland, the materials buried are covered with at least 1 m of soil free of the invasive exotic plant species.

The machinery used for the activity referred to in the first paragraph must be inspected and cleaned after the burial to avoid any dispersion of the invasive exotic plant species and the land where the activity is carried out must, within 12 months, be replanted

(1) using plants belonging to the same strata as those excavated that are adapted to the environment, are indigenous if possible, and do not belong to an invasive exotic plant species;

(2) in a way that ensures that the survival rate of the vegetation or cover is 80% in the year following replanting.

#### DIVISION III

##### SNOW ELIMINATION SITES

**76.** The establishment and operation of a snow elimination site require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

For the purposes of this section, “snow elimination site” means a place where snow that has been removed and transported in accordance with the first paragraph of section 2 of the Snow, Road Salt and Abrasives Management Regulation (*insert here the reference to the Compilation of Québec Laws and Regulations*) is finally placed for elimination.

Despite section 58, the activities referred to in this section do not need to be completed by Division IV of Chapter II of Title III on storm water management.

**77.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

(1) if the operation of the site requires snow melters and discharges into a sewer system, a technical report signed by an engineer that can be used to evaluate the capacity of the water treatment station to process the snow and meltwater;

(2) in all other cases, the information and documents required by the second paragraph of section 68 for a residual materials elimination facility, adapted as required.



## CHAPTER III MINING ACTIVITIES

### DIVISION I ACTIVITIES REQUIRING AUTHORIZATION

**78.** The following mining activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

(1) the excavation of ramps, sinking of shafts, and any other excavation work performed to extract ore or explore for mineral substances;

(2) any activity carried on in connection with ore extraction;

(3) any activity carried on in connection with ore processing;

(4) the management of mine tailings, including the establishment and operation of a mine tailings site;

(5) the management of wastewater from mines, including the establishment and operation of the infrastructures needed for that purpose;

(6) the storage of ore or concentrates, including the establishment of accumulation areas and the crushing and sieving of ore and concentrates;

(7) the construction of capping during site rehabilitation and restoration and any work that can alter or modify previous rehabilitation work on an accumulation area for mine tailings.

Drilling and soil stripping work required for any activity referred to in the first paragraph is included in the carrying on of the activity.

**79.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Chapter must include the following supplemental information and documents:

(1) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 1 km;

(2) a characterization study concerning the deposit, ore, mine tailings or concentrate, as the case may be;

(3) the plans and specifications needed for the carrying on of the activity;

(4) the water management plan, including a summary of the water used and the water discharged;

(5) a predictive noise study when a dwelling or public institution is located less than 1 km from the mine site;

(6) when the project includes the laying out of a mine tailings accumulation area:

(a) a hydrogeological study presenting a conceptual model that describes the hydrogeological context and groundwater flows in the area concerned and shows the hydrological links between the site and the receiving environment;

(b) a modelling study, signed by an engineer or geologist, showing that the impermeability measures in place will ensure that groundwater quality is not degraded;

(c) if a dike is to be built, a geotechnical study of the stability of the dike, the load-bearing capacity of the underlying ground and an assessment of the settlement that may occur or, where applicable, the reasons why such analyses are not necessary;

(7) when the project concerns the operation of an ore treatment plant, air dispersion modelling in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1);

(8) when the project includes an ore treatment plant, a hydrogeological study presenting a conceptual model that describes the hydrogeological context and groundwater flows in the area concerned and establishes the hydrological links between the site and the receiving environment;

(9) a description of the proposed monitoring, maintenance, supervision and control measures, including a description of the equipment, apparatus, observation wells, sampling points and any other device needed for that purpose.

**80.** Every application for authorization for the mining activities referred to in section 78 that constitute activities referred to in Chapter I of Title II applicable to industrial establishments must also include the information listed in section 60.

### DIVISION II EXEMPTED ACTIVITIES

**81.** Excavation work performed as part of a project to explore for mineral substances is exempted from authorization pursuant to this Chapter on the following conditions:



(1) the stripping of bedrock or removal of non-consolidated deposits affects an area of less than 10,000 m<sup>2</sup>;

(2) less than 500 tonnes of mineral substances are extracted or removed for geological or geochemical sampling;

(3) no accumulation area for mine tailings is laid out;

(4) the non-consolidated deposits removed are deposited at a distance of 30 m or more from any wetland or body of water;

(5) the materials excavated contain no asbestos.

To calculate the areas and volumes mentioned in the first paragraph, the reference unit is the area of the claim. However, if the work is not carried out on a claim, the reference unit is a radius of 1 km from the closest stripped or excavated zone.

## CHAPTER IV HYDROCARBONS

### DIVISION I ACTIVITIES REQUIRING AUTHORIZATION

**82.** Hydrocarbon exploration, storage and production activities governed by the Petroleum Resources Act (chapter H-4.2), as well as petroleum enhanced recovery activities, require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

**83.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Chapter must include the following supplemental information and documents:

(1) the initial characterization study carried out in accordance with sections 37 to 39 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2), including the hydrogeological study referred to in section 38 of that Regulation;

(2) a copy of the public consultation notice provided for in section 84;

(3) a report summarizing the comments received during the public consultation provided for in section 84 and any changes made to the project by the applicant following the consultation;

(4) the technical programs applicable to each project phase with respect to surveying, drilling, completion, fracturing, reconditioning, extraction tests, and use tests for underground reservoirs, as submitted to the minister responsible for the Petroleum Resources Act (chapter H-4.2) in an application for authorization or approval under that Act;

(5) a predictive noise study when a dwelling or public institution is located less than 600 m from the site of the activities;

(6) a soil protection program specifying, for each project phase, the areas at high risk of contamination and appropriate protection measures using, for example, the installation of a leak containment system and quality control measures;

(7) a program to detect and repair leaks in order to quickly detect any leak and providing for the planning of inspections of equipment, pipes, tanks and ponds, including a program to detect, quantify and repair any leak of VOCs, methane or ethane.

**84.** Where the application concerns exploration work, the applicant must inform and consult the public before submitting the application. For this purpose, the applicant must publish a notice, by any means making it possible to reach the local population, that specifies

(1) the cadastral designation of the lot on which the project will be conducted;

(2) a plan and description of the perimeter of the project site;

(3) a summary of the project, including in particular the information that the applicant must submit in the application for authorization and that describes the project;

(4) the date, time and place in the municipality where a public meeting will be held, which may not be less than 20 days following the publication of the notice.

The applicant must invite the Minister or a representative of the Minister to the public meeting. The Minister or representative may act as moderator and, for that purpose, intervene on any matter concerning the conduct of the meeting.

The applicant must send, to the municipality concerned, a copy of the report summarizing the comments obtained during the public consultation and of any changes made to the project following the consultation. The contents of the report are public information.

## DIVISION II EXEMPTED ACTIVITIES

**85.** The following activities in connection with hydrocarbons are exempted from authorization pursuant to this Chapter:

- (1) the temporary closure of a well authorized under the Petroleum Resources Act (chapter H-4.2);
- (2) the permanent closure of a well authorized under the Petroleum Resources Act when the well has an emanation at the surface vent of less than 50 m<sup>3</sup> per day;
- (3) the reconditioning of a well authorized under the Petroleum Resources Act.

## CHAPTER V SAWMILLS AND WOOD PROCESSING PLANTS

### DIVISION I ACTIVITIES REQUIRING AUTHORIZATION

**86.** The construction and operation of the following sites require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

- (1) a sawmill;
- (2) a mill manufacturing veneer, plywood, particle board or other pressed wood products.

**87.** In addition to the general content prescribed by section 16, an application for authorization for an activity referred to in paragraph 2 of section 86 must include the following supplemental information and documents:

- (1) the plans and specifications for the facilities concerned;
- (2) a predictive noise study when a dwelling or public institution is located less than 600 m from the site where the activities will be carried on;
- (3) air dispersion modelling in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1);
- (4) a process diagram summarizing the mill's operations.

## DIVISION II ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

**88.** The construction and operation of a sawmill are eligible for a declaration of compliance on the following conditions:

- (1) the sawmill's annual production capacity is equal to or less than 25,000 m<sup>3</sup>;
- (2) the sawmill's activities are carried on
  - (a) 100 m or more from a category 1 or 2 water withdrawal site and 30 m or more from a category 3 ground-water withdrawal site;
  - (b) 30 m or more from a watercourse, lake or wetland;
- (3) the storage areas for biomass used for energy production and bulk timber, and the crosscutting area, are watertight;

(4) the boundaries of the bulk storage areas are identified using visual markers or posts;

(5) the sawmill's operating area is located 15 m or more from the boundary of the land where the activity is carried on;

(6) the operating area is equipped with a storm water management system to evacuate storm water from the site;

(7) the discharge point for wastewater is not located in the littoral zone or on the shore of a lake;

(8) the wastewater cannot come into contact with a wetland.

**89.** The wastewater produced by any activity referred to in section 88 must, at all times, have

- (1) a pH between 6 and 9.5;
- (2) a suspended matter concentration below or equal to 50 mg/l;
- (3) a phenolic substances (4AAP) concentration below or equal to 0.15 mg/l;
- (4) a petroleum hydrocarbons concentration ( $C_{10}-C_{50}$ ) below or equal to 2 mg/l;
- (5) a 5-day carbonaceous biochemical oxygen demand ( $BOD_5$ ) below or equal to 50 mg/l.

**90.** The noise emitted by the operation of a sawmill referred to in section 88, represented by the acoustic reference noise level measured at the dwelling or public institution, other than a dwelling owned by or rented to the owner or operator of the sawmill or an educational institution or tourist establishment when it is closed, must not exceed, over any 1-hour period, the higher of the following levels:

- (1) the residual noise level;
- (2) 40 dBA between 7 p.m. and 7 a.m. and 45 dBA between 7 a.m. and 7 p.m.

**91.** In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 88 must include, in the location plan required, the location of the discharge points and visual markers.

### DIVISION III EXEMPTED ACTIVITIES

**92.** The installation and operation of a mobile sawmill on the same lot for a period of not more than 6 months, with no fixed facilities, are exempted from authorization pursuant to this Chapter.

**93.** The noise emitted by the operation of a sawmill referred to in section 92, represented by the acoustic reference noise level measured at the dwelling or public institution, other than a dwelling belonging or rented to the owner or operator of the sawmill or an educational institution or tourist establishment when it is closed, must not exceed, over any 1-hour period, the higher of the following levels:

- (1) the residual noise level;
- (2) 40 dBA between 7 p.m. and 7 a.m. and 45 dBA between 7 a.m. and 7 p.m.

## CHAPTER VI ELECTRICITY PRODUCTION, TRANSFORMATION AND STORAGE

### DIVISION I ACTIVITIES REQUIRING AUTHORIZATION

**94.** The following activities connected with the production, transformation and storage of electricity require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

- (1) the construction and subsequent operation of

- (a) an electric power control or transformer station or an electricity storage system;

- (b) a wind farm or wind generator;

- (c) a solar energy facility;

- (d) a power station burning fossil fuels;

- (e) a hydroelectric power station;

- (2) the relocation of an electric power control or transformer station or an electricity storage system;

- (3) an increase in the power of a wind farm, facility or power station referred to in one of subparagraphs *b* to *e* of paragraph 1.

**95.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Chapter must include the plans and specifications for the facilities concerned.

For the construction, relocation or operation of an electric power control or transformer station or an electricity storage system with a voltage equal to or exceeding 120 kV, the application for authorization must include a predictive noise study when a dwelling or public institution is located less than 600 m from the site of the activities.

For a power station burning fossil fuels, the application for authorization must include air dispersion modelling in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1).

### DIVISION II EXEMPTED ACTIVITIES

**96.** The following activities are exempted from authorization pursuant to this Chapter:

- (1) the construction and subsequent operation of

- (a) an electric power control or transformer station or an electricity storage system with a voltage of 120 kV or more;

- (b) a solar energy facility that

- i. is located on a building that is not constructed for that purpose;

- ii. has a capacity of 100 kW or more;

(c) a power station burning fossil fuels and using fuel burning equipment referred to in section 307, except if the increase in power increases the total power of the power station to 3,000 kW or more;

(d) a wind farm or wind generator with a capacity of 100 kW or more;

(2) the relocation of an electric power control or transformer station or an electricity storage system with a voltage of 120 kV or more;

(3) an increase in the power of

(a) a facility, power station, wind farm or wind generator referred to in one of subparagraphs *b* to *d* of paragraph 1;

(b) a hydroelectric power station following a modification of technical equipment referred to in section 53;

(4) the installation and operation, for a period of 14 days or less, of a temporary power station burning fossil fuels, used for the purpose of re-establishing the distribution of electricity.

## CHAPTER VII

### CONTAMINATED SOIL MANAGEMENT

#### DIVISION I

##### CONTAMINATED SOIL BURIAL SITES

**97.** The establishment and operation of a contaminated soil burial site require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

**98.** In addition to the general content prescribed by section 16, the application for authorization for a contaminated soil burial site must include the following supplemental information and documents:

(1) the information and documents required by the second paragraph of section 68 for a residual materials elimination facility, adapted as required;

(2) a soil inspection program at the entrance to the site;

(3) the quality assurance and control programs designed to ensure the application of the provisions of section 37 of the Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18).

#### DIVISION II

##### CONTAMINATED SOIL TRANSFER STATIONS, TREATMENT FACILITIES AND STORAGE SITES

#### §1. Application for authorization

**99.** The establishment and operation of the following facilities, stations and sites require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

(1) a contaminated soil treatment facility;

(2) a contaminated soil transfer station;

(3) a contaminated soil storage site.

**100.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

(1) a characterization study establishing the initial soil quality that may be altered by the operation of the facility, station or site, based on the contaminants likely to be present in the soil accepted;

(2) a hydrogeological study;

(3) a monitoring program for soil entering or leaving the facility, station or site in order to meet the requirements of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

(4) a detailed environmental monitoring program for surface water, groundwater and air quality;

(5) the plans and specifications for the facility, station or site;

(6) in the case of a contaminated soil transfer station, a geotechnical study for the site where the station will be established, signed by an engineer or geologist, defining the geotechnical properties of the non-consolidated deposits and rock and assessing the geotechnical constraints associated with the work to lay out and operate the transfer station;

(7) in the case of a contaminated soil treatment facility,

(a) a demonstration of the effectiveness and mastery of the process, based either on a description of previous applications or on a demonstration test;

(b) a program to verify process performance, during and after treatment, by analyzing the treated substances and the choice of geochemical monitoring parameters;

(c) a quality assurance program.

### §2. *Period of validity and renewal of authorization*

**101.** An authorization issued for the establishment and operation of a contaminated soil storage site or contaminated soil transfer station is valid for a period of 5 years.

The authorization may be renewed in accordance with Chapter III of Title IV of Part I.

## DIVISION III TREATMENT AND RECLAMATION OF CONTAMINATED SOIL

### §1. *Activities requiring authorization*

**102.** The following activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

(1) the treatment of contaminated soil at a place other than a treatment facility;

(2) the reclamation of contaminated soil at a place other than the place of origin.

**103.** In addition to the general content prescribed by section 16, every application for authorization for an activity to treat or reclaim contaminated soil covered by this Division must include the following supplemental information and documents:

(1) for the on-site treatment of contaminated soil:

(a) a characterization study of the state of the soil, groundwater and surface water on the land;

(b) a detailed environmental monitoring program for surface water, groundwater and air quality;

(c) a program to verify process performance, during and after treatment, by analyzing the treated substances and the choice of geochemical monitoring parameters;

(d) a quality assurance program;

(e) a demonstration of the effectiveness and mastery of the process, based either on a description of previous applications or on a demonstration test;

(2) for the off-site treatment of contaminated soil, a characterization study establishing the initial soil quality that may be altered by the treatment process;

(3) for the reclamation of contaminated soil,

(a) a program to monitor soil entering the land where it will be used for reclamation purposes;

(b) a characterization study of the state of the soil on all or part of the land where the soil will be used for reclamation purposes.

### §2. *Activities eligible for a declaration of compliance*

**104.** The reception, on or in land, of soil containing contaminants at a concentration equal to or less than the limit values provided for in Schedule I of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37), is eligible for a declaration of compliance when the soil meets the following conditions:

(1) it is intended for reclamation on the land;

(2) it does not contain asbestos;

(3) it will not increase the total volume of contaminated soil received on the land to over 10,000 m<sup>3</sup>, whether that total is achieved as the result of one or several projects.

**105.** In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 104 must include the characterization study referred to in section 2.12 of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37).

The owner of the land receiving the soil is responsible for making the declaration of compliance.

### §3. *Exempted activities*

**106.** The reception, on or in land, of soil containing contaminants at a concentration equal to or less than the limit values provided for in Schedule I of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) is exempted from authorization pursuant to this Division when the soil meets the following conditions:

(1) it is intended for reclamation on the land;

(2) it does not contain asbestos;

(3) it will not increase the total volume of contaminated soil received on the land to over 10,000 m<sup>3</sup>, whether that total is achieved as the result of one or several projects.

## CHAPTER VIII CEMETERIES, CREMATORIUMS AND ALKALINE HYDROLYSIS ESTABLISHMENTS

### DIVISION I ACTIVITIES REQUIRING AUTHORIZATION

**107.** The following activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

- (1) the laying out and operation of a cemetery where human or animal remains or ashes are buried;
- (2) the construction and operation of a crematorium;
- (3) the construction and operation of an alkaline hydrolysis establishment for human or animal remains.

**108.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in section 107 must include the following supplemental information and documents:

- (1) for the activity referred to in paragraph 1 of that section, a hydrogeological study of the land;
- (2) for the activity referred to in paragraph 2 of that section,
  - (a) the plans and specifications of the facilities concerned;
  - (b) air dispersion modelling in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1);
- (3) for the activity referred to in paragraph 3 of that section, the plans and specifications for the facilities concerned.

### DIVISION II ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

**109.** The construction and operation of an alkaline hydrolysis establishment for human and animal remains are eligible for a declaration of compliance on the following conditions:

- (1) the alkaline hydrolysis process used achieves a temperature equal to or greater than 150 °C and a pressure equal to or greater than 400 kPa;
- (2) the establishment is equipped with a pH measurement system coupled with a temperature probe;

(3) the wastewater from the alkaline hydrolysis process is discharged into a system to filter and neutralize aqueous waste that includes a grease trap to recover body fat;

(4) the discharge point for the wastewater is connected directly to a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1).

**110.** In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 109 must include

- (1) the identification of the municipal wastewater treatment plan that receives the wastewater from the alkaline hydrolysis process;
- (2) the number of the municipal resolution showing its consent to the treatment of the wastewater at its treatment plant.

**111.** The wastewater from an alkaline hydrolysis establishment covered by a declaration of compliance in accordance with section 109 must

- (1) have a pH between 6 and 9.5;
- (2) be at a temperature below or equal to 65 °C.

The declarant must report the measurements made in a register.

## CHAPTER IX SAND PITS AND QUARRIES

### DIVISION I GENERAL PROVISION

**112.** This Chapter applies to sand pits and quarries referred to in the Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1).

### DIVISION II ACTIVITIES REQUIRING AUTHORIZATION OR AN AMENDMENT OF AUTHORIZATION

**113.** The following activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

- (1) the establishment of a sand pit or quarry;
- (2) the treatment of surface mineral substances in a sand pit or quarry;



(3) in the case of a sand pit or quarry established before 17 August 1977,

(a) the enlargement of the sand pit or quarry onto land that did not belong, on that date, to the owner of the sand pit or quarry;

(b) as part of the redevelopment or restoration of a sand pit or quarry,

i. the backfilling of the quarry with soil containing contaminants resulting from human activities in a concentration equal to or less than the limit values provided for in Schedule I of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);

ii. the revegetation of exposed areas in the sand pit or quarry using fertilizing residuals;

iii. the laying out of a landfill site for residual materials;

iv. the laying out of a space or the construction of a structure or works.

**114.** The following changes require amendment of the authorization pursuant to subparagraph 5 of the first paragraph of section 30 of the Act:

(1) the enlargement of a sand pit or quarry beyond the area or boundaries specified in the authorization;

(2) an amendment to the redevelopment and restoration plan for a sand pit or quarry.

**115.** The activities referred to in paragraphs 1 and 2 and in subparagraph a of paragraph 3 of section 113 as well as the activities referred to in paragraph 1 of section 114 include, as the case may be, the subsequent operation of the sand pit or quarry or the subsequent use of the treatment covered by the application.

**116.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in paragraph 1 or subparagraph a of paragraph 3 of section 113 must include the following supplemental information and documents:

(1) a copy of the title of ownership, lease or other document giving the applicant rights to the surface mineral substance in the sand pit or quarry;

(2) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 600 m;

(3) a cross section showing the topography of the land and the surface mineral substances to be extracted, except in the case of a sand pit located on land in the domain of the State;

(4) when the activity involves operations below the water table, a hydrogeological study;

(5) a plan for the rehabilitation or restoration of the quarry or sand pit in accordance with Chapter VIII of the Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1);

(6) a predictive noise study when the sand pit or quarry is located within the distances set out in the first paragraph of section 25 of the Regulation respecting sand pits and quarries.

In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in subparagraph *b* of paragraph 3 of section 113 must include the plan referred to in subparagraph 5 of the first paragraph.

When several persons or municipalities wish to extract non-consolidated surface mineral substances from a sand pit, the owner of the site is responsible for filing the application for authorization.

### DIVISION III ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

**117.** The following activities, including any subsequent operation, are eligible for a declaration of compliance on the conditions set out in the second paragraph:

(1) the establishment of a sand pit;

(2) in the case of a sand pit established before 17 August 1977, the enlargement of the sand pit onto land that did not belong, on that date, to the owner of the sand pit;

(3) the enlargement of a sand pit beyond the area or boundaries specified in the authorization.

The following conditions apply to the activities referred to in the first paragraph:

(1) the sand must be established or enlarged at least 150 m from a dwelling or public institution;

(2) the total area of the sand pit must not exceed 10 ha;

(3) the quantity of non-consolidated surface mineral substances extracted annually must not exceed 100,000 tonnes;

(4) the non-consolidated surface mineral substances extracted must not be washed in the sand pit;

(5) the maximum depth of the sand pit must lie above the water table.

**118.** The activity referred to in paragraph 2 of section 113 with respect to the treatment of surface mineral substances in a sand pit or quarry is eligible for a declaration of compliance when the following conditions are met:

(1) the surface mineral substances are not washed in the sand pit or quarry;

(2) the quantity of surface mineral substances treated annually does not exceed 100,000 tonnes.

**119.** In addition to what is provided for in section 41, the declarant of an activity referred to in section 117 must include, with the declaration of compliance, the financial guarantee required by Chapter VII of the Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1).

**120.** When several persons or municipalities wish to extract non-consolidated surface mineral substances from a sand pit eligible for a declaration of compliance in accordance with section 117, the owner of the site is responsible for making the declaration.

## CHAPTER X HOT MIX ASPHALT PLANTS AND CONCRETE PLANTS

### DIVISION I HOT MIX ASPHALT PLANTS

#### §1. General provision

**121.** This Division applies to hot mix asphalt plants referred to in the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48).

#### §2. Activities requiring authorization

**122.** The establishment and operation of a hot mix asphalt plant require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

**123.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

(1) the plans and specifications for the facilities concerned;

(2) in accordance with section 10 of the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48), a predictive noise study if the activity is to be carried on within the distances provided for in section 8 or 9 of the Regulation;

(3) air dispersion modelling performed in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1).

#### §3. Activities eligible for a declaration of compliance

**124.** The following activities are eligible for a declaration of compliance on the conditions set out in the second paragraph:

(1) the establishment and subsequent operation of a hot mix asphalt plant;

(2) the relocation of a hot mix asphalt plant covered by an authorization.

The following conditions apply to the activities referred to in the first paragraph:

(1) the plant, including any areas used for the loading, unloading, and discharge of surface mineral substances and granular residual materials and any sedimentation pond used in the operation of the plant, is not located in a watercourse, lake or wetland;

(2) where applicable, the granular residual materials needed for its operations are stored in accordance with this Regulation and with the Regulation respecting the reclamation of residual materials (*insert here the reference to the Compilation of Québec Laws and Regulations*);

(3) no asbestos is used in the hot mix asphalt production process;

(4) no other hot mix asphalt plant is located within a radius of 800 m;

(5) the plant is established at the place indicated for a maximum period of 13 months after the declaration of compliance is sent;

(6) the plant uses only liquid or gaseous fossil fuels, other than waste oil;

(7) for the establishment and operation of a hot mix asphalt plant, the plant is located more than 800 m from a dwelling or public institution;

(8) for the relocation of a hot mix asphalt plant covered by an authorization:

(a) the new location of the plant is more than 300 m from a dwelling or public institution;

(b) the establishment and operation of the plant have been covered by an authorization in the previous 5 years;

(c) air dispersion modelling for the plant, performed by a competent person in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), has shown that the concentration of contaminants in the atmosphere, at a distance of 300 m or more from the plant, complies with the standards of Schedule K of that Regulation and, where applicable, with the air quality criteria prescribed by the Minister in the authorization issued.

## DIVISION II CONCRETE PLANTS

### §1. *Activities requiring authorization*

**125.** The establishment and operation of a concrete plant require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

**126.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

(1) the plans and specifications for the facilities concerned;

(2) a predictive noise study in the following cases:

(a) when the activity will be carried on in an area zoned by the municipality for residential, commercial or mixed (commercial-residential) purposes, or less than 300 m from such an area;

(b) when a dwelling or public institution is located less than 150 m from the site, other than a dwelling owned by or rented to the owner or operator of the concrete plant;

(3) air dispersion modelling for the plant performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1).

### §2. *Activities eligible for a declaration of compliance*

**127.** The establishment and operation of a ready mix concrete plant are eligible for a declaration of compliance on the following conditions:

(1) the plant is established at the place indicated for a maximum period of 13 months after the declaration of compliance is sent;

(2) where applicable, the granular residual materials needed for its operations are stored in accordance with this Regulation and with the Regulation respecting the reclamation of residual materials (*insert here the reference to the Compilation of Québec Laws and Regulations*);

(3) the plant is located more than 30 m from a watercourse, lake or wetland;

(4) water from washing operations is collected and stored in a watertight pond, and the discharge point for wastewater from the pond is not located in the littoral zone or on the shore of a lake, or in a wetland.

**128.** Water from washing operations discharged into the environment by a plant referred to in section 127 must meet the following requirements:

(1) the concentration of suspended matter is below or equal to 50 mg/l;

(2) the pH is between 6 and 9.5;

(3) the petroleum hydrocarbons concentration ( $C_{10}-C_{50}$ ) is below or equal to 2 mg/l.

**129.** The noise emitted by a plant referred to in section 127, represented by the reference noise level measured at the dwelling or public institution, must not exceed, over any 1-hour period, the higher of the following levels:

(1) the residual noise level;

(2) 40 dBA between 7 p.m. and 7 a.m., and 45 dBA between 7 a.m. and 7 p.m.

The first paragraph does not apply to

(1) a dwelling owned by or rented to the owner or operator of the plant;

(2) a dwelling in a temporary industrial camp;

(3) educational institutions and tourist establishments when they are closed.

## CHAPTER XI CROP CULTIVATION AND LIVESTOCK RAISING

### DIVISION I GENERAL PROVISION

**130.** The terms used in this Chapter have the meaning defined by section 3 of the Agricultural Operations Regulation (chapter Q-2, r. 26).

Despite the first paragraph and the definition of “annual phosphorus ( $P_2O_5$ ) production” in section 3 of the Agricultural Operations Regulation, for the purposes of this Chapter annual phosphorus production must be determined in accordance with section 50.01 of that Regulation.

**131.** Within 60 days following the implementation of an activity requiring authorization or eligible for a declaration of compliance referred to in Divisions III and IV of this Chapter, the operator must provide the Minister with an attestation from an engineer concerning the watertightness of the livestock waste storage facilities, the livestock buildings and the livestock waste disposal facilities that are laid out for the project.

### DIVISION II CULTIVATION OF NON-AQUATIC PLANTS AND MUSHROOMS

#### §1. General provision

**132.** This Division applies, in addition to the activities referred to in section 133, to the cultivation of non-aquatic plants and mushrooms in wetlands and bodies of water pursuant to subparagraph 4 of the first paragraph of section 22 of the Act.

Despite section 51, the activities to which this Division applies need not be completed by the provisions of Chapter I of Title IV on wetlands and bodies of water, subject to the provisions referred to in section 134 paragraphs 1 to 4 of section 313 of that Chapter, which apply to this Division.

#### §2. Activities requiring authorization

**133.** The following activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

- (1) the cultivation of cannabis in a building or greenhouse;
- (2) the cultivation of non-aquatic plants or mushrooms in a building or greenhouse where cultivation involves the discharge of wastewater into the environment.

**134.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in section 132 must include the supplemental information and documents prescribed by section 315, as well as the supplemental information and documents prescribed by 331 when the activity is carried on in a littoral zone, on a riverbank or lakeshore, or in a floodplain.

#### §3. Activities eligible for a declaration of compliance

**135.** All activities involved in the cultivation of non-aquatic plants, other than cannabis, or of mushrooms in a building or greenhouse, carried on by an operator on a total area of more than 1,000 m<sup>2</sup> but less than 50,000 m<sup>2</sup>, are eligible for a declaration of compliance on the condition that all wastewater discharged into the environment is

- (1) stored in a watertight container before being spread on a cultivated parcel in accordance with an agri-environmental fertilization plan, or before being eliminated; or
- (2) recirculated in the building or greenhouse before being spread on a cultivated parcel in accordance with an agri-environmental fertilization plan.

An operator carrying on an activity referred to in the first paragraph must log in a register

- (1) the relevant dates and the volume of wastewater stored, spread or eliminated;
- (2) the information needed to identify the operator of the raising site or spreading site where the wastewater is spread, or the contact information for the site where the wastewater is eliminated.

#### §4. Exempted activities

**136.** All activities involved in the cultivation of non-aquatic plants, other than cannabis, or of mushrooms in a building or greenhouse, carried on by an operator on a total area equal to or less than 10,000 m<sup>2</sup>, are exempted from authorization on the condition that wastewater is not discharged into the littoral zone, onto a riverbank or lakeshore, or into a wetland.

**137.** The cultivation of non-aquatic plants or mushrooms on a riverbank or lakeshore is exempted pursuant to this Division on the following conditions:

- (1) it does not require the clearing of trees;
- (2) it takes place more than 3 m from the littoral zone;

(3) if the earth is banked, it takes place more than 1 m from the top of the bank.

**138.** The cultivation of non-aquatic plants or mushrooms and tree-clearing work to prepare the land for cultivation are exempted from authorization pursuant to this Division when they take place solely in a floodplain.

**139.** The following activities are exempted from authorization pursuant to this Division:

(1) the cultivation of non-aquatic plants or mushrooms in a wetland on a parcel of land existing before 23 March 2018 that was cultivated at least once during the 5 years prior to that date;

(2) tree-clearing work to return land to cultivation, and the subsequent cultivation of non-aquatic plants or mushrooms, in a wetland on a parcel of land where cultivation was previously abandoned, if cultivation was abandoned

(a) less than 10 years previously in the bioclimatic domains of maple stands with bitternut hickory and maple stands with linden;

(b) less than 30 years previously in any other bioclimatic domain.

### DIVISION III SITING AND OPERATION OF A LIVESTOCK-RAISING SITE

#### *§1. Activities requiring authorization*

**140.** The siting and operation of a raising site require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

**141.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

(1) an agro-environmental fertilization plan (AEFP) established on the basis of the planned situation, and a phosphorous report;

(2) the plans and specifications for the facilities, works and equipment concerned;

(3) a certificate from the clerk or secretary-treasurer of the municipality concerned attesting that the project does not contravene the municipal by-laws on odours;

(4) a report on the determination of the annual deposit of phosphorous ( $P_2O_5$ ) in yards, signed by an agronomist;

(5) a copy of the leases and agreements for the use of a livestock waste storage facility that is not located on the raising site where the activity is carried on, if applicable;

(6) a technical report signed by an engineer showing that all the existing facilities covered by the application, whether or not located on the site covered by the application, comply with the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

#### *§2. Activities eligible for a declaration of compliance*

**142.** The following activities are eligible for a declaration of compliance on the conditions set out in the second paragraph:

(1) the siting and operation of a raising site with an annual phosphorous ( $P_2O_5$ ) production of less than 4,200 kg;

(2) on a raising site with an annual phosphorous ( $P_2O_5$ ) production of less than 4,200 kg, a change in a facility for raising animals from solid livestock waste management to liquid livestock waste management.

The raising facilities, livestock waste evacuation equipment and livestock waste storage facilities for an activity referred to in the first paragraph must be located:

(1) outside the intermediate bacteriological protection zone for a category 1, 2 or 3 groundwater withdrawal site;

(2) outside the inner protection zone for a category 1 or 2 surface water withdrawal site.

**143.** In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 142 must include the following supplemental information and documents:

(1) the phosphorous report for the project;

(2) a declaration from an agronomist and an engineer attesting that the project complies with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

Within 60 days after the project is completed, the declarant must send the Minister a declaration from an agronomist and, when the project involves work on raising facilities or livestock waste evacuation equipment, a declaration from an engineer attesting that the project was completed in accordance with the declaration of compliance.



**144.** The construction and modification of a watertight storage facility for livestock waste on a raising site with an annual phosphorous production of less than 4,200 kg, and an increase in the capacity of such a facility, are eligible for a declaration of compliance.

**145.** In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 144 must include the following supplemental information and documents:

(1) the numbers of the plans and specifications for the storage facility and the date of their signing by the engineer;

(2) a declaration from an engineer attesting that the project complies with this Regulation and with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

Within 60 days after the activity is completed, the declarant must send the Minister an attestation by an engineer stating that it was completed in accordance with the first paragraph.

### §3. Exempted activities

**146.** The siting and operation of a raising site using solid livestock waste management with an annual phosphorous ( $P_2O_5$ ) production equal to or less than 1,600 kg are exempted from authorization pursuant to this Division.

However, this exemption does not apply to a livestock waste storage facility.

## DIVISION IV INCREASE IN ANNUAL PHOSPHOROUS PRODUCTION ON A RAISING SITE

### §1. General provision

**147.** For the purposes of this Division, in the case of a raising site for which the operator is required to establish an agro-environmental fertilization plan pursuant to section 22 of the Agricultural Operations Regulation (chapter Q-2, r. 26), the increase is calculated by subtracting, from annual production of phosphorous ( $P_2O_5$ ) planned for the project, the annual production resulting from the number of animals present and provided for on the site and indicated in the annual phosphorous report

(1) in the case of a raising site existing prior to 1 January 2011, for the first growing season after that date; or

(2) in the case of a raising site established after 1 January 2011, for the first growing season for the raising site.

The phosphorous report referred to in the first paragraph is used to calculate whether any subsequent threshold is reached or exceeded, for the duration of operations at the raising site.

### §2. Activities requiring authorization

**148.** Any increase in the annual production of phosphorous ( $P_2O_5$ ) on a raising site, and the subsequent operation of the site, requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act or, where applicable, the amendment of such authorization pursuant to subparagraph 5 of the first paragraph of section 30 of the Act,

(1) unless, following the increase, production remains below 4,200 kg and the increase is eligible for a declaration of compliance in accordance with section 150;

(2) if, following the increase, production is equal to or greater than 4,200 kg, or 4,200 kg increased by 1,000 kg or a multiple of 1,000 kg, calculated as follows:  $[4,200 \text{ kg} + (1,000 \text{ kg} \times 1, 2, 3, 4, \text{ etc.})]$ .

Despite the first paragraph, where an increase is such that more than one threshold will be reached or exceeded, only the highest threshold reached or exceeded requires authorization or an amendment of authorization. In addition, authorization for reaching or exceeding a threshold is valid until authorization or an amendment of authorization is required for an increase that is such that a higher subsequent threshold is reached or exceeded.

This section does not apply to an increase in the annual production of phosphorous ( $P_2O_5$ ) within the limits set in an authorization issued prior to 5 August 2010.

**149.** In addition to the general content prescribed by section 16, every application for authorization or for an amendment of authorization for an activity referred to in this Division must include the supplemental information and documents referred to in section 141.

### §3. Activities eligible for a declaration of compliance

**150.** Any increase in the annual production of phosphorous ( $P_2O_5$ ) on a raising site, and the subsequent operation of the site, such that production is equal to or exceeds one of the following production thresholds,



without reaching 4,200 kg, is eligible for a declaration of compliance on the conditions set out in the third paragraph:

- (1) 1,600 kg;
- (2) 2,100 kg;
- (3) 2,600 kg;
- (4) 3,100 kg;
- (5) 3,600 kg;
- (6) 4,100 kg.

Despite the first paragraph, where an increase is such that more than one threshold is reached or exceeded, a declaration of compliance is required only for the highest threshold reached or exceeded. In addition, the declaration of compliance submitted for reaching or exceeding a threshold is valid until a new declaration of compliance is required for an increase that is such that a higher subsequent threshold is reached or exceeded.

The raising facilities and animal waste storage facilities of a site referred to in the first paragraph must be located:

- (1) outside the intermediate bacteriological protection zones for a category 1, 2 or 3 groundwater withdrawal site;
- (2) outside the inner protection zone for a category 1 or 2 surface water withdrawal site.

**151.** In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 150 must include the following supplemental information and documents:

- (1) the phosphorous report for the project;
- (2) a declaration from an agronomist and an engineer attesting that the project complies with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

Within 60 days after the project is completed, the declarant must send the Minister a declaration from an agronomist and, when the project involves work on raising facilities or livestock waste evacuation equipment, a declaration from an engineer attesting that the project was completed in accordance with the declaration of compliance.

## CHAPTER XII MAPLE SYRUP PRODUCTION

### DIVISION I ACTIVITIES REQUIRING AUTHORIZATION

**152.** The establishment and operation of a facility, equipment or any other apparatus to collect or treat sap for maple syrup production require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

### DIVISION II ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

**153.** The establishment and operation of a facility, equipment or any other apparatus to collect or treat sap for maple syrup production are eligible for a declaration of compliance on the following conditions:

- (1) the facility, equipment or apparatus is used in one or more maple stands with a total of more than 20,000 but fewer than 75,000 active tapholes;
- (2) the wastewater is not discharged into the littoral zone, onto a riverbank or lakeshore, or into a wetland.

The wastewater from any activity referred to in the first paragraph must have a pH between 6 and 9.5.

### DIVISION III EXEMPTED ACTIVITIES

**154.** The establishment and operation of a facility, equipment or any other apparatus to collect or treat sap for maple syrup production are exempted from authorization pursuant to this Division on the following conditions:

- (1) the facility, equipment or apparatus is used in one or more maple stands with a total of more than 20,000 or fewer tapholes;
- (2) the wastewater is not discharged into the littoral zone, onto a riverbank or lakeshore, or into a wetland.

## CHAPTER XIII WASHING OF FRUIT AND VEGETABLES

### DIVISION I ACTIVITIES REQUIRING AUTHORIZATION

**155.** The installation, modification or operation of a system to wash fruit or vegetables cultivated by one or more operators on a raising site or spreading site requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

**156.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in section 155 must include the following supplemental information and documents:

- (1) the plans and specifications for the facilities concerned;
- (2) a technical report, signed by an engineer, describing the washing process and the rates and loads of the wastewater discharged into the environment;
- (3) a plan for the reclamation of residual plant matter and off-grade products.

#### **DIVISION II** ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

**157.** The installation and operation, on a raising site or spreading site, of a system to wash fruit or vegetables cultivated by one or more operators on a cumulative area equal to or greater than 5 ha but less than 20 ha are eligible for a declaration of compliance on the condition that discharges of wastewater into the environment

- (1) have a suspended matter concentration equal to or below 50 mg/l;
- (2) are not made directly into the littoral zone, onto a riverbank or lakeshore, or into a wetland.

#### **DIVISION III** EXEMPTED ACTIVITIES

**158.** The installation and operation, on a raising site or spreading site, of a system to wash fruit or vegetables cultivated by one or more operators on a cumulative area of less than 5 ha are exempted from authorization pursuant to this Chapter on the condition that wastewater is not discharged into the littoral zone, onto a riverbank or lakeshore, or into a wetland.

### **CHAPTER XIV** FISHING PONDS AND AQUACULTURE SITES

#### **DIVISION I** ACTIVITIES REQUIRING AUTHORIZATION

**159.** The siting and operation of a commercial fishing pond or aquaculture site require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

**160.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in section 159 must include the following supplemental information and documents:

- (1) the plans and specifications for the facilities concerned or, in the case of existing facilities, a survey signed by an engineer showing the facilities that will be used and those that will be modified;
- (2) a diagram showing the flow of water needed for the carrying on of the activity.

#### **DIVISION II** ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

**161.** A change in fish species as part of the operation of a commercial fishing pond or aquaculture site is eligible for a declaration of compliance, with respect to the following species of salmonid fish:

- (1) brook trout;
- (2) Arctic char;
- (3) rainbow trout;
- (4) brown trout;
- (5) lake trout;
- (6) Atlantic salmon;
- (7) any hybrid of two of the above species, such as splake or wendigo.

**162.** In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 161 for an aquaculture site must include an opinion from an independent professional confirming that there will be no change in

- (1) the authorized rate for the annual discharge of phosphorous per ton of annual production;
- (2) the daily authorized average phosphorous load for the period from May to October.

#### **DIVISION III** EXEMPTED ACTIVITIES

**163.** The siting and operation of a temporary or mobile commercial fishing pond within the meaning of section 2 of the Commercial Aquaculture Regulation (chapter A-20.2, r. 1) are exempted from authorization pursuant to this Chapter on the following conditions:

(1) the activity is carried on without the addition of food;

(2) the fishing pond is not located in the littoral zone, on a riverbank or lakeshore, or in a wetland;

(3) in the case of a mobile fishing pond, it is removed immediately after the activity is completed.

**164.** The siting and operation of an aquaculture site to carry on shellfish culture in a marine environment are exempted from authorization pursuant to this Division on the condition that the shellfish culture is suspended and no food is added.

**165.** The siting and operation of an aquaculture site to carry on algal culture using indigenous species in the marine environment are exempted from authorization pursuant to this Division on the condition that the algal culture is suspended and no fertilizer is added.

### TITLE III ACTIVITIES WITH A SPECIFIC ENVIRONMENTAL IMPACT

#### CHAPTER I WATER WITHDRAWALS

##### DIVISION I GENERAL PROVISIONS

**166.** For the purposes of this Chapter,

(1) the average volume of water withdrawn or consumed per day is calculated on the basis of a period of 90 consecutive days corresponding to the period during which water consumption is the highest;

(2) the number of persons served by a water withdrawal is calculated in accordance with Schedule 0.1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) on the basis of the system, establishment or place to which it is mainly or exclusively connected.

**167.** The water withdrawals carried out at all withdrawal sites connected to the same establishment, facility or waterworks system are deemed to constitute a single water withdrawal.

Despite section 6, a water withdrawal exempted pursuant to paragraph 2 of section 173 is considered in the analysis of an application for authorization for a water withdrawal filed for the same establishment, facility or waterworks system.

##### DIVISION II ACTIVITIES REQUIRING AUTHORIZATION

###### *§1. Application for authorization*

**168.** This Chapter applies to activities requiring authorization pursuant to subparagraph 2 of the first paragraph of section 22 of the Act, namely water withdrawals within the meaning of section 31.74 of the Act that are not covered by section 31.75 of the Act.

It also applies to any water withdrawal made for human consumption in a temporary industrial camp supplying no more than 80 persons, even if the withdrawal is less than 75,000 litres per day, when the facilities for managing and treating water in the camp require authorization pursuant to subparagraph 3 of the first paragraph of section 22 of the Act.

Similarly, it applies to any water withdrawal made for human consumption for any other establishment, facility or waterworks system supplying 21 persons or more, even if the withdrawal is less than 75,000 litres per day.

**169.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Chapter must include the following supplemental information and documents:

(1) a copy of the title of ownership for the land needed to lay out the water withdrawal facility and, in the case of groundwater withdrawal, to lay out its inner protection zone, or a copy of any other document giving the applicant the right to use the land for that purpose;

(2) a description of the land use guidelines and designations applicable to the environments concerned as well as existing uses nearby, including water withdrawal sites located on adjacent properties;

(3) the planned use of the water to be withdrawn;

(4) the plans and specifications of each of the new facilities concerned, for a category 1 or 2 water withdrawal to serve a municipal waterworks system supplying 21 to 500 persons and at least one dwelling, or a land use and development plan, in other cases;

(5) a technical report on the water withdrawal scenario, signed by a professional with suitable qualifications in the field, including an assessment of the ability of each of the water withdrawal facilities concerned to meet the water needs identified in order to demonstrate the reasonable nature of the withdrawal;

(6) for the following water withdrawals, the technical report referred to in paragraph 5 must also contain an assessment of the effects of the water withdrawal on the groundwater withdrawal facilities of other users on neighbouring properties and on wetlands in the vicinity and, if effects are observed, the actions that will be taken to minimize the impacts on the users and wetlands concerned:

(a) water withdrawals with an annual daily volume of 379,000 litres or more per day when the water is withdrawn, by a farm producer, to raise livestock referred to in section 2 of the Agricultural Operations Regulation (chapter Q-2, r. 26), to cultivate plants or mushrooms, or for maple syrup production, or when the water is withdrawn for the operation of a fishing pond or aquaculture site; or

(b) water withdrawals with an annual daily volume of 75,000 litres or more but less than 379,000 litres when made for any other purpose;

(7) a hydrogeological study signed by a professional for the following water withdrawals:

(a) withdrawals made in the St. Lawrence River Basin if the water is to be transferred outside that basin;

(b) withdrawals of water intended to be sold or distributed as spring water or mineral water or to be an ingredient identified as spring water or mineral water in the manufacture, conservation or treatment of food products within the meaning of the Food Products Act (chapter P-29);

(c) category 1 water withdrawals;

(d) category 2 water withdrawals to serve a municipal waterworks system supplying 21 to 500 persons and at least one dwelling;

(e) groundwater withdrawals of 379,000 litres or more per day on average, unless withdrawn by a farm producer to raise livestock referred to in section 2 of the Agricultural Operations Regulation, to cultivate plants or mushrooms, or for maple syrup production, or withdrawn for the operation of a fishing pond or aquaculture site;

(8) when the application for authorization concerns a water withdrawal for human consumption or food processing:

(a) the initial characterization of water quality for the site of the withdrawal, in order to determine the vulnerability of the water supply source and assess if treatment or monitoring is required, signed by a professional with suitable qualifications in the field;

(b) the location of the protection zones for the water withdrawal and, for a groundwater withdrawal, the intrinsic vulnerability of each protection zone;

(c) an inventory of the activities performed in the inner protection zone delimited for the water withdrawal site;

(d) the location, where applicable, within a radius of 30 m of a groundwater withdrawal site, of a device for the evacuation, reception or treatment of water referred to in the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);

(e) an economic impact assessment for the agricultural activities performed in the protection zones of the withdrawal site with respect to the constraints imposed by the Water Withdrawal and Protection Regulation (chapter Q-2 r. 35.2) and, where agricultural activities are affected, the means the applicant has taken or intends to take to minimize the impact on the operators concerned, such as the signing of a financial assistance agreement;

(9) where the application concerns a category 1 groundwater withdrawal, the information referred to in section 68 of the Water Withdrawal and Protection Regulation that is not already required by another provision;

(10) the total volume of all withdrawals made in the St. Lawrence river basin to supply the waterworks system covered by the application for authorization during the 10-year period preceding the application, along with the water consumption volumes connected to the withdrawals;

(11) in the case of a water withdrawal in the St. Lawrence river basin referred to in section 31.95 of the Act, any information or document allowing the Minister to ensure compliance with the provisions of that section.

**170.** In the case of a water withdrawal referred to in the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin (chapter Q 2, r. 5.1), the application for authorization must include the following supplemental information and documents:

(1) if the applicant is not a municipality:

(a) the name of the local municipality whose population will be served by the waterworks system supplied with the water whose transfer is planned;

(b) a copy of any agreement entered into with the municipality concerning the ownership or transfer of the waterworks system supplied by the water whose transfer is planned, or concerning the supply of the municipality's waterworks system;

(2) when the municipality that will serve the population, under the proposed transfer, with water transferred out of the St. Lawrence River Basin is not the applicant for authorization, the agreement entered into between the municipality and the applicant pertaining to obligations related to measures for the efficient use or preservation of water or pertaining to the return of the water in the Basin;

(3) when the proposed water transfer is covered by subparagraph *a* of subparagraph 1 of the first paragraph of section 31.91 of the Act, any information or document allowing the Minister to apply sections 31.91 and 31.92 of the Act;

(4) when the proposed transfer of water is covered by subparagraph *b* of subparagraph 1 of the first paragraph of section 31.91 of the Act, any information or document allowing the Minister to apply sections 31.91, 31.92 and 31.93 of the Act.

**171.** The hydrogeological study required for an application for authorization for a water withdrawal must include the following information and documents:

(1) a description of the hydrogeological context within a minimum radius of 1 km and in the entire influence zone of the water withdrawal, based in particular on the meteorology, topography, hydrography, hydrology, geology and hydrogeology of the site, and the maps and stratigraphic cross-sections needed to support the description;

(2) a pumping test and pumping test analysis;

(3) a location plan for the observation wells used and a diagram of their layout, including in particular the stratigraphic profile, the elements of well construction, and the static piezometric level;

(4) the reasons for the location and design of the observation wells;

(5) a calculation showing the anticipated piezometric reductions for the wells and wetlands present in the influence zone of the water withdrawal;

(6) a calculation showing the replenishment and hydrological balance of the aquifer;

(7) the hypotheses and equations used for the calculations;

(8) a conceptual model showing the behaviour of the groundwater in the target aquifer.

## §2. Period of validity of certain authorizations

**172.** Despite the first paragraph of section 31.81 of the Act, the period of validity of an authorization issued for the withdrawal of water for the operation of an aquaculture site on land is 15 years when, for each ton of annual production, the operation

(1) targets an annual discharge of phosphorous, in its effluents, of 4.2 kg or less; and

(2) withdraws a volume of water of 10,000 litres per hour or less.

Similarly, the period of validity of the first authorization issued for the withdrawal of water for sale or distribution as spring water or mineral water, or to be an ingredient identified as spring water or mineral water in the manufacture, conservation or treatment of food products within the meaning of the Food Products Act (chapter P-29), is 11 years.

## DIVISION III EXEMPTED ACTIVITIES

**173.** The following water withdrawals, and the related work and works, are exempted from authorization pursuant to this Chapter:

(1) water withdrawals using a ditch or drain, if the withdrawal is not intended to store water and the ditch or drain enables discharges into the receiving environment;

(2) water withdrawals using a naturally-fed irrigation pond, on the following conditions:

(a) the irrigation pond is man-made;

(b) the irrigation pond is no more than 6 m deep;

(c) the irrigation pond is more than 30 m from a watercourse, lake or wetland;

(d) the irrigation pond is more than 100 m from a withdrawal facility for groundwater used for human consumption that is not owned by the operator;

(e) the withdrawal is not made to flood land for harvesting purposes;

(f) the withdrawal is made outside the St. Lawrence River Basin or, if it is made within the basin, does not exceed an average volume of 379,000 litres per day;

(3) water withdrawals made using a permanent facility laid out for civil security purposes;



(4) temporary and non-recurring water withdrawals, made at one or more withdrawal sites;

(a) as part of exploration activities for mineral substances, unless made for the purpose of dewatering or keeping dry open pits, excavations or underground galleries;

(b) as part of civil engineering or contaminated site rehabilitation work, if they do not exceed 180 days;

(c) to analyze the performance of a groundwater withdrawal facility or establish the properties of an aquifer, if

i. the duration of the water withdrawal does not exceed 30 days; and

ii. the water withdrawal is made for the purposes of a test the implementation and interpretation of which are compliant with a scientific method recognized in the field of hydrogeology;

(d) to analyze the quality of water for human consumption, if the withdrawal does not exceed 200 days;

(5) temporary, non-recurring water withdrawals made using a coffer dam.

## CHAPTER II WATER MANAGEMENT

### DIVISION I GENERAL PROVISIONS

**174.** Unless otherwise provided for, for the purposes of this Chapter,

(1) the maintenance of a system or equipment concerns work to maintain its useful life and clean it, if no change is made to the initial function of the system or equipment;

(2) a modification includes the replacement of a pipe, device, apparatus or piece of equipment by another, or its relocation;

(3) section 32.3 of the Act does not apply to

(a) an application for authorization for the modification of a water management or treatment facility referred to in the Regulation respecting private waterworks and sewer services (chapter Q-2, r. 4.01);

(b) an application for authorization for the establishment, modification or extension of a water management or treatment facility that is not referred to in the Regulation respecting private waterworks and sewer services and is not operated by a municipality.

**175.** The owner of a site must give an engineer responsibility for supervising work to establish, modify or extend a waterworks system, sewer system or storm water management system.

The engineer must, within 60 days of the end of the work, file a report on the performance of the work, in particular to attest its compliance with the conditions set out in this Regulation and, where applicable, the conditions listed in the authorization issued for the work.

This section does not apply to

(1) section 184, for

(a) all activities, if the waterworks system concerned serves 20 persons or less;

(b) the addition or replacement of a pipe referred to in subparagraph 1 of the first paragraph if the mains serves 20 persons or less;

(2) the activities referred to in section 186 if the waterworks system concerned serves 20 persons or less;

(3) the activities referred to in sections 185 and 187;

(4) section 197, for the replacement of a pipe by another of the same diameter and for the installation or modification of a manhole in an existing sewer system;

(5) the activities referred to in sections 199 and 201;

(6) the activities referred to in subparagraph 5 of the first paragraph of section 224;

(7) section 225, with respect to the modification of a culvert, work in a ditch or the replacement of an existing pipe by a ditch or by another pipe of the same diameter, as well as the installation or modification of a manhole or catch basin in an existing storm water management system;

(8) the activities referred to in section 226;

(9) the establishment, extension or modification of a storm water management system on a high-risk site referred to in paragraph 4 of section 218.

For the purposes of section 11, the report produced by an engineer pursuant to the second paragraph must be kept by the operator of the system.

**176.** The operator of a temporary industrial camp housing 21 persons or more must, before the arrival of those persons, obtain an attestation from a professional engineer indicating that



(1) the siting of the apparatus or equipment used to treat the drinking water supply for the camp, or an increase in the capacity of the existing apparatus or equipment, will allow the requirements of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) to be met;

(2) the treatment and evacuation of wastewater and, where applicable, of process water from the apparatus or equipment used to treat drinking water, will not constitute a source of contamination.

When a temporary industrial camp is finally closed, the operator must also ensure that the apparatus or equipment used to treat and evacuate wastewater has been drained and removed or filled with materials appropriate to the environment.

The operator of a temporary industrial camp must provide the Minister, at the Minister's request, with the following information about the camp:

- (1) its geographical coordinates;
- (2) the maximum number of persons housed simultaneously at the camp;
- (3) the dates scheduled for the camp's occupation.

## DIVISION II WATER SUPPLY

### *§1. Establishment, modification or extension of waterworks systems*

#### *§§1. General provisions*

**177.** This Subdivision applies to any waterworks system to which subparagraph 3 of the first paragraph of section 22 of the Act applies.

**178.** The materials used as bedding and surround soil, and to backfill trenches for pipes carrying water for human consumption must be free of contaminants from human activity and of residual materials to

- (1) the infrastructure line if any infrastructure is present;
- (2) the soil surface in other cases.

Despite the first paragraph, category 1 granular residual materials within the meaning of the Regulation respecting the reclamation of residual materials (*insert here the reference to the Compilation of Québec Laws and Regulations*) that comprise only crushed stone may be used, but only to backfill trenches to the infrastructure line.

**179.** All products and materials used that come into contact with water intended for human consumption must have been cleaned and disinfected before their first use and

(1) must comply with the safety requirements in the BNQ Standard 3660-950 or NSF/ANSI Standard 61; or

(2) must, in the case of cast-in-place concrete, have been prepared in a plant certified compliant under BNQ Standard 2621-905.

#### *§§2. Activities requiring authorization*

**180.** In addition to the general content prescribed by section 16, every application for authorization concerning a waterworks system must include the following supplemental information and documents:

(1) the plans and specifications of the system, or of the extension to or modification of the system;

(2) the plan provided for in subparagraph 1 of the second paragraph of section 16, showing the location of the work concerned in relation to existing public roads and the lots served;

(3) a technical report signed by an engineer

(a) demonstrating the capacity to supply water to the persons served in sufficient quantities or, if that is not the case, demonstrating that the measures taken are sufficient to ensure a supply of water;

(b) in the case of a facility to produce water for human consumption, demonstrating compliance with the requirements of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40);

(4) for the work concerned, an attestation of compliance with the standard specification BNQ-1809-300 or, if the work is not compliant, the reason for departing from one or more of the provisions of the specification;

(5) a monitoring program for process water discharged into the environment;

(6) to replace, where applicable, the certificate from the clerk required by section 32.3 of the Act, a resolution from the municipality concerned showing that it undertakes to acquire the system or extension.

### §§3. *Activities eligible for a declaration of compliance*

**181.** The establishment and extension of any part of a waterworks system, excluding the parts used to treat water intended for human consumption, are eligible for a declaration of compliance on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the system or extension is owned by a municipality or in the process of being acquired by the municipality, or is operated by the government or by a government body.

**182.** The following modifications to a waterworks system are eligible for a declaration of compliance on the conditions set out in the second paragraph:

(1) the addition of a pumping, booster or rechlorination station, or a reservoir;

(2) the replacement of a reservoir by a reservoir of greater capacity.

The following conditions apply to the activities referred to in the first paragraph:

(1) the completion of the work does not result in a modification of the water treatment process or an increase in the treatment capacity of the waterworks system;

(2) the system is owned by a municipality or is in the process of being acquired by the municipality, or is operated by the government or by a government body.

**183.** In addition to the elements provided for in section 41, a declaration of compliance for an activity referred to in this Division must include the following supplemental information and documents:

(1) if the system or extension are not owned by a municipality, the number of the municipal resolution showing that it has undertaken to acquire the system or extension;

(2) a declaration from an engineer attesting that the conditions applicable to the activity pursuant to this Subdivision and, where applicable, the conditions provided for by regulation, have been complied with.

### §§4. *Exempted activities*

**184.** The following activities are exempted from authorization pursuant to this Subdivision, on the conditions set out in the second paragraph:

(1) the addition or replacement of a pipe or any other equipment intended to serve a single building, for 20 persons or less;

(2) the establishment, modification or extension of a waterworks system intended to serve 20 persons or less.

The following conditions apply to the activities referred to in the first paragraph:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) in the case of the activities referred to in subparagraph 2 of the first paragraph, the modification or extension does not result in an increase in the number of persons served to more than 20.

**185.** The establishment, modification and extension of a waterworks system in a temporary industrial camp are exempted from authorization pursuant to this Subdivision.

**186.** The following modifications to a waterworks system are exempted from authorization pursuant to this Subdivision on the conditions set out in the second paragraph:

(1) the replacement of a pipe or a pumping, booster or rechlorination station;

(2) the replacement of a reservoir by a reservoir of greater capacity;

(3) the addition or replacement of other equipment, device or accessory.

The following conditions apply to the activities referred to in the first paragraph:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the replacement or addition does not result in a modification of the water treatment process or an increase in the capacity of the waterworks system.

**187.** The following activities are exempted from authorization pursuant to this Subdivision:

(1) the establishment and modification of a treatment device in a building to correct a water quality problem resulting from the building or its connection to the waterworks system;

(2) the installation, modification, addition or replacement of pipes connecting a facility for withdrawing groundwater intended to be sold or distributed as spring water or mineral water or to be an ingredient identified as spring water or mineral water in the manufacture, conservation or treatment of food products within the meaning of the Food Products Act (chapter P-29);

(3) the installation, modification, addition or replacement of tanks used to store groundwater referred to in paragraph 2 or of devices in the bottling system.

**§2. Other apparatus and equipment for water treatment**

**188.** This Subdivision applies to any water treatment apparatus or equipment intended for water treatment to which subparagraph 3 of the first paragraph of section 22 of the Act applies that is not a waterworks system.

**189.** The installation, modification, replacement and operation of any apparatus or equipment to re-treat water from a waterworks system prior to its use in a production process are exempted from authorization pursuant to this Subdivision.

**DIVISION III  
WASTEWATER MANAGEMENT  
AND TREATMENT**

**§1. Establishment, modification or extension of sewer systems**

**§§1. General provision**

**190.** This Subdivision applies to sewer systems to which subparagraph 3 of the first paragraph of section 22 of the Act applies.

**§§2. Activities requiring authorization**

**191.** In addition to the general content prescribed by section 16, every application for authorization concerning a sewer system must include the following supplemental information and documents:

(1) the plans and specifications for the system, extension or modification concerned;

(2) the plan provided for in section 17, showing the location of the work concerned in relation to existing public roads and the lots served;

(3) a technical report signed by an engineer

(a) assessing wastewater loads and flows, including any supplementary wastewater planned;

(b) demonstrating that the treatment plant has the capacity to treat the wastewater loads and flows generated by the project on the basis of the receiving environment and uses;

(c) describing the effects of the project on the frequency of overflow events at each overflow located downstream from the connection point, and on the frequency of diversions at the treatment plant;

(d) demonstrating the impact on groundwater withdrawals made in the vicinity if the treatment involves the infiltration of water into the soil;

(4) when an overflow or pumping station is added or modified, its technical information sheet, the revised diagram of flows to the treatment plant and, where applicable, its pumping and calibration curves;

(5) the performance reports for any overflow modified or affected by the project and, when the project adds increased flow, the performance reports for the treatment plant for the 3 years preceding the year in which the application is submitted;

(6) for the work concerned, an attestation of compliance with the standard specification BNQ-1809-300 or, if the work is not compliant, the reason for departing from one or more of the provisions of the specification;

(7) to replace, where applicable, the certificate from the clerk required by section 32.3 of the Act, a resolution from the municipality concerned showing that it undertakes to acquire the system or extension;

(8) for a facility to treat domestic wastewater, a monitoring program to verify the ability of the facility to comply with the discharge standards applicable.

**§§3. Activities eligible for a declaration of compliance**

**192.** The extension of a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) or operated by the government or a government body is eligible for a declaration of compliance, on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the extension is used only to collect and transport wastewater;

(3) the completion of the work is not likely to cause an overflow or diversion of wastewater into the environment;

(4) no overflow or diversion works is added to the system;

(5) the system extension is designed to collect wastewater only, and not storm water;

(6) once the work is completed, the extension is not likely to cause an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, or in the frequency of diversions at the treatment plant or, if the work is likely to cause such an increase, it is carried out under a plan to manage overflow events and diversions adopted by the municipality concerned and filed with the Minister, which plan must, once carried out, have the effect of not increasing the frequency of overflow events or diversions, and must include, in particular,

(a) a delimitation of the sectors concerned;

(b) a list of the overflows and diversion works concerned;

(c) a work schedule covering a maximum period of five years after the date the plan is filed with the Minister;

(7) the extension is not likely to cause a failure to meet the discharge standards applicable to the treatment plant.

**193.** A modification to a treatment plant governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) is eligible for a declaration of compliance on the following conditions:

(1) the completion of the work is not likely to result in an overflow event or a diversion of wastewater into the environment;

(2) once the work is completed, the modification will not

(a) change the treatment capacity of the treatment plant;

(b) change the conditions, restrictions or prohibitions set out in the depollution attestation if the treatment plant is covered by a depollution attestation;

(3) no diversion works is added to the sewer system.

**194.** The laying out of a works to treat septic tank sludge on the site of a treatment plant covered by a depollution attestation is eligible for a declaration of compliance on the following conditions:

(1) the work is completed within the property line of the place where the treatment plant is situated and is not likely to result in an overflow event or a diversion of wastewater into the environment;

(2) the laying out of the works will not

(a) change the treatment capacity of the treatment plant;

(b) change the conditions, restrictions or prohibitions set out in the depollution attestation if the treatment plant is covered by a depollution attestation;

(3) the process water from the sludge dewatering process is treated by the treatment plant.

**195.** In addition to the elements provided for in section 41, a declaration of compliance for an activity governed by this Subdivision must include the following supplemental information and documents:

(1) where applicable, the title of the plan to manage overflow events and diversions of the municipality concerned and its reference number;

(2) a declaration from an engineer attesting that the conditions applicable to the activity pursuant to this Subdivision and, where applicable, the conditions provided for by regulation, have been complied with.

#### §§4. Exempted activities

**196.** The establishment, modification and extension of a sewer system in a temporary industrial camp are exempted from authorization pursuant to this Subdivision when the work is not likely to cause an overflow or diversion of wastewater into the environment.

**197.** The modification of a sewer system is exempted from authorization pursuant to this Subdivision on the following conditions:

(1) the modification does not involve a device for treating wastewater;

(2) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(3) once the work is completed, the modified system or extension is not likely to cause an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point or an increase in the frequency of diversions at the treatment plant.

For the purposes of this section, a modification includes, in addition to what is specified in section 174, the addition of any equipment, accessory or device to an existing sewer system and any repair made to a pumping station, overflow or retention basin.

**198.** The establishment and modification of sludge dewatering equipment at a treatment plant are exempted from authorization pursuant to this Subdivision on the following conditions:

(1) the work is carried out within the property line of the place where the treatment plant is situated and is not likely to cause a discharge of wastewater into the environment;

(2) the equipment or modification will not change the treatment capacity of the treatment plant;

(3) only sludge from the treatment plant is treated, and the process water from the sludge dewatering is treated at the treatment plant.

**199.** The addition and replacement of a mains and any other equipment serving a single building to the system are exempted from authorization pursuant to this Subdivision when the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned.

**200.** The extension of a sewer system covered by a depollution attestation is exempted from authorization pursuant to this Subdivision, on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the extension is used only to collect and transport wastewater;

(3) the completion of the work is not likely to result in an overflow event or a diversion of wastewater into the environment;

(4) no overflow is added to the system;

(5) the system extension collects only wastewater and does not collect storm water;

(6) once the work is completed, the extension is not likely to change the conditions, restrictions or prohibitions set out in the depollution attestation.

**201.** The establishment and modification of a waste water disposal and treatment device to serve a building or place subject to the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22) are exempted from authorization pursuant to this Subdivision, including the addition of an outlet to the littoral zone.

A modification includes, in addition to what is specified in section 174, an extension, renewal or repair.

For the purposes of this section, the provisions of Chapter I of Title IV of Part II on wetlands and bodies of water do not apply.

## *§2. Operation of sewer systems*

**202.** The operation of any sewer system that includes a treatment device, unless already covered by an authorization, requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act, unless the system is a municipal wastewater treatment works referred to in Division III.1 of Chapter IV of Title I of the Act and is not covered by the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22).

**203.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in section 202 must include a technical report signed by an engineer, showing that the device has the capacity to treat the wastewater flows and loads on the basis of the receiving environment and uses.

## *§3. Other apparatus and equipment for wastewater treatment*

### *§§1. General provision*

**204.** This Subdivision applies to apparatus and equipment intended to treat wastewater to which subparagraph 3 of the first paragraph of section 22 of the Act applies, other than a sewer system.

### *§§2. Activities requiring authorization*

**205.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Subdivision must include the following supplemental information and documents:

(1) the plans and specifications for the facilities concerned and their maintenance program;



(2) a technical report signed by an engineer assessing wastewater loads and flows, the ability of the facilities to treat the wastewater on the basis of the receiving environment and, if a discharge into a sewer system is involved, the effect of the project on the frequency of overflow events at each overflow located downstream from the connection point and the frequency of diversions at the treatment plant;

(3) when the wastewater is discharged into a sewer system, the performance reports for any overflows modified or affected by the project and the performance reports for the treatment plant for the 3 years preceding the year in which the application is submitted;

(4) a diagram of the process indicating all the treatment stages, the number of treatment units, the treatment capacity of each piece of equipment in the process and the total capacity of the treatment system.

### §§3. *Activities eligible for a declaration of compliance*

**206.** The modification of any apparatus or equipment intended to treat wastewater that is covered by an authorization and to which discharge standards apply is eligible for a declaration of compliance if the modification leads to a level of performance and efficiency at least equivalent to those obtained before the modification for the treatment of the contaminants present in the wastewater.

In addition to the elements provided for in section 41, the declaration of compliance must include a declaration from an engineer attesting that the modification to the apparatus or equipment allows the following objectives to be achieved:

(1) ongoing compliance with the standards of the Acts and the regulations under it, as well as with the conditions, restrictions and prohibitions set out in the operator's authorization;

(2) the equivalent or improved performance and efficiency of the apparatus or equipment, compared to those of the original apparatus or equipment.

Not later than 60 days from the modification of the apparatus or equipment, the applicant must file with the Minister an attestation from an engineer stating that the work was performed in accordance with the information and documents filed in the declaration of compliance or, if changes have occurred, that the modification to the apparatus or equipment allows the objectives referred to in subparagraphs 1 and 2 of the second paragraph to be achieved.

### §§4. *Exempted activities*

**207.** The installation and subsequent operation of an oil separator that discharges wastewater into the environment at a rate of less than 10 m<sup>3</sup> per day are exempted from authorization pursuant to this Subdivision on the following conditions:

(1) the separator is compliant with CAN/ULC S656 or at least an equivalent standard;

(2) the wastewater is discharged 100 m or more from a category 1 or 2 water withdrawal site or 30 m or more from a category 3 groundwater withdrawal site.

**208.** The wastewater discharged by an activity referred to in section 207 must have a petroleum hydrocarbons concentration (C10-C50) below or equal to 5 mg/l.

**209.** The installation and subsequent operation of apparatus or equipment intended to treat the discharge into the environment of a quantity of wastewater from a washing facility for road vehicles used for passenger transportation of less than 10 m<sup>3</sup> per day are exempted from authorization pursuant to this Subdivision on the following conditions:

(1) the water comes only from the operation of the facility and includes no domestic wastewater;

(2) the apparatus or equipment includes a sand remover or settling tank and an oil separator;

(3) the water is discharged 100 m or more from a category 1 or 2 water withdrawal site or 30 m or more from a category 3 groundwater withdrawal site.

**210.** The water discharged by a washing facility referred to in section 209 must

(1) have a petroleum hydrocarbons concentration (C<sub>10</sub>-C<sub>50</sub>) below or equal to 5 mg/l;

(2) form no visible surface foam at the discharge point.

The cleaning products used by a washing facility for road vehicles used for passenger transportation referred to in section 201

(1) must not contain octylphenols or nonylphenols and their derivatives;

(2) must have a phosphorous concentration of less than 2.2%.



**211.** The installation and subsequent operation a water cooling tower facility that discharges purge water into the environment are exempted from authorization pursuant to this Subdivision on the following conditions:

- (1) the wastewater does not infiltrate into the ground;
- (2) the total refrigerating capacity of the water cooling tower facility is equal to or less than 700 tons.

**212.** The purge water discharged by a facility referred to in section 211 must

- (1) have a pH between 6 and 9.5;
- (2) have a total chlorine residual concentration below or equal to 0.1 mg/l;
- (3) have a concentration of suspended matters below or equal to 50 mg/l;
- (4) have a total phosphorous concentration below or equal to 1 mg/l.

The maintenance products used by a facility referred to in section 211 must not contain non-oxidizing biocides.

**213.** The operation of mobile apparatus or equipment to dewater sludge from wastewater treatment is eligible for a declaration of compliance on the following conditions:

- (1) the operation is not likely
  - (a) to lead to a discharge of wastewater into the environment;
  - (b) to change the conditions, restrictions or prohibitions in any authorization issued for the treatment system or concerning the use of the apparatus or equipment;
- (2) the sludge comes only from the treatment system;
- (3) the sludge treated is not a hazardous material within the meaning of the Regulation respecting hazardous materials (chapter Q-2, r. 32);
- (4) the process water from the sludge dewatering process is directed towards a treatment system;
- (5) the sludge is managed in accordance with any authorization issued for the apparatus or equipment or connected with the use of the apparatus or equipment.

**214.** The following activities are exempted from authorization pursuant to this Subdivision:

- (1) the installation and subsequent operation of an oil separator located beneath electrical equipment put in place for fire protection purposes if it is designed, inspected and maintained by or at the request of Hydro-Québec;

- (2) the installation and subsequent operation of an oil separator from which wastewater is discharged into a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);

- (3) the installation and subsequent operation of an oil separator from which wastewater is discharged into a holding tank in compliance with Standard BNQ 3682-901 or the standard CSA-B66;

- (4) the installation and subsequent operation of any apparatus or equipment intended to treat water in a closed circuit that produces no discharge of water into the environment;

- (5) the installation and subsequent operation of a water cooling tower facility from which purge water is discharged into a sewer system governed by the Regulation respecting municipal wastewater treatment works;

- (6) the installation and subsequent operation of an apparatus or equipment intended to treat the discharge of wastewater from a facility to wash road vehicles used for passenger transportation into a sewer system governed by the Regulation respecting municipal wastewater treatment works;

- (7) the installation and subsequent operation of an apparatus or equipment intended to treat discharges of wastewater from an industrial process at a rate of less than 10 m<sup>3</sup> per day into a sewer system governed by the Regulation respecting municipal wastewater treatment works;

- (8) the installation and subsequent operation of an apparatus or equipment intended to treat water produced as part of an activity referred to in section 55 or in Title II of Part II that is eligible for a declaration of compliance or exempted from authorization, with the exception of activities connected to livestock raising sites and aquaculture sites;

- (9) the installation and operation of a system or device to treat water in a swimming pool or other artificial pool referred to in the Regulation respecting water quality in swimming pools and other artificial pools (chapter Q-2, r. 39).

#### §4. *Overflows or diversions of wastewater*

**215.** The following activities carried on over a total anticipated period of more than 24 hours require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

(1) a planned overflow or diversion of wastewater with a total anticipated volume of more than 10,000 m<sup>3</sup> in the inner or intermediate protection zone of a withdrawal facility;

(2) a planned overflow or diversion of wastewater with a total anticipated volume of more than 100,000 m<sup>3</sup> in any other place.

**216.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Subdivision must include the measures put in place to inform the public of any planned overflow or diversion of wastewater.

### DIVISION IV STORM WATER MANAGEMENT

#### §1. *General provisions*

**217.** This Division applies to storm water management systems referred to in subparagraph 3 of the first paragraph of section 22 of the Act.

**218.** Unless otherwise provided for, for the purposes of this Division,

(1) “culvert” does not mean a culvert laid out in a watercourse;

(2) “ditch” does not include a swale, a percolation trench or a grassed ditch;

(3) “grassed ditch” has the meaning given by the Code de conception d’un système de gestion des eaux pluviales admissible à une déclaration de conformité (*insert here the reference to the Compilation of Québec Laws and Regulations*);

(4) “high-risk site” means one of the following sites, when exposed to the elements:

- (a) a landfill site;
- (b) a site where industrial activities likely to contaminate storm water are carried on;
- (c) an outdoor bulk storage site;

(d) a where hazardous residual materials, chemical products or salts are loaded or unloaded;

(e) a site where activities to repair, refuel or clean heavy vehicles are carried on; or

(f) a site where vehicle recycling, long-term storage, crushing and shredding activities are carried on;

(5) “discharge point” means a place where wastewater or storm water is discharged into a wetland or body of water, but not a place where storm water is discharged into a ditch or sewer system;

(6) in addition to what is required by section 174, modifications to a storm water management system include

(a) work performed in a ditch, including the installation of a pipe, manhole, catch basin or culvert in a ditch;

(b) work performed on a retaining works;

(c) the addition of a pumping station;

(d) the addition, to an existing system, of equipment, an accessory, a device or a works to manage or treat storm water;

(e) the replacement of an existing pipe by a ditch;

(7) a watershed is delimited using the Base de données topographiques du Québec at a scale of 1:20 000;

(8) the area of forest cover is calculated using the most recent forest cover map in the ecoforest information system;

(9) the establishment and extension of a storm water management system discharging into Rivière des Mille-Îles are not exempted.

**219.** When a pipe for a storm water management system is established, modified or replaced, and when a pipe connected to a combined sewer system is replaced, the tests and criteria that apply to the pipe are those set out in section 11.3 of standard specification BNQ 1809-300.

#### §2. *Activities requiring authorization*

**220.** In addition to the general content prescribed by section 16, every application for authorization for a storm water management system that does not drain a high-risk site must include the following supplemental information and documents:

(1) the plans and specifications of the system, extension or modification concerned;

(2) the plan provided for in section 17, showing the location of the work concerned in relation to existing public roads and the lots served;

(3) a technical report signed by an engineer

(a) assessing the hydrological changes caused by the project and each project activity;

(b) demonstrating the monitoring and control measures that will be put in place to reduce the impact of the water discharged on water quality and the potential for erosion and flooding in the receiving environment;

(c) if the system discharges water to a combined sewer system, describing the effect of the project on the frequency of overflow events at each overflow located downstream from the connection point and the frequency of diversions at the treatment plant;

(4) for the work concerned, an attestation of compliance with the standard specification BNQ 1809-300 or, if the work is not compliant, the reason for departing from one or more of the provisions of the specification;

(5) the program for operating and maintaining the equipment used to treat water and control flows;

(6) to replace, where applicable, the certificate from the clerk required by section 32.3 of the Act, a resolution from the municipality concerned showing that it undertakes to acquire the system or extension.

### §3. Activities eligible for a declaration of compliance

**221.** The establishment and extension of a storm water management system that is part of a combined sewer system connected to a treatment plant governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) are eligible for a declaration of compliance on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) no overflow or diversion works is added to the combined sewer system;

(3) the completion of the work is not likely to cause the discharge of wastewater into the environment;

(4) if storm water is infiltrated into the soil, the bottom of the works used for infiltration is situated at least one metre above bedrock level and above the seasonal peak groundwater level established using the methods mentioned in the second paragraph of section 83 of the Code de conception d'un système de gestion des eaux pluviales admissible à une déclaration de conformité (*insert here the reference to the Compilation of Québec Laws and Regulations*);

(5) once the work is completed, the extension is not likely to cause an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, or in the frequency of diversions at the treatment plant or, if the work is likely to cause such an increase, it is carried out under a plan to manage overflow events and diversions adopted by the municipality concerned and filed with the Minister, which plan must, once carried out, have the effect of not increasing the frequency of overflow events or diversions and must include, in particular,

(a) a delimitation of the sectors concerned;

(b) a list of the overflows and diversion works concerned;

(c) a work schedule covering a maximum period of five years after the date the plan is filed with the Minister.

**222.** The establishment and extension of a storm water management system that does not depend on a combined sewer system are eligible for a declaration of compliance on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the storm water drained by the system or extension does not come from a high-risk site;

(3) if storm water is infiltrated into the soil, the bottom of the works used for infiltration is situated at least one metre above bedrock level and above the seasonal peak groundwater level established on the basis of the oxidation-reduction level observed;

(4) the water discharged cannot come into contact with a wetland via surface runoff;

(5) it is designed in compliance with the Code de conception d'un système de gestion des eaux pluviales admissible à une déclaration de conformité (*insert here the reference to the Compilation of Québec Laws and Regulations*);

(6) only storm water management works determined by the Code de conception d'un système de gestion des eaux pluviales admissible à une déclaration de conformité (*insert here the reference to the Compilation of Québec Laws and Regulations*) are used.

**223.** In addition to the elements provided for in section 41, a declaration of compliance for an activity referred to in this Division must include the following supplemental information and documents:

(1) where applicable, the title of the plan to manage overflow events and diversions of the municipality concerned and its reference number;

(2) a declaration from an engineer attesting that the conditions applicable to the activity pursuant to this Subdivision are met, along with the conditions applicable by regulation, if any.

#### §4. Exempted activities

**224.** The following activities are exempted from authorization pursuant to this Division on the conditions set out in the second paragraph:

(1) the establishment and extension of a storm water management system outside the urbanization perimeter of a municipality;

(2) the establishment and extension of a storm water management system when the watershed of the receiving environment established at the discharge point contains more than 65% forest cover by area, and less than 10% by area within the urbanization perimeter of a municipality;

(3) the establishment and extension of a storm water management system with a drained area, as calculated at the discharge point, equal to or less than 2 ha and an impermeable surface of no more than 1 ha;

(4) the establishment and extension of a storm water management system draining a single lot on which a single principal building is erected;

(5) the installation, modification and extension of a storm water management system as part of a project for a new road layout implemented by the minister responsible for the Act respecting roads (chapter V-9) when the addition of impermeable surfaces involves an area of less than 1 ha.

The following conditions apply to the activities referred to in the first paragraph:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the storm water management system does not feed into a sewer system;

(3) the storm water drained by the system or extension does not come from a high-risk site;

(4) if storm water is infiltrated into the soil, the bottom of the works used for infiltration is situated at least one metre above bedrock level and above the seasonal peak groundwater level established on the basis of the oxidation-reduction level observed;

(5) the wastewater does not come into contact with a wetland via surface runoff.

An activity referred to in subparagraph 2 of the first paragraph must also meet the conditions set out in subparagraph 4 of the first paragraph of section 225.

**225.** A modification to a storm water management system is exempted from authorization pursuant to this Division on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the completion of the work is not likely to cause the discharge of wastewater into the environment;

(3) if storm water is infiltrated into the soil, the bottom of the works used for infiltration is situated at least one metre above bedrock level and above the seasonal peak groundwater level established on the basis of the oxidation-reduction level observed;

(4) if the modification involves replacing a ditch by a pipe,

(a) the storm water is not diverted to another drainage basin;

(b) the watershed where the storm water is directed contains more than 65% forest cover by area, and less than 10% by area within the urbanization perimeter of a municipality;

(c) no discharge point is added to the system;

- (d) the discharge point is not located in a lake;
  - (e) the wastewater cannot come into contact with a wetland via surface runoff;
  - (f) the system does not feed into a combined sewer system;
- (5) if the modification concerns the replacement of a pipe in a system in the 10 final metres before the discharge point:
- (a) if the work is performed by the minister responsible for the respecting roads (chapter V-9), the area of the drained surface, as calculated at the discharge point, remains unchanged and no impermeable surface area is added to the drained surface;
  - (b) in other cases, the diameter of the replacement pipe is equal to or smaller than the initial pipe;
- (6) if the modification concerns a flow control device, the work does not reduce the storage volume of the storm water management works or increase its evacuation capacity.

The conditions provided for in the first paragraph do not apply to the modifications referred to in sections 224 and 226.

**226.** The following activities are exempted from authorization pursuant to this Division if the storm water management system does not feed into a sewer system:

- (1) the establishment, modification and extension of a storm water management system on a livestock raising site or spreading site, a maple syrup production site, or a fishing pond or aquaculture site;
- (2) the establishment, modification and extension of a storm water management system laid out on the site of an activity referred to in Title II of Part II that is eligible for a declaration of compliance or exempted from authorization;
- (3) the modification and extension of a storm water management system laid out on a site used to store and handle road salt and abrasives that is eligible for a declaration of compliance pursuant to section 293;
- (4) the addition or replacement of a pipe or any other equipment intended to connect a single building to a storm water management system.

### CHAPTER III

#### HAZARDOUS RESIDUAL MATERIALS AND BIOMEDICAL WASTE MANAGEMENT

##### DIVISION I

#### HAZARDOUS RESIDUAL MATERIALS

##### §1. General provision

**227.** This Division applies to hazardous residual materials governed by the Regulation respecting hazardous materials (chapter Q-2, r. 32).

##### §2. Activity referred to in section 70.8 of the Act

###### §§1. Application for authorization

**228.** The application for authorization for the possession of a hazardous residual material for a period of more than 24 months in accordance with the first paragraph of section 70.8 of the Act must be submitted to the Minister at least 90 days before possession of the hazardous residual material reaches the 24-month limit.

###### §§2. Exempted activities

**229.** Possession of a hazardous residual material for a period of more than 24 months when the material does not require the keeping of a register pursuant to section 104 of the Regulation respecting hazardous materials (chapter Q-2, r. 32) is exempted from an authorization pursuant to section 70.8 of the Act.

##### §3. Activities referred to in the first paragraph of section 70.9 of the Act

###### §§1. Activities requiring authorization

**230.** In addition to the activities referred to in subparagraphs 1 to 4 of the first paragraph of section 70.9 of the Act, the transportation of hazardous residual materials to a hazardous materials elimination site requires authorization pursuant to subparagraph 5 of that paragraph.

**231.** Section 70.14 of the Act does not apply to the following activities:

(1) the operation of a commercial treatment process to recycle or reuse hazardous residual materials referred to in paragraphs 3, 4 and 8 of section 4 of the Regulation respecting hazardous materials (chapter Q-2, r. 32);

(2) the operation of a commercial treatment to crush, sieve or sort solid hazardous residual materials, other than materials and objects containing PCBs or contaminated by PCBs, on the following conditions:



(a) the quantity of hazardous residual materials stored at the operating site is less than 100,000 kg;

(b) the hazardous residual materials are treated within 90 days of receipt;

(c) the hazardous residual materials treated are not destined for disposal or use for energy purposes;

(3) the transportation of hazardous residual materials to a hazardous materials elimination site.

**232.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in subparagraphs 1 to 4 of the first paragraph of section 70.9 of the Act must include the following supplemental information and documents:

(1) for the commercial operation of a treatment process for hazardous residual materials, a description program for the sampling and analysis of the materials resulting from the treatment process and the manner in which they will be managed;

(2) for the use hazardous residual materials for energy purposes, after possession has been taken of them for that purpose,

(a) in the case of used oil, a description of the monitoring programs that will be applied on receipt of the oil to ensure that it meets the quality standards provided for in the Regulation respecting hazardous materials (chapter Q-2, r. 32);

(b) in the case of hazardous residual materials other than used oil:

i. a description of the monitoring programs that will be applied on receipt of the hazardous residual materials to ensure that the materials delivered are the materials authorized and that they are compliant with the Regulation respecting hazardous materials;

ii. a schedule for the sampling and analysis of process ash, particles and liquids, as well as sludge, and the management method for each material.

**233.** In addition to the general content prescribed by section 16, every application for authorization for the operation of place where hazardous materials are finally disposed of pursuant to subparagraph 1 of the first paragraph of section 70.9 of the Act must include, in addition to what is provided for in the first paragraph of section 232, the supplemental information and documents referred to in the second paragraph of section 68 for a residual materials elimination facility, adapted as required.

**§§2. Activities eligible for a declaration of compliance**

**234.** The storage of hazardous residual materials, after possession has been taken of them for that purpose, is eligible for a declaration of compliance on the following conditions:

(1) the materials are stored to be reclaimed or disposed of in a place that can legally receive them;

(2) the hazardous materials do not result from a step in a manufacturing process or a purification process for air emissions, effluents or residues used in a sector referred to in Schedule 3 of the Regulation respecting hazardous materials (chapter Q-2, r. 32), or from the maintenance of those processes;

(3) the total quantity of hazardous materials stored is less than 40,000 kg;

(4) the hazardous materials do not contain PCBs and are not contaminated by PCBs, unless they consist of less than 100 kg of fluorescent lamp ballasts stored at one of the following sites:

(a) a collection site operated by or on behalf of a municipality;

(b) a place for the collection and storage of products referred to in the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1), where the products are managed exclusively for the purpose of a recovery and reclamation program under that Regulation.

**§§3. Exempted activities**

**235.** The storage of hazardous residual materials, after possession has been taken of them for that purpose, is exempted from authorization pursuant to this Subdivision on the following conditions:

(1) the materials are stored to be reclaimed or disposed of in a place that can legally receive them;

(2) the hazardous materials do not result from a step in a manufacturing process or a purification process for air emissions, effluents or residues used in a sector referred to in Schedule 3 of the Regulation respecting hazardous materials (chapter Q-2, r. 32), or from the maintenance of those processes;

(3) the hazardous materials do not contain PCBs and are not contaminated by PCBs;



(4) the total quantity of hazardous materials stored is less than

(a) 3,000 kg,

i. in the case of a storage site under the responsibility or operated on behalf of a municipality;

ii. in the case of a place for the collection and storage of products referred to in the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1), where the products are managed exclusively for the purpose of a recovery and reclamation program under that Regulation;

(b) 1,000 kg in the case of any other place.

## DIVISION II BIOMEDICAL WASTE

### §1. General provision

**236.** This Division applies to biomedical waste governed by the Regulation respecting biomedical waste (chapter Q-2, r. 12).

The terms used in this Division have the meaning given by that Regulation.

### §2. Activities requiring authorization

**237.** The management of biomedical waste requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

**238.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Subdivision must include the following supplemental information and documents:

(1) the plans and specifications for cleaning equipment for vehicles and containers used for biomedical waste;

(2) the area served by the facility;

(3) the quantity of biomedical waste covered by the application;

(4) the measures that will be taken if the capacity of the facility is reduced or if operations cease for longer than 4 days;

(5) where the application concerns a facility that treats biomedical waste by incineration, a declaration, signed by an engineer, attesting that the planned design and operation of the equipment comply with the Act and its regulations.

### §3. Activities eligible for a declaration of compliance

**239.** The following activities in connection with biomedical waste management are eligible for a declaration of compliance:

(1) the transportation of biomedical waste;

(2) the storage of biomedical waste off its generation site, except if the storage is exempted pursuant to paragraphs 4 and 6 of section 241.

**240.** In addition to the information provided for in section 41, a declaration of compliance for an activity referred to in section 239 must include the following supplemental information and documents:

(1) in a location plan, the location of the following areas:

(a) waste loading and unloading areas and areas for parking the vehicles used for those purposes;

(b) areas for cleaning vehicles and containers;

(c) waste storage areas;

(2) the plans and specifications for refrigeration equipment.

### §4. Exempted activities

**241.** The following activities connected with the management of biomedical waste are exempted from authorization pursuant to this Division:

(1) the transportation of a load of less than 5 kg of medical sharps or domestic sharps;

(2) the transportation of less than 100 kg of biomedical waste per month by the producer of the waste;

(3) the transportation of less than 100 kg of domestic sharps per month by an operator referred to in section 3.2 of the Regulation respecting biomedical waste (chapter Q-2, r. 12);

(4) the collection and storage of domestic sharps by an operator referred to in section 3.2 of the Regulation respecting biomedical waste (chapter Q-2, r. 12);

(5) the storage of biomedical waste on its generation site;

(6) the storage of biomedical waste at a public health and social services institution when the waste comes only from such institutions, at a rate of less than 100 kg per month per institution;

(7) the treatment of biomedical waste by disinfection in an autoclave, in the following cases:

(a) the biomedical waste is treated on its generation site;

(b) the biomedical waste is domestic sharps and is treated on a biomedical waste generation site;

(c) the biomedical waste is treated at a public health and social services institution when the waste comes only from such institutions, at a rate of less than 100 kg per month per institution.

## CHAPTER IV STORAGE, USE AND TREATMENT OF MATERIALS

### DIVISION I STORAGE AND TREATMENT OF RESIDUAL MATERIALS FOR RECLAMATION PURPOSES

#### §1. General provisions

**242.** For the purposes of this Division, when a type of surface referred to in one of the paragraphs below is required for the carrying on of an activity, a type of surface referred to in a paragraph following that paragraph can also be used:

- (1) a compacted surface;
- (2) a compacted granular surface;
- (3) a concrete-covered or bituminous concrete-covered surface;
- (4) a watertight surface.

**243.** The activities governed by this Division must, to be eligible for a declaration of compliance or exempted from authorization, meet the location standards applicable to them pursuant to the Regulation respecting the reclamation of residual materials (insert here the reference to the Compilation of Québec Laws and Regulations).

**244.** An activity declared in accordance with section 144 does not require authorization or a declaration of compliance pursuant to this Division.

#### §2. Activities requiring authorization

**245.** This Subdivision applies to activities requiring authorization pursuant to subparagraph 8 of the first paragraph of section 22 of the Act.

However, it does not apply to the storage of residual materials on the site where they are produced, if they are stored temporarily and for a purpose other than on-site reclamation.

**246.** In addition to the general content prescribed by section 16, every application for authorization for an activity involved in the establishment and operation of a residual materials reclamation facility, including any activity to store and treat residual materials for reclamation purposes, must include the following supplemental information and documents:

(1) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 500 m;

(2) the plans and specifications for the facilities concerned;

(3) when a weighing apparatus is present, the program for the use, maintenance and calibration of the apparatus in order to provide accurate data;

(4) if tires are stored, a fire prevention and emergency measures plan including the information and documents provided for in section 2 of the Regulation respecting used tire storage (chapter Q-2, r. 20).

**247.** In addition to the general content prescribed by section 16 and the specific content prescribed by section 246, every application for authorization for an activity connected to a putrescible organic materials reclamation facility, including any activity for the sorting, storing or treatment of such materials, must include the following supplemental information and documents:

(1) a hydrogeological study, except for the following facilities:

(a) a facility for storage only;

(b) a biomethanization facility on a spreading or raising site treating less than 25% of exogenous materials;

(c) a composting facility where the maximum volume maximal of putrescible materials present is less than 7,500 m<sup>3</sup> at all times;

(d) a composting or biomethanization facility at which all activities take place in airtight facilities;

(2) the plan required by subparagraph 1 of the second paragraph of section 16 showing the site and the surrounding environment within a radius of 500 m;

(3) level 2 air dispersion modelling for odours, performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), to determine the frequency and duration of episodes of odours perceptible in the vicinity, except for activities governed by the Agricultural Operations Regulation (chapter Q-2, r. 26) and for biomethanization facilities on a spreading or raising site treating less than 25% of exogenous materials;

(4) an odour management plan for putrescible residual materials to limit and monitor the emission of odours causing an odour nuisance beyond the boundaries of the site, except if the activity is governed by the Agricultural Operations Regulation.

Subparagraphs 1, 3 and 4 of the first paragraph do not apply to the spreading, in the forest, of aquaculture sludge and used fresh water from the cleaning of outdoor raising units or the cleaning of outdoor sedimentation units at an aquaculture or fishing pond site. Subparagraphs 3 and 4 of the first paragraph do not apply to the storage of aquaculture sludge and used fresh water from the cleaning of outdoor raising units or the cleaning of outdoor sedimentation units at an aquaculture or fishing pond site.

**248.** In addition to the general content prescribed by section 16 and the specific content prescribed by section 246, every application for authorization for an activity connected with a residual organic materials reclamation by composting facility must include the following supplemental information and documents:

(1) a technical composting report signed by an accredited professional, describing the steps in the composting process and the elements that demonstrate that aerobic conditions are maintained;

(2) a program for the sampling and quality analysis of the compost, specifying in particular the parameters analyzed and the analysis frequency.

**249.** In addition to the general content prescribed by section 16 and the specific content prescribed by section 246, every application for authorization for an activity connected with a residual organic materials reclamation by biomethanization facility must include the following supplemental information and documents:

(1) a diagram of processes at the facility;

(2) a technical report on the operations, describing the steps in the biomethanization process and the contingency measures, signed by an engineer;

(3) a monitoring and quality control program for digestates and biogases, specifying in particular the parameters analyzed and the analysis frequency.

**250.** In addition to the general content prescribed by section 16, every application for authorization for an activity connected to the storage and treatment by combustion of residual materials from a pulp and paper mill within the meaning of section 1 of the Regulation respecting pulp and paper mills (chapter Q-2, r. 27), on the site of the mill or the site of a treatment plant for process water other than a municipal plant, must include the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 1 km.

**251.** In addition to the general content prescribed by section 16, every application for authorization for an activity connected with a facility to reclaim out-of-service vehicles, including vehicle recycling, storage, crushing and shredding activities, or to reclaim refrigeration and air conditioning units within the meaning of the Regulation respecting halocarbons (chapter Q-2, r. 29), must include the following supplemental information and documents:

(1) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 1 km;

(2) in the case of an enterprise storing shredding residue and metals, a hydrogeological study;

(3) a plan showing the longitudinal and cross sections of the pile of stored materials generated by a crushing and shredding facility, at its point of maximum height;

(4) in the case of an enterprise storing metal shredding residue, a groundwater monitoring program.

### **§3.** *Activities eligible for a declaration of compliance*

#### **§§1.** *Raising sites, spreading sites, fishing pond sites and aquaculture sites*

**252.** The construction, laying out, modification and operation, on a raising site, of a composting facility for animals that die on-site with a maximum capacity equal to or less than 150 m<sup>3</sup>, and the storage and spreading of the compost produced on a raising site or spreading site, are eligible for a declaration of compliance on the following conditions:

(1) the declarant holds a dismembering plant permit in the “composting” category referred to in the Regulation respecting food (chapter P-29, r. 1);

(2) the construction, laying out or modification of the composting facility is completed in accordance with the plans and specifications;

(3) the composting treatment is carried out in accordance with a technical report signed by an agronomist or engineer that includes the following information in particular:

(a) a description of the composting process that ensures the maturity of the compost produced;

(b) a plan for mitigation measures to deal with the expected environmental impacts;

(c) a protocol for operations monitoring, compost quality control and environmental monitoring;

(4) the materials admitted to the facility are

(a) the carcasses or parts of dead animals that meet the following conditions:

- i. the animals are poultry, pigs, goats or sheep;
- ii. the animals come from a raising site operated by the declarant;
- iii. the animals die from natural causes or following an accident, or are slaughtered because of age or disease;

(b) livestock waste from a raising site operated by the declarant;

(c) plant waste and organic waste resulting from the cultivation of plants by the declarant;

(d) bark, sawdust, and wood shavings and chips;

(5) the materials admitted to the facility must not contain

(a) invasive exotic plant species;

(b) varnished, painted, stained, treated or engineered wood, or wood contained in oriented strand board, plywood or particle board;

(c) wood from a sorting facility for construction and demolition materials;

(6) the dryness of the materials being composted and of the compost produced is equal to or greater than 25%;

(7) contaminated water from the materials to be or being composted and the compost produced does not come into contact with surface water or groundwater;

(8) water runoff does not come into contact with the materials to be or being composted or the compost produced;

(9) the composting area meets the following conditions:

(a) it is laid out on a watertight surface;

(b) its watertightness has been confirmed in a technical report by an engineer within the previous 5 years;

(10) the composting facility is protected from the elements;

(11) the compost produced is stored

(a) on a watertight surface; or

(b) in piles on parcels of land under cultivation, each pile being located 100 m or more from an existing pile or the site of a pile removed less than 12 months previously;

(12) the compost produced is completely removed and reclaimed by being spread on parcels of land under cultivation within 12 months from the end of the treatment or within 12 months from being stored in piles on parcels of land under cultivation, whichever is sooner;

(13) the composting and storage activities are carried on

(a) 60 m or more from a watercourse or lake and 30 m or more from a wetland;

(b) outside the floodplain;

(c) for compost stored on a watertight surface, 100 m or more from a category 1, 2 or 3 groundwater withdrawal site, except in the case of a water withdrawal site connected to the activity.

For the purposes of this section, the maximum capacity of the facility includes the carcasses or parts of dead animals to be composted, the materials being composted and the compost produced.

**253.** In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 252 must include a declaration from an engineer and, where applicable, from an agronomist attesting that the project complies with that section and

with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

The declarant must send the Minister an attestation from an engineer and, where applicable, from an agronomist that the activity is carried on in accordance with the first paragraph:

(1) within 60 days from the construction, laying out or modification of composting facility;

(2) within 12 months after operations at the composting facility begin.

**254.** The declarant of an activity referred to in section 252 must measure the internal temperature of the materials being composted in the facility at intervals of no more than 72 hours.

**255.** Activities to spread the following materials in the forest are eligible for a declaration of compliance on the conditions set out in the second paragraph:

(1) waste freshwater from the cleaning of outdoor raising units or the cleaning of outdoor sedimentation units at an aquaculture site with an annual production of less than 50 tons of fish or a fishing pond site;

(2) sludge from a freshwater aquaculture site with an annual production of less than 50 tons of fish or a fishing pond site.

The following conditions apply to the activities referred to in the first paragraph:

(1) the sludge may contain

(a) natural limestone certified compliant with the BNQ 0419-070 standard;

(b) a calcium or magnesium amendment certified compliant with the BNQ 0419-090 standard that may be used for that purpose;

(2) the spreading is carried out on land with a slope of less than 5%;

(3) the spreading is carried out on soil that is not frozen and is not snow-covered, between May 1 and October 1;

(4) the spreading is carried out at a distance of

(a) 1 m or more from a ditch including, if there is an embankment, a distance of at least 1 m from the top of the embankment;

(b) 3 m or more from a wetland, 15 m or more from the littoral zone and a minimum distance from a riverbank or lakeshore that is more than the distance determined by a municipal by-law, if applicable;

(c) 75 m or more from a dwelling or public institution that is not owned by the owner of the aquaculture site, fishing pond site or spreading site;

(5) the spreading is carried out in a way that ensures that the sludge and wastewater does not come into contact with surface water or groundwater;

(6) with the exception of sludge and water from a non-commercial fishing pond site, the spreading is described in a forest spreading plan, signed by a forest engineer and including the following information:

(a) the source and recovery method for sludge and wastewater from aquaculture and, where applicable, the amendments added;

(b) the contact information for the fishing pond site or aquaculture site covered by the application;

(c) the cadastral designation for the lots and the boundaries of the spreading site where the activity will be carried on and its geographical coordinates;

(d) the silvicultural prescriptions for the spreading of the fertilizing elements contained in the sludge or wastewater from aquaculture, the spreading method, the spreading period and the type of forest environment;

(e) the interannual plan for the rotation of spreading areas, if applicable;

(f) a scale plan of the site showing a radius of 100 m around the spreading activity, and in particular the distances from the elements mentioned in paragraph 4, where applicable.

**256.** In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 255 must include a declaration from a forest engineer attesting that the project is compliant with the conditions set out in that section and in the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

Despite the first paragraph, in the case of an activity connected with a non-commercial fishing pond, a declaration from an engineer is not required.

**257.** Activities to spread the following materials on a raising site or spreading site are eligible for a declaration of compliance on the conditions set out in the second paragraph:



(1) waste freshwater from the cleaning of outdoor raising units or the cleaning of outdoor sedimentation units at an aquaculture site for fish or a fishing pond site;

(2) sludge from an aquaculture site for fish raised in freshwater or a fishing pond site.

The following conditions apply to the activities referred to in the first paragraph:

(1) the sludge may contain

(a) natural limestone certified compliant with the BNQ 0419 070 standard;

(b) a calcium or magnesium amendment certified compliant with the BNQ 0419-090 standard that may be used for that purpose;

(2) the spreading must be carried out 75 m or more from a dwelling or public institution that is not owned by the owner of the aquaculture site, fishing pond site or spreading site.

**258.** In addition to what is provided for in paragraphs 1, 2 and 6 of section 41, the declaration of compliance for an activity referred to in section 257 must include the following information:

(1) the information needed to identify the operator of the raising site or spreading site where the sludge or wastewater from aquaculture is spread;

(2) when the spreading is carried out at a place other than a place referred to in an agro-environmental fertilization plan established pursuant to section 22 of the Agricultural Operations Regulation (chapter Q-2, r. 26), the area available for spreading on the parcels of land under cultivation, in hectares.

**§§2.** *Crushing, sieving and storage of granular residual materials*

**259.** Activities to crush, sieve and store stone, residue from the dimension stone sector, bricks, concrete or bituminous concrete for reclamation purposes are eligible for a declaration of compliance on the following conditions:

(1) the total volume of such materials on the site is equal to or less than 1,000 m<sup>3</sup> at all times;

(2) the total volume of uncrushed and unsieved materials on site, other than crushed stone and residue from the dimension stone sector with a diameter of less than 300 mm, is equal to or less than 300 m<sup>3</sup> at all times;

(3) the materials fall into one of the 4 categories provided for in section 18 of the Regulation respecting the reclamation of residual materials (*insert here the reference to the Compilation of Québec Laws and Regulations*) or, if they have not been categorized, contain no asbestos and do not come from a site where the following activities are carried on:

(a) the activities referred to in Schedule 3 of the Regulation respecting hazardous materials (chapter Q-2, r. 32), with the exception of transportation activities for which the economic activity code is 4591;

(b) the activities referred to in Schedule III of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);

(c) activities to repair, maintain and recycle road vehicles;

(d) activities to recycle treated wood;

(e) activities to rehabilitate contaminated land;

(4) the storage areas are on a compacted surface and laid out in a way that prevents water accumulation.

**260.** An activity referred to in section 259 must be carried on in accordance with the following conditions:

(1) wastewater that has been in contact with the materials stored on the site and that is discharged into the environment or a municipal sewer must have

(a) a pH between 6 and 9.5;

(b) a suspended matter concentration below or equal to 50 mg/l;

(c) a petroleum hydrocarbons concentration (C<sub>10</sub>-C<sub>50</sub>) below or equal to 2 mg/l;

(2) the materials stored on the site:

(a) are stored separately by type of material, with the exception of a mixture of granular residual materials for a reclamation project authorized pursuant to section 22 of the Act or carried on in accordance with section 284 of this Regulation;

(b) are protected from the elements or placed in a way that prevents the accumulation and infiltration of water.



**§§3.** *Residual materials transfer stations and sorting stations*

**261.** The establishment and operation of a residual materials transfer station for transfers to a sorting centre or reclamation site are eligible for a declaration of compliance, on the following conditions:

(1) the capacity of the station is less than 200 tonnes per week and the total volume of such materials on the site is less than 300 m<sup>3</sup> at all times;

(2) only the following materials generated in Québec are admitted to the station:

(a) the residual materials referred to in section 2 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10);

(b) residual materials from construction or demolition work, except materials containing asbestos;

(c) street-cleaning residues;

(d) if the capacity of the station is less than 30 tonnes per week and the total volume of such materials on the site is less than 100 m<sup>3</sup> at all time, organic materials sorted at source;

(3) the areas of the transfer station are

(a) laid out on a concrete-covered or bituminous concrete-covered surface;

(b) when exposed to the elements, equipped with a system to collect leachates that are discharged to a municipal wastewater treatment works or treatment facility authorized pursuant to subparagraph 3 of the first paragraph of section 22 of the Act;

(4) the areas where activities to transfer residual materials referred to in subparagraph *a* of paragraph 2 are carried on are protected from the elements, or the materials are transferred in containers that are closed or covered by an impermeable canvas;

(5) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified.

**262.** An activity referred to in section 261 must be carried on in accordance with the following conditions:

(1) no sorting or treatment of materials is carried out on-site;

(2) at least once every 12 months, the declarant inspects the concrete-covered and bituminous concrete-covered surfaces to detect and repair breakages and cracks.

**263.** The establishment and operation of a sorting station for residual materials from construction and demolition work are eligible for a declaration of compliance on the following conditions:

(1) the total volume of materials on the lot is equal to or less than 300 m<sup>3</sup> at all times;

(2) the declarant does not operate another similar station on the same lot, or within a radius of 500 m;

(3) the residual materials admitted to the station are generated solely in Québec and do not contain

(a) household waste;

(b) residual materials from an industrial process;

(c) residual materials containing or contaminated by PCBs;

(d) asbestos;

(e) radioactive waste;

(f) explosives;

(g) plants;

(h) treated wood unless resulting from household work;

(i) materials in a liquid state at 20 °C;

(j) materials that cannot be identified because of burning, crushing, shredding or another similar treatment;

(k) hazardous materials;

(l) contaminated soil;

(4) the areas of the sorting station are

(a) laid out on a concrete-covered or bituminous concrete-covered surface;

(b) equipped with a system to collect water that has come into contact with the residual materials, which is discharged to a municipal wastewater treatment works or treatment facility authorized pursuant to subparagraph 3 of the first paragraph of section 22 of the Act;

(5) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified.

**264.** An activity referred to in section 263 must be carried on in accordance with the following conditions:

- (1) the sorting activities do not involve water;
- (2) the treatment of the residuals materials is authorized pursuant to section 22 of the Act and carried on in accordance with this Regulation;
- (3) sorted materials and materials rejected after sorting are stored separately;
- (4) asphalt shingles, roofing gravel, gypsum board or the materials that result from their treatment, treated wood and materials rejected after sorting are stored in a way that protects them from the elements and in containers that are closed or covered with impermeable canvas fixed in such a way as to prevent any infiltration;
- (5) at least once every 12 months, the declarant inspects concrete-covered and bituminous concrete-covered surfaces to detect and repair breakages and cracks;
- (6) materials dispatched for reclamation or elimination are sent to a recipient that can legally receive them.

#### §§4. Composting

**265.** Composting and the reclamation of the compost produced in closed thermophilic equipment are eligible for a declaration of compliance on the following conditions:

- (1) the equipment has a volume equal to or less than 50 m<sup>3</sup>;
- (2) the declarant does not operate other similar equipment on the same lot, or within a radius of 500 m;
- (3) the composting activity is not carried on in a body of water;
- (4) the thermophilic equipment is operated
  - (a) by the person who generates the input, other than structuring materials;
  - (b) by a municipality, for waste produced by its citizens;
  - (c) by the owner, for waste produced on the property;

(5) the input placed in the thermophilic equipment is organic and does not contain

- (a) materials in a liquid state at 20 °C;
- (b) human faeces or urine, bathroom tissue or livestock waste;
- (c) uncomposted manure;
- (d) slaughterhouse waste;
- (e) animal carcasses or inedible meat within the meaning of the Regulation respecting food (chapter P-29, r. 1), and any other materials that may have been contaminated by them;
- (f) varnished, painted, stained, treated or engineered wood, or wood contained in oriented strand board, plywood or particle board, and any wood from a sorting station for construction or demolition materials;
- (g) invasive exotic terrestrial plant species;
- (6) the thermophilic equipment must be designed to meet the following conditions:

- (a) it does not generate leachate that must be managed outside the equipment;
- (b) it allows the aerobic conditions to be monitored and maintained at all times;
- (c) it is equipped with a dispersion, confinement or filtration device to limit odours;
- (d) it is equipped with a covered system for unloading compost;
- (e) it allows the temperature of the composting process to be maintained at or above 55 °C for 3 days;
- (7) when the thermophilic equipment is set up outdoors, the activities are carried on
  - (a) if no inputs are stored on-site, at least 10 m from any dwelling or public institution, other than a dwelling owned by or rented to the owner or operator of the equipment;
  - (b) if inputs are stored on-site, at least 50 m from any dwelling or public institution, other than a dwelling owned by or rented to the owner or operator of the equipment;
- (8) the containers used to store the inputs are
  - (a) collection bins for organic waste; or

(b) any other type of closed container that does not allow leachate to escape;

(9) the compost produced is used exclusively for purposes other than human consumption.

**266.** Any activity referred to in section 265 must be carried on in accordance with the following conditions:

(1) it is governed by a composting schedule prepared by an agronomist or engineer that ensures compliance with the requirements on leachates, odours and temperature set out in paragraph 6 of this section;

(2) when the inputs are collected by the operator, they are not stored for more than 18 hours before being placed in the thermophilic equipment;

(3) the composting and maturation temperature is monitored daily to ensure that a hygienized and mature compost is achieved;

(4) quality control on the compost must be performed by an accredited laboratory two times per year and analyze salmonella and the maturity criterion defined in the CAN/BNQ 0413-200 standard. If the monitoring shows that the compost contains salmonella or is not mature,

(a) the compost must be sent to an elimination or treatment site that can legally receive it;

(b) the operator must make the necessary adjustments to correct the situation.

**267.** In addition to what is required by section 41, the declarant must confirm in the declaration of compliance that the activity referred to in section 265 will be carried on in accordance with the conditions set out in the composting schedule referred to in paragraph 1 of section 266.

#### §§5. *Ecocentres*

**268.** The establishment and operation of an eco-centre is eligible for a declaration of compliance on the following conditions:

(1) the quantity of each type of material stored on the lot is equal to or less than 100 m<sup>3</sup>, or 60 m<sup>3</sup> of leaves stored in bulk, at all times;

(2) the operator does not carry on the same activity within a radius of 500 m;

(3) the stored materials do not contain

(a) organic materials, with the exception of wood, cardboard, paper and leaves stored in bulk;

(b) invasive exotic plant species;

(c) residues containing asbestos;

(c) treated wood from industrial work or work on linear or rail infrastructures;

(d) materials in a liquid state at 20 °C;

(4) each type of material is stored

(a) separately in containers; or

(b) on a concrete-covered or bituminous concrete-covered surface, laid out in a way that prevents water accumulation and is delimited by a low wall, and on which the height of materials on the ground does not exceed 3 m;

(5) the materials stored are protected from the elements:

(a) materials ready for re-use from a household source, such as clothing, electrical appliances, electric or electronic devices, kitchen articles, furniture, toys, books and sports equipment;

(b) paper and cardboard;

(c) textiles;

(6) the materials are sorted at source by the persons who generated them;

(7) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified;

(8) non-admissible materials can be stored in containers representing a total volume of not more than 30 m<sup>3</sup>.

#### §§6. *Street-cleaning residue*

**269.** The storage and treatment of street-cleaning residue for reclamation purposes are eligible for a declaration of compliance on the following conditions:

(1) the residue comes from spring-time cleaning operations along the sides of streets and roads in a municipality of less than 5,000 inhabitants;

(2) the residue consists of sand and abrasives, and the treatment of the residue is intended to remove contaminants and impurities;

(3) following the treatment, the residue is reused as a winter abrasive or reclaimed for the purpose of an authorized activity;

(4) the total volume of the materials stored on the site is at all times equal to or less than 300 m<sup>3</sup>;

(5) the storage and treatment areas are

(a) laid out on a watertight surface;

(b) equipped with a system to collect storm water that is discharged into the environment or towards a storm water management system;

(c) equipped with a system to collect water that has come into contact with the street-cleaning residue and discharge it into the environment or towards a system to collect leachates that are discharged towards a municipal wastewater treatment works or towards a water treatment system authorized pursuant to subparagraph 3 of the first paragraph of section 22 of the Act.

**270.** Any activity referred to in section 269 must be carried on in accordance with the following conditions:

(1) water that has been in contact with the residue and that is discharged into the environment has, at all times,

(a) a pH between 6 and 9.5;

(b) a suspended matter concentration below or equal to 50 mg/l;

(c) total sulphides below or equal to 1 mg/l;

(d) a petroleum hydrocarbons concentration (C<sub>10</sub>-C<sub>50</sub>) below or equal to 2 mg/l;

(e) a 5-day carbonaceous biochemical oxygen demand (BOD<sub>5</sub>) below or equal to 50 mg/l;

(2) spot sampling is carried out 2 times per year when a discharge into the environment occurs;

(3) at least once every 12 months, the declarant inspects watertight surfaces to detect and repair breakages and cracks.

#### §4. Exempted activities

##### §§1. Raising sites and spreading sites

**271.** The storage of solid manure heaped in a cultivated field forming part of a spreading site, for reclamation by spreading, is exempted from authorization.

**272.** The storage, for reclamation by spreading, of the following materials on a raising site with an annual phosphorous (P<sub>2</sub>O<sub>5</sub>) production below 4,200 kg, is exempted from authorization pursuant to this Division:

(1) livestock waste accumulated in a yard;

(2) solid manure heaped in a cultivated field.

For the purposes of this section, annual phosphorous (P<sub>2</sub>O<sub>5</sub>) production must be determined in accordance with section 50.01 of the Agricultural Operations Regulation (chapter Q-2, r. 26).

**273.** The storage of solid manure heaped close to the livestock raising building where it originates, for reclamation by spreading, on a raising site with an annual phosphorous (P<sub>2</sub>O<sub>5</sub>) production below 4,200 kg, is exempted from authorization pursuant to this Division if all the buildings on the raising site have an annual phosphorous (P<sub>2</sub>O<sub>5</sub>) production resulting from solid manure management equal to or below 1,600 kg.

For the purposes of this section, annual phosphorous (P<sub>2</sub>O<sub>5</sub>) production must be determined in accordance with section 50.01 of the Agricultural Operations Regulation (chapter Q-2, r. 26).

**274.** Activities to spread one or more of the following materials on a cultivated parcel are exempted from authorization pursuant to this Division:

(1) livestock waste;

(2) wastewater from a farm dairy;

(3) compost produced on a raising site or spreading site to the extent provided in section 279;

(4) organic agricultural residue resulting solely from the cultivation of plants by the operator on a raising site or spreading site.

**275.** The following activities are exempted from authorization pursuant to this Division on the conditions set out in the second paragraph:

(1) the storage for reclamation by spreading, on a cultivated parcel, of organic agricultural residue resulting solely from the cultivation of plants by the operator of a raising site and spreading site;

(2) the storage on a raising site, for reclamation through re-use as animal feed, of organic waste from the agri-food industry or organic agricultural residue resulting solely from the cultivation of plants by the operator of a raising site or spreading site.

The following conditions apply to the activities referred to in the first paragraph:

(1) contaminated water from the materials stored does not come into contact with surface water or groundwater;

(2) water runoff does not come into contact with the stored materials;

(3) storage and spreading activities take place 100 m or more from a category 1, 2 or 3 groundwater withdrawal site, except in the case of a water withdrawal site connected to the activity;

(4) when materials are stored outside on a cultivated parcel,

(a) the total volume of residue on the raising site or spreading site is at all times equal to or less than 150 m<sup>3</sup>;

(b) the piles of residue on cultivated parcels are

i. laid out in a stable manner with an angle of repose above 30°;

ii. spread or used before winter;

iii. located 100 m or more from an existing pile or the site of a pile removed less than 12 months previously;

iv. when intended for reclamation by spreading, they are used to fertilize the cultivated parcel on which they are located or an adjacent parcel during the growing season when they were first constituted;

(5) when stored outdoors but not on a cultivated parcel,

(a) the total volume of residue on the operator's site is at all time below or equal to 50 m<sup>3</sup>;

(b) the residue is stored on a compacted surface;

(6) when stored indoors, the residue is on a watertight surface.

### §§2. *Treatment stations for dead leaves*

**276.** The installation and operation of a sorting and treatment station solely for dead leaves are exempted from authorization pursuant to this Division on the following conditions:

(1) the total volume of such materials on the site is equal to or less than 300 m<sup>3</sup> at all times;

(2) the activity is carried on 200 m or more from any dwelling or public institution;

(3) the receiving and treatment areas are on a compacted granular surface and laid out in a way that prevents water accumulation;

(4) the storage area is laid out on a concrete-covered or bituminous concrete-covered surface;

(5) the materials are treated within 18 hours of being received;

(6) the materials rejected during the treatment are stored in a single container.

### §§3. *Storage and conditioning of non-contaminated wood*

**277.** The storage and conditioning of non-contaminated wood are exempted from authorization pursuant to this Division on the following conditions:

(1) the total volume of wood on the site is at all times equal to or less than 300 m<sup>3</sup>;

(2) the wood stored and conditioned includes no varnished, painted, stained, treated or engineered wood, or wood from oriented strand board, plywood or particle board;

(3) the storage and conditioning areas are laid out on a concrete-covered or bituminous concrete-covered surface and in a way that prevents water accumulation;

(4) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified;

(5) bark and wood shavings or chips are protected from the elements or stored in containers that are closed or covered by an impermeable canvas;

(6) the conditioning activities do not rely on water;

(7) the conditioning area is cleaned after use each day, without the use of water.

The declarant of an activity referred to in the first paragraph must, at least once every 12 months, inspect the concrete-covered and bituminous concrete-covered surfaces to detect and repair breakages and cracks.

### §§4. *Composting and compost*

**278.** The composting of domestic residual materials of a volume of less than 4 m<sup>3</sup> at all times is exempted from authorization pursuant to this Division when the compost produced is used for domestic purposes by the person who generated the residual materials.

**279.** The composting of residual materials is exempted from authorization pursuant to this Division when the compost produced is used by the operator, on the following conditions:

- (1) the inputs other than the structuring material are generated by the operator;
- (2) the total volume of materials on the lot is less than 500 m<sup>3</sup> at all times in the case of a raising site or spreading site and 150 m<sup>3</sup> in other cases;
- (3) the operator does not carry on the same activity within a radius of 500 m;
- (4) the activities are carried on 75 m or more from any dwelling or public institution, other than a dwelling owned by or rented to the owner or operator;
- (5) the inputs consist of vegetable matter only and comprise
  - (a) green residue, namely bark, leaves, grass clippings, shrub clippings, organic materials from plant cultivation, wood shavings, wood chips, sawdust and macrophytes;
  - (b) food residue that meets the following conditions:
    - i. it comes from the preparation or distribution of food and drinks;
    - ii. it is generated by a sector other than the residential sector;
    - iii. it is sorted on the site where it is generated and collected in bulk;
- (6) the plant matter does not contain:
  - (a) human faeces or urine, or bathroom tissue;
  - (b) livestock waste;
  - (c) animal carcasses and other animal matter;
  - (d) varnished, painted, stained, treated or engineered wood, or wood contained in oriented strand board, plywood or particle board, and any wood from a sorting station for construction or demolition materials;
  - (e) invasive exotic terrestrial plant species;
- (7) the dryness of the composting pile is equal to or greater than 30%.

Despite the first paragraph, livestock waste may be added to plant matter when the activity is carried on on a raising site or spreading site.

#### §§5. *Ecocentres*

**280.** The establishment and operation of an ecocentre are exempted from authorization pursuant to this Division on the following conditions:

- (1) the total volume of materials on the lot is less than 100 m<sup>3</sup>;
- (2) the operator does not carry on the same activity within a radius of 500 m;
- (3) the materials are sorted at source;
- (4) the materials do not contain
  - (a) organic materials, with the exception of wood, cardboard, paper and leaves stored in bulk;
  - (b) invasive exotic plant species;
  - (c) asbestos;
  - (d) treated wood from industrial work or work on linear or rail infrastructures;
  - (e) materials in a liquid state at 20 °C;
- (5) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified.

#### §§6. *Separate collection sorting stations*

**281.** The establishment and operation of a separate collection sorting station are exempted from authorization pursuant to this Division on the following conditions:

- (1) the materials admitted to the station are those referred to in section 2 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10);
- (2) the sorting activities are carried on inside a closed building;
- (3) the receiving area for materials is protected from the elements and laid out on a watertight surface;
- (4) the storage area for sorted materials is laid out on a concrete-covered or bituminous concrete-covered surface and, if the sorted materials are paper, cardboard or textiles, the storage area is protected from the elements;



(5) cleaning activities can only be carried on if the wastewater is discharged into a municipal sewer system;

(6) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified.

#### §§7. *Storage and reclamation of granular residual materials*

**282.** The storage of granular residual materials for reclamation is exempted from authorization pursuant to this Division on the following conditions:

(1) the total volume of materials stored on the lot is equal to or less than 300 m<sup>3</sup> at all times;

(2) the operator does not carry on the same activity within a radius of 500 m;

(3) the materials contain no asbestos;

(4) without exceeding the volume specified in paragraph 1, where the volume is equal to or more than 60 m<sup>3</sup>, the storage areas are laid out on a compacted surface in a way that prevents the accumulation of water.

**283.** The storage of granular residual materials on the site of a hot mix asphalt plant referred to in section 124 or a ready mix concrete plant referred to in section 127 is exempted from authorization pursuant to this Division on the following conditions:

(1) the granular materials are used in the hot mix asphalt or ready mix concrete production process in accordance with the Regulation respecting the reclamation of residual materials (*insert here the reference to the Compilation of Québec Laws and Regulations*);

(2) the granular residual materials are reclaimed or removed from the site of the plant within 13 months from the date of sending of the declaration of compliance referred to in section 124 or 127.

**284.** The reclamation of granular residual materials is exempted from authorization pursuant to this Division on the following conditions:

(1) with the exception of crushed stone, the material is not used only to grade or raise the level of the land on which it used;

(2) the granular material is used as permitted for its category, in accordance with the Regulation respecting the reclamation of residual materials (*insert here the reference to the Compilation of Québec Laws and Regulations*);

(3) the user of the material holds documents that certify its category;

(4) the granular material is provided by a producer of granular materials legally able to produce them;

(5) for the purpose of its use, the granular material, with the exception of crushed stone, is compacted;

(6) with the exception of a category 1 natural granulate within the meaning of the Regulation respecting the reclamation of residual materials, the granular material is not used at the surface and is covered, except if it is used for a road, parking lot or road shoulder other than those of an institution providing elementary education, a childcare centre or a day care centre;

(7) the thickness of the granular material put in place does not exceed 500 mm, except if a greater thickness is required by the plans and specifications;

(8) the bottom of the excavation in which the granular material is placed is located above the highest ground-water level.

#### §§8. *Storage of certain materials*

**285.** The outdoor storage of used tires for reclamation purposes is exempted from authorization pursuant to this Division on the following conditions:

(1) the total number of tires on the lot is less than 2,000 and the total volume of the tires on the lot is less than 135 m<sup>3</sup>;

(2) the operator does not carry on the same activity within a radius of 500 m.

**286.** The storage of used tires in a closed building by a person qualified to reclaim them and who reclaims them for personal needs is exempted from authorization pursuant to this Division.

**287.** The storage of residual materials that have been sorted and are ready for re-use, if the storage is performed for commercial or philanthropic purposes or by a municipality, is exempted from authorization pursuant to this Division if the materials are

(1) previously sorted construction material such as doors and windows, mouldings, sinks, bathtubs and other plumbing accessories, hardwood flooring and other untreated wood items;

(2) household objects such as clothing, textiles, household appliances, electrical or electronic devices, kitchen articles, furniture, toys, books and sports equipment.

The materials referred to in subparagraph 2 of the first paragraph must be stored in a way that protects them from the elements.

**288.** The storage of paper, cardboard, plastic, glass, textiles or metals for reclamation purposes is exempted from authorization pursuant to this Division on the following conditions:

- (1) the total volume of materials stored is equal to or less than 300 m<sup>3</sup> pour for each type of material;
- (2) the materials are stored by a person qualified to receive them and who reclaims them;
- (3) the metals
  - (a) are not hazardous materials or contaminated by hazardous materials;
  - (b) do not contain halocarbons, unless they are recovered at the storage site;
  - (c) do not come from dental amalgam separators;
- (4) the storage area for the materials is laid out on a concrete-covered or bituminous concrete-covered surface;
- (5) paper, cardboard and textiles are stored in a way that protects them from the elements;
- (6) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified.

**289.** The storage of residual materials that have been sorted and that consist of paper, cardboard, glass, textiles or metals, in a closed building for reclamation purposes, is exempted from authorization pursuant to this Division on the following conditions:

- (1) the materials are stored by a person qualified to receive them and who reclaims them;
- (2) the storage area is laid out on a concrete-covered or bituminous concrete-covered surface.

**290.** The storage of metals for reclamation purposes is exempted from authorization pursuant to this Division on the following conditions:

- (1) the total volume of the metals stored on the lot is less than 100 m<sup>3</sup>;
- (2) the operator does not carry on the same activity within a radius of 500 m;

(3) the metals are not hazardous materials or contaminated by hazardous materials;

(4) the metals do not contain halocarbons, unless they are recovered at the storage site;

(5) the metals do not come from dental amalgam separators.

### **§99.** *Storage, crushing and sieving of certain materials*

**291.** The storage, crushing and sieving of bricks, concrete, bituminous concrete and crushed stone during construction or demolition work are exempted from authorization pursuant to this Division on the following conditions:

- (1) the materials contain no asbestos;
- (2) the materials are stored on the site of the construction or demolition work.

## **DIVISION II** STORAGE OF ROAD SALT, ABRASIVES AND TREATED WOOD

### **§1.** *Activities requiring authorization*

**292.** The following activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

- (1) the bulk storage in a storage centre of the salt and abrasives used for winter road maintenance;
- (2) the storage of treated wood.

### **§2.** *Activities eligible for a declaration of compliance*

**293.** The establishment and operation of a storage and handling centre for road salt and abrasives are eligible for a declaration of compliance, subject to the eligibility conditions for location and layout provided for in the Snow, Road Salt and Abrasives Management Regulation (*insert here the reference to the Compilation of Québec Laws and Regulations*).

**294.** In addition to what is required by section 41, every declaration of compliance for an activity referred to in section 293 must include the maximum storage capacity for road salt and abrasives at the centre, expressed as a volume or weight.

### §3. Exempted activities

**295.** The following activities are exempted from authorization pursuant to this Division:

- (1) the storage of new or used treated wood, for a maximum period of 2 consecutive weeks;
- (2) the storage of treated wood in a wholesale or retail establishment operated by a person other than the manufacturer;
- (3) the storage of treated wood on the site of construction or demolition work.

**296.** The storage of treated wood at a place other than a wholesale or retail establishment is exempted from authorization pursuant to this Division on the following conditions:

- (1) the total volume of treated wood stored at the site is less than 50 m<sup>3</sup>;
- (2) when the treated wood is not protected from the elements, it is stored
  - (a) 100 m or more from a category 1 or 2 water withdrawal site and 30 m or more from a category 3 ground-water withdrawal site;
  - (b) 60 m or more from a watercourse or lake and 30 m or more from a wetland, except if the treated wood is intended for use in work in the wetland.

## DIVISION III APPLICATION OF PESTICIDES

### §1. General provision

**297.** This Division applies to pesticides governed by the Pesticides Act (chapter P-9.3).

### §2. Activities requiring authorization

**298.** Work involving the use of the following pesticides requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

- (1) Class 1 pesticides as established by paragraph 2 of section 3 of the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2);
- (2) pesticides, other than phytocides or *Bacillus thuringiensis* (*Kurstaki* variety), applied from an aircraft in a forest environment or for non-agricultural purposes;

- (3) any pesticide applied in a body of water with a surface outlet into a hydrographic network.

Chapter I of Title IV concerning wetlands and bodies of water does not apply to the activity referred to in subparagraph 3 of the first paragraph.

**299.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Subdivision must include the following supplemental information and documents:

- (1) the identify of the permit and certificate holders who will apply the pesticides and the category and sub-category of permit or certificate they hold;
- (2) if the activity is intended to eliminate a type of fish that is an undesirable species in a wetland or body of water, a report signed by a person qualified in the field showing the bathymetric calculations for the environment where the infestation has occurred;
- (3) if the activity is intended to control aquatic vegetation in a wetland or body of water, a program to rehabilitate the environment concerned following the application of pesticides;
- (4) a safety program to protect the health of persons exposed to the application of pesticides;
- (5) the steps taken to make the public aware of the application of pesticides.

## CHAPTER V ATMOSPHERIC EMISSIONS

### DIVISION I APPARATUS AND EQUIPMENT TO PREVENT, ABATE OR STOP A RELEASE OF CONTAMINANTS INTO THE ATMOSPHERE

#### §1. Activities requiring authorization

**300.** This Division applies to the installation and operation of an apparatus or equipment to prevent, abate or stop the release of contaminants into the atmosphere which require authorization pursuant to subparagraph 6 of the first paragraph of section 22 of the Act.

**301.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Subdivision must include the plans and specifications of the apparatus or equipment and their technical information sheet and maintenance program.

*§2. Activities eligible for a declaration of compliance*

**302.** The installation, modification and operation of an apparatus or equipment to prevent, abate or stop the release of particles into the atmosphere are eligible for a declaration of compliance on the following conditions:

(1) in the case of a modification or replacement, the new apparatus or equipment has a level of performance and efficiency at least equivalent to those of the initial apparatus or equipment;

(2) the discharge of contaminants into the atmosphere is not increased;

(3) the contaminants emitted into the atmosphere consist solely of particles;

(4) the apparatus or equipment is installed and operated at one of the following sites or during one of the following activities:

(a) a flour mill or other establishment for processing grain;

(b) a distillery or brewery;

(c) a powdered food plant;

(d) a concrete plant;

(e) a closed storage site;

(f) a sandblasting workshop;

(g) a drilling operation other than the drilling of a well to supply drinking water;

(h) the crushing or sieving of waste brick, concrete, cement, bituminous concrete or architectural stone;

(i) the transfer, fall or handling of sawdust and wood chips

i. in a cement works, for its sporadic emission sources, except for a clinker kiln and cooler;

ii. in a plant for the primary processing of wood and wood products;

(5) the apparatus or equipment meets the standards for the emission of particles set out in the Clean Air Regulation (chapter Q-2, r. 4.1).

**303.** In addition to what is required by section 41, a declaration of compliance for an activity referred to in section 302 must include a declaration from an engineer attesting that

(1) the apparatus or equipment allows the standards for the discharge of contaminants set out in the Clean Air Regulation (chapter Q-2, r. 4.1) to be met;

(2) in the case of a modification or replacement, the new apparatus or equipment has a level of performance and efficiency at least equivalent to those of the initial apparatus or equipment.

**304.** The modification of an apparatus or equipment intended to prevent, abate or stop the release of contaminants into the atmosphere for which standards for the discharge of contaminants are set out in an authorization issued pursuant to section 22 of the Act or in a regulation made under the Act is eligible for a declaration of compliance when the apparatus or equipment meets the following conditions:

(1) it is already covered by an authorization;

(2) the modification ensures a level of performance and efficiency at least equivalent to those of the initial apparatus or equipment;

(3) it is subject to regular sampling of atmospheric emissions pursuant to an authorization issued pursuant to section 22 of the Act or pursuant to the provisions of a regulation made under the Act.

**305.** In addition to what is required by section 41, a declaration of compliance for an activity referred to in section 304 must include a declaration from an engineer attesting that the modification of the apparatus or equipment meets the following objectives:

(1) ongoing compliance with the applicable regulatory standards and with the conditions, restrictions, prohibitions and specific standards set out in the operator's authorization;

(2) the equivalent or enhanced performance and efficiency of the apparatus or equipment compared to those of the initial apparatus or equipment.

Within 60 days of the modification to the apparatus or equipment, the applicant must send the Minister an attestation from an engineer attesting that the work was performed in accordance with the information and documents submitted with the declaration of compliance or, if a change has occurred, an attestation from an

engineer certifying that the modification to the apparatus or equipment meets the objectives set out in subparagraphs 1 and 2 of the first paragraph.

### §3. *Exempted activities*

**306.** The following activities are exempted from authorization pursuant to this Division:

(1) the installation and operation of an apparatus or equipment intended to prevent, abate or stop the release of contaminants into the atmosphere on a vehicle, aircraft, ship, locomotive or any motorized watercraft;

(2) the installation and operation of an apparatus or equipment intended to prevent, abate or stop the release of contaminants into the atmosphere

(a) from any temporary power station referred to in paragraph 4 of section 96;

(b) from any fuel burning equipment or stationary internal combustion engine referred to in section 307.

## DIVISION II OTHER ACTIVITIES

### §1. *Installation and use of fuel burning equipment or a stationary internal combustion engine*

**307.** The installation and use of fuel burning equipment or a stationary internal combustion engine with a total power of less than 3,000 kW are exempted from authorization pursuant to this Subdivision when the equipment or engine uses fossil fuels other than waste oil or uses wood, wood waste within the meaning of section 55 of the Clean Air Regulation (chapter Q-2, r. 4.1) or granules produced from lignocellulosic crops.

### §2. *Application of paint*

#### §§1. *General provision*

**308.** For the purposes of this Subdivision, “paint” has the meaning given in the second paragraph of section 17 of the Clean Air Regulation (chapter Q-2, r. 4.1).

#### §§2. *Activities eligible for a declaration of compliance*

**309.** The construction, operation and modification of an establishment where paint application activities for industrial or commercial purposes are carried on are eligible for a declaration of compliance on the following conditions:

(1) the establishment uses more than 10 litres but less than 20 litres of paint per day, including products that may be added to the paint such as solvents, hardeners or catalysts;

(2) the establishment has a spray booth for the application of paint;

(3) the establishment is designed in a way that ensures that buffing, grinding and polishing activities are carried on in an enclosed space to prevent particle emissions;

(4) no other establishment where paint application activities are carried on is located within a radius of 60 m;

(5) air dispersion modelling has been performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), showing compliance with the air quality standards in Schedule K of that Regulation.

**310.** In addition to what is required by section 41, a declaration of compliance for an activity referred to in section 309 must include the following information:

(1) a description of the modelling performed;

(2) in the location plan required, the location of the discharge points;

(3) a declaration from a qualified professional

(a) confirming that modelling has been performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1) and showing that it demonstrates compliance with the air quality standards in Schedule K of that Regulation;

(b) stating that the operating conditions needed to ensure compliance with the standards in the Clean Air Regulation, in particular as regards the efficiency of paint application and air cleaning apparatus, and the number and characteristics of the emission points;

(4) confirmation from the declarant that the activity will be carried on in accordance with the operating conditions indicated in the declaration from a professional.

#### §§3. *Exempted activities*

**311.** The construction, operation or modification of an establishment where paint application activities are carried on for industrial or commercial purposes are exempted from authorization pursuant to this Division on the following conditions:

(1) the establishment uses

(a) less than 5 litres of paint per day, including products that may be added to the paint such as solvents, hardeners or catalysts; or

(b) less than 10 litres of paint per day, including products that may be added to the paint such as solvents, hardeners or catalysts, when the establishment has

i. an enclosed space for buffing, grinding and polishing activities to prevent particle emissions;

ii. spray guns able to spray paint at a rate equal to or greater than an HVLP spray gun;

iii. filters with a minimum particle capture efficiency of 95%;

(2) no other establishment carries on similar paint application activities within a radius of 60 m.

#### TITLE IV ACTIVITIES CARRIED ON IN CERTAIN ENVIRONMENTS

##### CHAPTER I WETLANDS AND BODIES OF WATER

##### DIVISION I GENERAL PROVISIONS

**312.** This Chapter applies to activities requiring authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act that are carried on in a wetland or body of water referred to in section 46.0.2 of the Act.

**313.** Unless otherwise provided for, for the purposes of this Chapter,

(1) a reference to a littoral zone, riverbank or lakeshore includes any wetlands present;

(2) a reference to body of water includes any wetlands present in the littoral zone or on the riverbank or lakeshore, excluding any wetlands present in a floodplain;

(3) a reference to a floodplain excludes the littoral zone, riverbanks and lakeshores, and any wetlands present;

(4) a reference to a pond, marsh, swamp, peat bog or wetland in general is a reference to the environment concerned if it is not situated in the littoral zone or on a riverbank or lakeshore;

(5) a reference to an area is a reference to the cumulative area for the environment for the activity;

(6) the construction of an infrastructure, works, building or equipment includes its siting, replacement, substantial modification, and dismantling, and any prior activity to clear trees;

(7) the maintenance of an infrastructure, works, building or equipment includes its inspection, refurbishment and repair; it is carried on in the immediate vicinity of the infrastructure, works, building or equipment and includes the necessary vegetation control;

(8) a substantial modification includes a refurbishment or repair of the infrastructure, works building or equipment; it includes an enlargement, extension or prolongation;

(9) a stabilization works is a works to increase the mechanical resistance of the soil or an infrastructure and protect it against erosion and landslides, excluding the approaches and protection works for bridges and culverts which form an integral part of those structures, and retaining walls;

(10) a road is an infrastructure the right of way of which includes a roadway, shoulders and, where applicable, ditches and turning circles, but excludes a stabilization works, a railway, a bridge, a culvert, a temporary road or winter road; a road laid out by the minister responsible for the Act respecting roads (chapter V-9) is deemed to be a road and includes any related infrastructures for road traffic such as cycle paths and footbridges;

(11) a temporary road is a road put in place for a maximum period of 3 years and which is dismantled after use;

(12) a forest development activity is an activity carried out elsewhere than on land in the domain of the State and specifically intended to develop and conserve forest land;

(13) a silvicultural treatment is a forest development activity that is intended, as part of a specific silvicultural regime and scenario, to direct the development of a stand, in particular as regards its renewal, or to improve its yield and quality;

(14) the diameter of a tree is measured at a height of 1.3 m from the highest ground level.



## DIVISION II WETLANDS AND BODIES OF WATER

### §1. General provision

**314.** This Division applies to all wetlands and bodies of water.

### §2. Activities requiring authorization

**315.** In addition to what is required by section 46.0.3 of the Act, the characterization study required by that section must include

(1) a georeferenced map showing the environments affected and the site of the activity concerned, including a scale drawing showing the location of the hydrographic network of the watershed concerned;

(2) the area of the environments affected;

(3) the relevant elements in a water master plan, integrated management plan for the St. Lawrence, regional wetlands and bodies of water plan, metropolitan development plan, land use and development plan, interim control by-law or municipal by-law, if any;

(4) the direction of water flow;

(5) the land inventory sheets and the location, on a map, of the places where inventories have been conducted;

(6) for a peat extraction project:

(a) a characterization of water quality in the peat bog for the year preceding the application and in the planned discharge points;

(b) a program to sample the water discharged at the outlet of the sedimentation ponds and in the receiving watercourses during the extraction period;

(c) a monitoring program for particle emissions.

An application for authorization must include, in addition to the general content prescribed by section 16, a description of the disturbances or human pressures on the environments affected by the project and of the ability of the environments concerned to be re-established, or of the possibilities for restoring them in whole or in part once the project is completed.

### §3. Activities eligible for a declaration of compliance

**316.** Work to manage an invasive exotic plant species by tarping, on an area equal to or greater than 75 m<sup>2</sup> but less than 2,000 m<sup>2</sup>, is eligible for a declaration of compliance on the following conditions:

(1) the work is not carried out in the littoral zone;

(2) the work is intended to maintain the ecological functions of wetlands and bodies of water, control the risks for human health, or maintain an existing use;

(3) the vegetation in the tarped sector is dominated by invasive exotic plant species.

**317.** The construction of a surface water withdrawal facility is eligible for a declaration of compliance on the following conditions:

(1) the facility is not situated in a meander or a zone subject to erosion or the accumulation of sediments and alluvial deposits;

(2) any work required to stabilize the littoral zone or a riverbank or lakeshore, as the case may be, does not exceed an area of 16 m<sup>2</sup> for a dry hydrant, or 4 m<sup>2</sup> in other cases.

**318.** The construction of a temporary road is eligible for a declaration of compliance on the following conditions:

(1) the work is not carried out in a pond or an open peat bog;

(2) the road surface is not made watertight;

(3) no ditch is laid out;

(4) the total cumulative width of the roadway and shoulders does not exceed 6.5 m;

(5) the right of way for the road is no more than 15 m wide.

The conditions provided for in subparagraphs 2 to 5 of the first paragraph do not apply to the construction of a temporary road by the minister responsible for the Act respecting roads (chapter V-9). However, the right of way of the temporary road must be no wider than 20 m and the ditches must be no more than 30 cm deep.

**319.** The following activities are eligible for a declaration of compliance:

- (1) drilling work, except work carried out for a project to search for or extract hydrocarbons;
- (2) the demolition of a retaining wall connected to a road;
- (3) the demolition of any other retaining wall up to 100 m long.

**§4. Exempted activities**

**320.** The management of harmful plant species and invasive exotic plant species to maintain the ecological functions of wetlands and bodies of water, control risks for human health, or maintain an existing use, is exempted from authorization pursuant to this Division if

- (1) it is carried out manually; or
- (2) it is carried out by tarping, over an area of less than 75 m<sup>2</sup>.

The management of harmful plant species and invasive exotic plant species includes on-site burial, if carried out in a floodplain.

**321.** The removal and pruning of plants, not carried out for forest development purposes, are exempted from authorization pursuant to this Division if the removal or pruning are carried out for civil security purposes or target plants that are dead or affected by a pest or disease.

**322.** Activities to take samples and make measurements are exempted from authorization pursuant to this Division if the tree clearing or superficial clearing of vegetation required does not exceed

- (1) 10 m<sup>2</sup> in an open peat bog;
- (2) 30 m<sup>2</sup> in the littoral zone, on a riverbank or lakeshore, or an open wetland other than a peat bog;
- (3) 300 m<sup>2</sup> in a floodplain or a wooded wetland.

**323.** The maintenance of any infrastructure or building, works or equipment is exempted from authorization pursuant to this Division on the following conditions:

- (1) excavation and fill work is limited to what is necessary to maintain the infrastructure, works, building, or equipment in its original state;
- (2) the work is carried out with no weedcutting;

(3) the work does not include the construction of a temporary works requiring fill or excavation work in the littoral zone or, when such works are included, the construction is covered by a declaration of compliance in accordance with paragraph 2 of section 336;

(4) in the case of a culvert, the work is limited, in the littoral zone or on a riverbank or lakeshore, to a zone equal to twice the length of the culvert upstream and downstream;

(5) in the case of a channel for a ditch located in the littoral zone, the work must be no longer than 30 m and cover no more than 4 m<sup>2</sup> at the discharge point.

**324.** The construction of structures when the total area occupied, including any anchor or pedestal required, does not exceed

- (1) 5 m<sup>2</sup> in the littoral zone or an open wetland;
- (2) 30 m<sup>2</sup> on a riverbank or lakeshore, or in a floodplain or wooded wetland;

**325.** The construction of a road is exempted from authorization pursuant to this Division on the following conditions:

- (1) the work is not carried out in a pond or open peat bog;
- (2) the road does not have an impermeable surface;
- (3) the total cumulative width of the roadway and shoulders does not exceed 6.5 m;
- (4) the road is no more than 35 m long;
- (5) the right of way for the road is no more than 10 m wide;
- (6) the ditches in a wetland are no more than 75 cm deep from the top of the litter layer;
- (7) only one road involving work in a wetland or body or water is constructed per lot.

The condition set out in subparagraph 3 of the first paragraph for work carried out in a floodplain, and the conditions set out in subparagraphs 4 to 7 of the first paragraph, do not apply to the construction of a road as part of a forest development activity if a silvicultural prescription has been obtained from a forest engineer. In such a case, the right of way of a road on a riverbank or lakeshore must be no wider than 15 m.

The condition set out in subparagraph 7 of the first paragraph does not apply to work carried out on a raising site or spreading site, the site of a fishing pond, or an aquaculture site.

**326.** The construction of a winter road is exempted from authorization pursuant to this Division on the following conditions:

- (1) the natural soil drainage is not disturbed;
- (2) no ditch is laid out;
- (3) where permitted by the load-bearing capacity of the soil, no rutting occurs;
- (4) the road is no wider than 15 m.

**327.** The construction of a culvert with a total opening of no more than 4.5 m is exempted from authorization pursuant to this Division on the following conditions:

- (1) the culvert is designed in a way that ensures that the design length is based on the width of the road or railway;
- (2) the culvert has no more than 2 parallel pipes;
- (3) the culvert is covered by fill no more than 3 m thick;
- (4) the work is limited, in the littoral zone or on a riverbank or lakeshore, to a zone no wider than twice the length of the culvert, upstream and downstream from the culvert.

**328.** The construction of a non-residential building of any kind is exempted from authorization pursuant to this Division on the following conditions:

- (1) it does not take place in the littoral zone, on a riverbank or lakeshore, or in an open peat bog;
- (2) it does not involve excavation work, in particular to place foundations or bury equipment, pipes or wires;
- (3) the area of a building on a given lot does not exceed
  - (a) 30 m<sup>2</sup> in a floodplain or wooded wetland;
  - (b) 4 m<sup>2</sup> in an open wetland other than a peat bog.

For the purposes of the first paragraph, the area specified in subparagraph 3 is the cumulative area of all the buildings constructed, if applicable.

**329.** The following activities are exempted from authorization pursuant to this Division:

- (1) the seeding or planting of plant species, provided they are not invasive exotic plant species;
- (2) the removal of debris or accumulations of ice;
- (3) work performed for wildlife development or management purposes, except work on fish migration barriers, immovable fish-passes, baffles and weirs;
- (4) the installation and removal of guardrails.

### DIVISION III BODIES OF WATER

#### §1. General provision

**330.** This Division applies solely to bodies of water.

#### §2. Activities requiring authorization

**331.** In addition to the general content prescribed by section 16 and the additional content for the characterization study prescribed by section 315, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

- (1) when the project involves the dredging of sediments, an assessment of the potential for contamination and a sediment management plan;
- (2) when the assessment referred to in subparagraph 1 concludes that the potential for contamination is present, a physiochemical characterization of the sediments and their toxicity;
- (3) an opinion on possible movement of the watercourse, signed by a person with suitable qualifications in the field, in the following cases:
  - (a) the laying out of a watercourse, including beach nourishment and the laying out of a jetty or breakwater;
  - (b) the construction of stabilization works using inert materials;
  - (c) the construction of retaining works or a weir;
  - (d) the construction of a bridge;
  - (e) dredging work;

(4) the construction, in a floodplain identified by a high-water line or a map, of a cribwork wharf, a road, a port infrastructure, a weir, a retaining works or a protection works:

(a) an opinion assessing the impact on ice flows, signed by an engineer;

(b) a hydraulic and hydrological study assessing flood routing capacity, and erosion and flooding risks, signed by an engineer;

(c) a study demonstrating the ability of the structures to resist floods, for any structure or part of a structure located in a floodplain with a 100 year flood recurrence level, signed by an engineer.

For the purposes of subparagraph 4 of the first paragraph, the reference to a floodplain includes littoral zones and any riverbanks or lakeshores, where applicable.

### *§3. Activities eligible for a declaration of compliance*

**332.** Rebuilding and dismantling work on a road carried out by the minister responsible for the Act respecting roads (chapter V-9), in addition to the conditions set out in section 325, is eligible for a declaration of compliance if the work does not increase the encroachment on the environment.

**333.** Construction work for the following works, carried out by the minister responsible for the Act respecting roads (chapter V-9), is eligible for a declaration of compliance:

(1) a single-span bridge in the littoral zone, except if the work must be completed in a floodplain, including the littoral zone and any riverbank and lakeshore;

(2) a permanent culvert other than a culvert referred to in section 327;

(3) a temporary supporting bank.

For the purposes of this section, up to 2 weirs to allow the free circulation of fish are deemed to form an integral part of a culvert if they are located downstream from the culvert within a distance corresponding to 4 times the culvert opening.

**334.** Work to stabilize a road is eligible for a declaration of compliance on the following conditions:

(1) the work is not carried out in the St. Lawrence river, estuary or gulf or in the Baie des Chaleurs, except if it involves a reconstruction that does not further encroach on the littoral zone or a riverbank or lakeshore;

(2) the required stabilization works are no longer than

(a) 100 m if constructed using phytotechnology;

(b) 50 m if constructed using inert materials.

For the purposes of subparagraph 2 of the first paragraph, if the work is intended to extend or join stabilization works, the extension or junction must not result in an extension of the total length of the works beyond the limit set in that subparagraph.

**335.** The following maintenance work on a watercourse is eligible for a declaration of compliance:

(1) work to clean a watercourse over a total linear distance of 500 m or less on the same watercourse, when carried out by a municipality, on the following conditions:

(a) the watercourse has been drained, or its bed has an initial width of 1 m or less, and it has already been laid out in a way that changes its geometry in accordance with an agreement, municipal by-law or authorization;

(b) the last cleaning work, if any, on the section of the watercourse concerned was completed more than 5 years previously;

(c) the work is not carried out in the inner protection zone of a category 1 surface water withdrawal site;

(d) cleaning work has not been performed on the watercourse concerned under a declaration of compliance within the last 12 months;

(2) work to clean a watercourse that follows the bed of a ditch along a public road, when carried out by the minister responsible for the Act respecting roads (chapter V-9);

(3) cleaning work when carried out by a municipality or the minister responsible for the Act respecting roads in a ditch located in the littoral zone, if no wetland is present, in addition to the conditions set out in paragraph 5 of section 323, on the following conditions:

(a) the work is carried out over a distance of not more than 100 m if carried out in the channel of the ditch;

(b) the work on the point of discharge is limited to a surface of 30 m<sup>2</sup>.

When the declaration of compliance is sent to the Minister, a copy must also be sent to the regional county municipalities whose territory lies within the watershed of the watercourse concerned.

**336.** The following activities are eligible for a declaration of compliance:

- (1) the construction of energy-dissipating weirs and baffles;
- (2) the construction of a temporary works involving fill or excavation work to complete construction or maintenance work on an infrastructure, works, building or equipment associated with an activity eligible for a declaration of compliance;
- (3) seismic surveys requiring explosives carried out on a riverbank or lakeshore or in a dewatered floodplain.

#### *§4. Exempted activities*

**337.** Work to stabilize an embankment is exempted from authorization pursuant to this Division on the following conditions:

- (1) construction of the stabilization works required does not exceed a length of
  - (a) 50 m, when phytotechnology is used; or
  - (b) 30 m or 5 times the width of the watercourse, whichever is the most restrictive, when the works is constructed using inert materials;
- (2) if the work is intended to extend or join stabilization works, the extension or junction must not result in an extension of the total length of the works beyond the limit set in paragraph 1.

**338.** Work to establish, modify or extend a pipe in a waterworks system, sewer system or storm water management system, or a ditch or outflow, is exempted from authorization pursuant to this Division on the following conditions:

- (1) the outflow is connected to a pipe with a diameter or not more than 620 mm;
- (2) the raft foundation for the outflow is at least 30 cm above the bed of the watercourse or lake;
- (3) if the work includes stabilization work in the littoral zone or on a riverbank or lakeshore, the work takes place in an area not exceeding 4 m<sup>2</sup>.

For the purposes of the first paragraph, a modification includes the replacement of a pipe, device, apparatus or equipment by another, or a change in its location.

The conditions set out in subparagraphs 1 and 3 of the first paragraph do not apply when the work is carried out by the minister responsible for the Act respecting roads (chapter V-9) if subparagraph 5 of the first paragraph of section 224 is complied with.

**339.** The following activities are exempted from authorization pursuant to this Division:

- (1) work over a width of not more than 5 m, on a single lot, to lay out an access to a watercourse or lake or to lay out visual openings accounting for no more than 10% of the riparian portion of the lot concerned;
- (2) construction work on a temporary, movable or ice bridge occupying no more than 10 m on the bank or shore;
- (3) construction work on a movable boat shelter, floating quay, open pile quay or wheeled quay with an area of no more than 20 m<sup>2</sup>;
- (4) work to lay out a water crossing for fording with a width of not more than 7 m;
- (5) work to install or remove fishing gear such as fish corrals and hoop nets;
- (6) work to construct a structure of no more than 5 m in width to cross a watercourse, with no support or stabilization in the littoral zone;
- (7) the construction of a main building, including its appurtenances and works and the necessary access, if they meet the conditions of paragraph *c* or *d* or section 3.2 of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35);

**340.** The following forest development activities are exempted from authorization pursuant to this Division when carried out solely on a riverbank or lakeshore:

- (1) the harvesting of more than 50% of trees of a diameter of 10 cm or more, provided it is carried out following a windthrow, epidemic, fire or ice storm;
- (2) the harvesting of not more than 50% of trees of a diameter of 10 cm or more

**341.** The following activities are exempted from authorization pursuant to this Division when carried out solely in a floodplain:

(1) forest development activities, except silvicultural drainage and road work;

(2) excavation work for underground linear public utility infrastructures not already excluded by another provision of this Chapter, except hydrocarbon transportation infrastructures;

(3) the laying out of land for recreational purposes, except a golf course or campground;

(4) work to construct an irrigation pond or artificial pond or lake of no more than 300 m<sup>2</sup> in area, on the condition set out in subparagraph *c* of paragraph 2 of section 173;

(5) work to construct residential buildings in a floodplain with a 100 year flood recurrence level, including accessory buildings and works and the necessary access.

## DIVISION VI WETLANDS

**342.** This Division applies only to wetlands.

**343.** The construction of a road as part of a forest development activity, in addition to the conditions set out in section 325, is eligible for a declaration of compliance on the following conditions:

(1) the work is not carried out in a pond or open peat bog;

(2) the road does not have an impermeable surface;

(3) the cumulative width of the roadway and shoulders does not exceed 10 m.

In addition to the elements provided for in section 41, a declaration of compliance under this Division must include a silvicultural prescription from a forest engineer attesting that the conditions applicable to the activity pursuant to this Subdivision and those provided for by regulation, if any, are complied with.

**344.** An activity carried out in a wetland up to 1,000 m<sup>2</sup> in area, of human origin, is exempted from authorization pursuant to this Division on the following conditions:

(1) the activity is carried out more than 30 m from any other wetland and from the littoral zone;

(2) the wetland has been present for at least 10 years;

(3) the wetland does not result from work performed under a program to promote the restoration and creation of wetlands and bodies of water drawn up pursuant to the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or work performed in accordance with the Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1).

**345.** The following activities are exempted from authorization pursuant to this Division:

(1) the following silvicultural treatments:

(a) silvicultural treatments carried out in a wooded wetland, except silvicultural drainage;

(b) silvicultural treatments to reforest and maintain a parcel of abandoned agricultural land, including the initial tree clearing required but excluding silvicultural drainage;

(2) in a wooded wetland located in the bioclimatic domains of balsam fir stands with white birch and black spruce stands with moss, the construction of a residential building and accessory buildings and their access, as well as the laying out of related work serving the buildings on an area of not more than 3,000 m<sup>2</sup> in the case of an isolated building;

(3) in all other bioclimatic domains, the demolition of a building.

## CHAPTER II ACTIVITIES CARRIED OUT CLOSE TO WETLANDS AND BODIES OF WATER

### DIVISION I GENERAL PROVISION

**346.** For the purposes of this Chapter, a reference to a road has the meaning given in paragraph 10 of section 313.

### DIVISION II RUNOFF WATER AND GROUNDWATER WORKS

**347.** Work in connection with works to collect runoff water or direct groundwater, if carried out less than 30 m from an open peat bog, requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act, except if carried out in the bioclimatic domains of balsam fir stands with white birch and black spruce stands with moss.



### DIVISION III CONSTRUCTION, WIDENING AND STRAIGHTENING OF A ROAD

**348.** The construction, widening or straightening of a road less than 60 m from the littoral zone, a pond or an open peat bog, if it runs alongside for a distance of 300 m or more, requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act, if such activities are planned elsewhere than in a forest in the domain of the State.

**349.** The construction, widening or straightening of a road managed by the minister responsible for the Act respecting roads (chapter V-9) are eligible for a declaration of compliance if the storm water management works put in place along the road prevent erosion and the flow of suspended sediments towards the environment concerned.

In addition to the elements provided for in section 41, a declaration of compliance for an activity referred to in the first paragraph must include a declaration from an engineer attesting that the conditions applicable to the activity pursuant to that paragraph and those provided for, where applicable, by regulation or in an authorization issued by the government pursuant to section 31.5 of the Act are complied with.

### CHAPTER III CONSTRUCTION ON A FORMER ELIMINATION SITE

**350.** This Chapter applies to activities requiring authorization pursuant to subparagraph 9 of the first paragraph of section 22 of the Act.

**351.** In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Chapter must include the following supplemental information and documents:

- (1) the characterization study provided for in section 65 of the Act;
- (2) the plans and specifications for the proposed layout;
- (3) an identification of the gas migration routes before and after the planned work, including lateral migration routes outside the site, taking infrastructures, buildings and the geology of the site into account.

### PART III ADMINISTRATIVE AND PENAL PROVISIONS

#### TITLE I MONETARY ADMINISTRATIVE PENALTIES

**352.** A monetary administrative penalty of \$250 in the case of a natural person or \$1,000 in other cases may be imposed on any person who

(1) fails to file an opinion or to provide information or a document required by this Regulation, or to comply with the time limits and procedure for filing, if no other monetary administrative penalty is provided for such a case;

(2) fails to constitute a register required by this Regulation or to record information in such a register and keep it for the required time;

(3) fails to keep information, a document or data in a register referred to in this Regulation for the time prescribed in section 11;

(4) fails to invite the Minister to a public meeting in accordance with the second paragraph of section 84;

(5) fails to comply with any provision of this Regulation, in a case where no other monetary administrative penalty is provided by for that failure.

**353.** A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who

(1) fails to advise the Minister of a change in the information and documents filed in connection with a declaration of compliance in accordance with section 42;

(2) fails to comply with a condition prescribed by this Regulation for the carrying on of an activity eligible for a declaration of compliance in contravention of the second paragraph of section 55, section 89, 90, 111, 128 or 129, the second paragraph of section 135, the second paragraph of section 153 or section 157, 254, 260, 262, 264, 266 or 270;

(3) fails to comply with a condition prescribed by this Regulation for the carrying on of an exempted activity, in contravention of the second paragraph of section 75, section 93, 208, 210 or 212, or the second paragraph of section 287;

(4) fails to file or obtain an attestation or rapport from a professional, in contravention of the second paragraph of section 143, the second paragraph of section 145, the second paragraph of section 151, the second paragraph of

section 175, the first paragraph of section 176, the third paragraph of section 206, the second paragraph of section 253 or the second paragraph of section 305;

(5) fails to give an engineer responsibility for supervising work, in contravention of the first paragraph of section 175;

(6) fails to comply with the standards prescribed in the second paragraph of section 176 or section 178, 179 or 219.

**354.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who

(1) fails to comply with the requirements of section 8 concerning a layout, infrastructure, works, facility, equipment or apparatus for the subsequent carrying on of an activity;

(2) fails to maintain an apparatus or equipment in good working order, in contravention of the first paragraph of section 9;

(3) uses equipment, completes a layout or constructs an infrastructure, works or facility in a way that is not optimal for reducing the discharge of contaminants, in contravention of section 9.

## TITLE II PENAL SANCTIONS

**355.** Every person who

(1) refuses or neglects to file an opinion or to provide information or a document required by this Regulation, or to comply with the time limits and procedure for filing, if no other penalty is provided for such a case;

(2) fails to constitute a register required by this Regulation or to record information in such a register and keep it for the required time;

(3) fails to keep information, a document or data in a register referred to in this Regulation for the time prescribed in section 11;

(4) contravenes the second paragraph of section 84;

(5) contravenes this Regulation in a case where no other offence is provided for that failure;

commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 and, in other cases, to a fine of \$3,000 to \$600,000.

**356.** Every person who contravenes section 42, the second paragraph of section 55, the second paragraph of section 75, section 89, 90, 93, 111, 128 or 129, the second paragraph of section 143, the second paragraph of section 145, the second paragraph of section 151, the second paragraph of section 153, section 157 or 175, the first and second paragraphs of section 176, section 178 or 179, the third paragraph of section 206, section 208, 210, 212 or 219, the second paragraph of section 253, section 254, 260, 262, 264, 266 or 270, the second paragraph of section 287 or the second paragraph of section 305 commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 and, in other cases, to a fine of \$7,500 to \$1,500,000.

**357.** Every person who contravenes section 8 or 9 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**358.** Every person who

(1) makes a declaration or provides information or a document that is false or misleading to render an activity eligible for a declaration of compliance;

(2) signs a false or misleading document;

commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$15,000 to \$3,000,000.

## PART IV TRANSITIONAL AND FINAL PROVISIONS

### TITLE I CURRENT SITUATIONS

**359.** An activity under way on 31 December 2020 for which authorization or an amendment from the Minister was not required or that could be covered by a declaration of compliance on that date but now requires such authorization or amendment or is now eligible for such a declaration under this Regulation may continue with no further formality, subject to the provisions of the second and third paragraphs.

An operator must submit an application for authorization or an application for amendment, or file a declaration of compliance to continue the activity in the following cases:

(1) when one of the following situations is likely to lead to a new discharge of contaminants into the environment, an increase in a discharge or a change in environment quality:

(a) the extension or replacement of a building, facility, infrastructure or works needed to carry on the activity;

(b) the extension of the site where the activity is carried on;

(2) when the addition of a new process or a new apparatus or equipment, or the modification of those already in operation, is intended to result in an increase in annual production capacity.

Similarly, any new operator of a sewer system must, when acquiring the system, submit an application for authorization in accordance with section 202 of this Regulation or obtain the transfer of the authorization issued for the establishment or for the extension or modification of the system if that authorization contains conditions for the operation of the system.

The analysis of an application for authorization submitted in accordance with this section concerns only the activity requiring authorization pursuant to this section.

**360.** A person or municipality that, before 31 December 2021, has submitted an application for authorization, an application for amendment or an application for renewal need not file the information and documents required for an application made pursuant to this Regulation on or after that date.

**361.** A person or municipality that, on 31 December 2020, is awaiting the issue, amendment or renewal of an authorization for an activity which, beginning on that date, is eligible for a declaration of compliance, may file a declaration of compliance for that activity with the Minister.

The documents required for the declaration of compliance that have already been filed for the application for authorization, amendment or renewal need not be filed again.

The fee for the declaration of compliance is not payable if the fee for the application for authorization, amendment or renewal has been deposited.

**362.** Every person or municipality that, on 31 December 2020, holds an authorization for the transportation of hazardous residual materials referred to in section 230 may continue that activity beyond the period of validity for the authorization, on the same conditions and with no further formality.

**363.** Despite the provisions of this Regulation, until 31 December 2021, the information and documents that a person or municipality must file with the Minister in support of an application for authorization for it to be considered are as follows:

(1) those provided for in subparagraphs 1 and 2 of the first paragraph of section 23 of the Act;

(2) those provided for in the third paragraph of section 22 of the Act, as it read before 23 March 2018;

(3) those provided for in section 7 of the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3) as it read on 30 December 2020;

(4) those provided for in any other provision of a regulation made under the Act that applies to the activity covered by the application for authorization as it read on 30 December 2020;

(5) the declaration of antecedents provided for in section 36 of this Regulation.

Similarly, the information and documents that must be provided in support of an application for amendment or renewal for it to be considered are as follows:

(1) the information and documents provided for by any provision of a regulation made under the Act that applies to the activity covered by the application as it read on 30 December 2020;

(2) the number and date of issue of the authorization for which the amendment or renewal is requested;

(3) for an application for amendment:

(a) a complete description of the planned change requiring an amendment of the authorization and a presentation of the reasons for the change;

(b) an assessment of the consequences of the change with respect to the nature, quantity, location or concentration of the contaminants discharged into the environment;

(c) a description of the measures, apparatus or equipment required to ensure that the project complies with the conditions, restrictions, prohibitions and standards applicable;

(4) an update of the information and documents filed with the Minister for the issue of the authorization that are affected by the amendment or renewal, including real data collected during the carrying on of the activity concerned

by the change, less than one year prior to the application for amendment or renewal when the information initially filed was based on estimates;

(5) the declaration of antecedents referred to in 36 of this Regulation;

(6) when the applicant has used the services of professionals or other qualified persons to prepare the application for amendment or renewal, their names and contact information, a brief description of their mandates, and a declaration attesting that the information and documents that they have provided are accurate and complete;

(7) a declaration by the applicant attesting that all the information and documents provided are accurate and complete.

**364.** Despite sections 33 and 34 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2), the water withdrawals referred to in those sections are valid until one of the following dates:

(1) in the case where the withdrawer also holds a depollution attestation, until the renewal date for the attestation occurring after 14 August 2024;

(2) in the case where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 5,000,000 litres, until 14 August 2025;

(3) in the case where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 1,500,000 litres but less than 5,000,000 litres, until 14 August 2026;

(4) in the case where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 600,000 litres but less than 1,500,000 litres, until 14 August 2027;

(5) in the case where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 200,000 litres but less than 600,000 litres, until 14 August 2028;

(6) until 14 August 2029 where

(a) the withdrawer makes a water withdrawal with an average daily volume of less than 200,000 litres;

(b) the withdrawer operates a land-based aquaculture site which, for each tonne of annual production, requires the withdrawal of a volume of water equal to or less than

20,000 litres per hour and is authorized, under a certificate, to produce an annual phosphorous discharge equal to or less than 4.2 kg per tonne of production.

A water withdrawal may continue after the period of validity until a renewal or new authorization is issued.

**365.** An application for a renewal of authorization or for an authorization referred to in 33 or 34 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) must be presented to the Minister in writing 6 months before the date on which the period of validity expires, and must include:

(1) an update of the information and documents filed for the initial application for authorization, in the case of an application for renewal;

(2) the information and documents provided for in paragraphs 1 to 3 of section 16 and those provided for in paragraphs 3 and 4 of section 169, depending on the situation, in the case of an application for authorization;

(3) the location of each water withdrawal site covered by the application and a description of its layout, if the information has not been provided previously;

(4) a description of each site for the discharge of the water withdrawn, if the information has not been provided previously, including in particular its location and the reference of the authorization issued for the discharge pursuant to the Act, if any;

(5) the measures taken for the operation of the water withdrawal site, such as the piezometric data, if any;

(6) when the applicant wishes to modify the withdrawal of water compared to the withdrawal made before the application was filed, the information and documents provided for in section 169 or an update if the information and documents were filed previously.

The information provided in connection with the application is public.

## TITLE II DELAY IN THE APPLICATION OF CERTAIN PROVISIONS

**366.** The operator of a system to wash fruit or vegetables cultivated by one or more operators on a cumulative area equal to or greater than 5 ha but less than 20 ha that is in operation on 2 September 2020 must file

a declaration of compliance with the Minister in accordance with section 157 of this Regulation not later than 1 September 2023.

Until that date, the suspended matter concentration of the wastewater from the system must not exceed the concentration present on 2 September 2020.

**367.** The operator of a contaminated soil treatment centre that is in operation on 2 September 2020 that, prior to that date, received crushed stone for treatment must, not later than 2 September 2025, file an application for amendment with the Minister in order to continue treating crushed stone after that date.

**368.** Section 10 of this Regulation applies to every application and all information or documents required by this Regulation, other than a declaration of compliance, from 31 December 2021.

### TITLE III

#### REVOCATION AND COMING INTO FORCE

**369.** The Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2), the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3), the Regulation respecting certain measures to facilitate the carrying out of the Environment Quality Act and its regulations (chapter Q-2, r. 32.1), and the Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells (chapter Q-2, r. 47.1) are revoked.

The provisions of Chapter III of the Regulation respecting the application of section 32 of the Environment Quality Act concerning 5-year waterworks and sewer plans remain applicable for the unexpired portion of the authorizations issued for such plans.

**370.** This Regulation comes into force on 31 December 2020.

### SCHEDULE I

(Sections 20, 21 and 29)

#### GREENHOUSE GAS EMISSIONS - ACTIVITIES, EQUIPMENT PROCESSES CONCERNED

Division II of Chapter I of Title IV of Part I applies to the following activities, equipment and processes:

(1) any of the following equipment, with a rated power equal to or greater than 5 MW:

(a) a fuel burning system;

(b) an industrial furnace within the meaning of section 55 of the Clean Air Regulation (chapter Q-2, r. 4.1);

(c) an incinerator within the meaning of section 101 of the Clean Air Regulation;

(d) any other thermal treatment unit for an industrial process;

(e) a stationary internal combustion engine;

(2) the use of at least 2 pieces of equipment referred to in paragraph 1, each rated at more than 3 MW;

(3) equipment or a process listed in Table 1 of this Schedule as a source of greenhouse gas emissions;

(3) a process used in aluminum production, for the following sources of greenhouse gas emissions:

(a) prebaked anode consumption;

(b) anode consumption for Söderberg processes;

(c) anode and cathode baking;

(d) green coke calcination;

(e) anode effects;

(f) use of SF<sub>6</sub> as a cover gas;

(4) a calcining or combustion process for carbonates such as limestone, dolomite, ankerite, magnesite, siderite, rhodochrosite, sodium carbonate or strontium carbonate used in cement, lime, sodium carbonate, glass and pulp and paper production, with a maximum production capacity of more than 10,000 tonnes of total carbonates per year;

(5) the construction or operation of an industrial establishment with a total storage capacity for coal, coke or any other material associated with coal equal to or greater than 145,000 tonnes;

(6) a process to reform natural gas using steam to produce hydrogen;

(7) a process to produce iron and steel, for the following sources of greenhouse gas emissions:

(a) metallurgical coke production;

(b) steel production using a basic oxygen furnace;

(c) sinter production;

- (d) steel production using an electric arc furnace;
- (e) argon-oxygen decarburization process or vacuum degassing process;
- (f) iron production by direct reduction;
- (g) iron production using a blast furnace;
- (h) indurating of iron ore pellets;
- (i) ladle furnace use;
- (8) equipment or a process for petroleum refining, for the following sources of greenhouse gas emissions:
  - (a) catalyst regeneration;
  - (b) process vents;
  - (c) asphalt production;
  - (d) sulphur recovery units;
  - (e) combustion of hydrocarbons from flares and antipollution devices;
  - (f) storage tanks;
  - (g) anaerobic wastewater treatment;
  - (h) oil-water separators;
  - (i) system components;
  - (j) coke calcining;
  - (k) uncontrolled blowdown systems;
  - (l) loading operations;
  - (m) delayed coking process;
- (9) equipment or a process for the manufacturing of petrochemical products for the following sources of greenhouse gas emissions:
  - (a) catalyst regeneration;
  - (b) flares and antipollution devices;
  - (c) process vents;
  - (d) leaks from equipment components;
  - (e) storage tanks;
- (10) a lead production process, for the sources of greenhouse gas emissions linked to primary and secondary lead production processes;
- (11) a zinc production process, for the sources of greenhouse gas emissions linked to primary and secondary zinc production processes;
- (12) a nickel and copper production process, for the following sources of greenhouse gas emissions:
  - (a) the use of carbonate flux reagents;
  - (b) the use of reducing agents and materials for slag clearing;
  - (c) the use of raw materials containing carbon;
  - (d) the consumption of carbon electrodes in electric arc furnaces;
  - (e) the use of other raw materials contributing 0.5% or more of the total carbon in the process, by mass;
- (13) a ferroalloy production process, for the following sources of greenhouse gas emissions:
  - (a) the use of an electric arc furnace;
  - (b) metallurgical reduction;
- (14) a magnesium production process;
- (15) a nitric acid production process with a maximum production capacity equal to or greater than 4,000 tonnes per year;
- (16) a phosphoric acid production process with a maximum production capacity equal to or greater than 10,000 tonnes per year;
- (17) an ammoniac production process with a maximum production capacity equal to or greater than 3,500 tonnes per year;
- (18) an electronic components manufacturing process that uses a total combined quantity of  $\text{NF}_3$ ,  $\text{SF}_6$  and any other perfluorocarbon compound equal to or greater than 430 kg per year at maximum production capacity;
- (19) a titanium dioxide production process using chlorides with a maximum production capacity equal to or greater than 1,100 tonnes per year;
- (20) a  $\text{TiO}_2$  production process using slag;



- (21) an iron and steel powder production process;
- (22) exploration for hydrocarbons or brine within the meaning of the Petroleum Resources Act (chapter H-4.2);
- (23) geological CO<sub>2</sub> sequestration;
- (24) the establishment or extension of a site used for the landfilling of residual materials from an industrial process at the rate of 4,000 tonnes or more per year;
- (25) a composting activity, where the facility has an annual treatment capacity equal to or greater than 60,000 tonnes of residual organic materials on a wet basis;
- (26) a biogas production and treatment activity, when the maximum daily total capacity of the equipment is equal to or greater than 40,000 m<sup>3</sup> of CH<sub>4</sub> at a temperature of 25 °C and a pressure of 101.3 kPa.

## SCHEDULE II

(Section 39)

### CESSATION OF ACTIVITY - ACTIVITIES TO WHICH SECTION 31.0.5 OF THE ACT APPLIES

Section 31.0.5 of the Act applies to the following activities:

- (1) the operation of a peat bog, cranberry farm or blueberry farm;
- (2) biomethanization;
- (3) the recycling of out-of-service vehicles;
- (4) the operation of a hot mix asphalt plant;
- (5) the operation of a concrete plant;
- (6) the storage, crushing and sieving of brick, concrete and bituminous concrete;
- (7) the storage of used tires referred to in the Regulation respecting used tire storage (chapter Q-2, r. 20);
- (8) the operation of an enterprise whose principal activity is the reclamation of residual materials;
- (9) the operation of a commercial fishing pond or aquaculture site;
- (10) the storage of treated wood;
- (11) the operation of a composting site;

(12) the operation of a residual materials incineration facility referred to in Chapter III of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

(13) any activity connected to the management of residual materials for reclamation purposes, other than an activity referred to in paragraph 8;

(14) the operation of a northern landfill referred to in Chapter II of the Regulation respecting the landfilling and incineration of residual materials;

(15) the operation of a residual materials transfer station referred to in Chapter IV of the Regulation respecting the landfilling and incineration of residual materials;

(16) livestock raising activities referred to in section 2 of the Agricultural Operations Regulation (chapter Q-2, r. 26);

(17) storage, treatment, reclamation and elimination activities for livestock waste;

(18) the operation of a system to wash vegetables or fruit;

(19) water withdrawal activities, other than withdrawals to supply a waterworks system.

## Design code of a storm water management system eligible for a declaration of compliance

Environment Quality Act  
(chapter Q-2, s. 31.0.6)

### CHAPTER I APPLICATION

**1.** This Regulation applies to the design of a storm water management system that does not serve high-risk sites within the meaning of paragraph 4 of section 218 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*), eligible for a declaration of compliance under that Regulation.

It determines, in Chapter II, the types of works that may be used in the design of a storm water management system, in Chapter III, the general design standards and, in Chapter IV, the special design standards applicable to certain works.

The design standards provided for in this Regulation make it possible to

(1) reduce annually, for surfaces drained to the storm water management system, at least 80% of the concentrations of suspended matters in storm water before being discharged into the environment and 90% of annual rain events;

(2) minimize accelerated erosion of receiving wetlands and water bodies; and

(3) not increase the frequency of flooding in receiving wetlands and water bodies, and not reduce the service level of infrastructures situated in the area of influence of the storm water management system crossing them.

The rules provided for in this Regulation also apply to the design of the extension of a storm water management system, with the necessary modifications.

## CHAPTER II STORM WATER MANAGEMENT WORKS

### DIVISION I GENERAL

**2.** For the purposes of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (insert the reference to the Compilation of Québec Laws and Regulations), only the following storm water management works may be used:

(1) the dry retention system described in Division II of Chapter II;

(2) the permanent volume retention system described in Division III of Chapter II;

(3) the grassed ditch described in Division IV of Chapter II;

(4) the hydrodynamic separator described in Division V of Chapter II;

(5) the commercial storm water treatment technology described in Division VI of Chapter II.

### DIVISION II DRY RETENTION SYSTEM

**3.** A dry retention system is a retention system whose purpose is to reduce storm water flows passing through a storm water management system before being discharged in a receiving lake or watercourse and, where applicable, reduce the concentration of suspended matters in the water.

**4.** A dry retention system comprises

(1) a water and sediment accumulation zone;

(2) flow control devices;

(3) an emergency weir; and

(4) a maintenance access ramp.

**5.** A dry retention system that also reduces the concentration in suspended matters must include a pretreatment work that meets the requirements of sections 56 to 59 and a microbasin that meets the requirements of sections 71 to 75.

A pretreatment work is not required if

(1) the storm water comes from a territory whose dominant use class is residential and is served by a local road with the characteristics indicated in Table 2.1

Table 2.1 Local roads in rural or urban areas

Characteristics	Rural	Urban
Traffic	Traffic movement secondary consideration	Traffic movement secondary consideration
Land access	Primary function	Primary function
Traffic volume	< 1,000 vehicles per day	< 3,000 vehicles per day
Traffic flow	Interrupted flow	Interrupted flow
Design speed	50 to 80 km/h	30 to 50 km/h
Average running speed (uninterrupted flow)	50 to 70 km/h	20 to 40 km/h
Vehicle type	Mainly automobiles, light to medium trucks and occasional heavy trucks and farm vehicles	Mainly automobiles and service vehicles
Normal connections	Locals and collectors	Locals and collectors

(2) the sum of the impervious surface drained to the dry retention system does not exceed 250 m<sup>2</sup>.

**6.** A dry retention system is a system that must drain completely after the end of a rain vent, except for the microbasin at the outlet.

**7.** A dry retention system governed by the Dam Safety Act (chapter S-3.1.01) is not a storm water management work for the purposes of this Regulation.

### DIVISION III PERMANENT VOLUME RETENTION SYSTEM

**8.** A permanent volume retention system is a retention system whose purpose is to reduce storm water flows passing through a storm water management system before being discharged in a receiving lake or watercourse and, where applicable, reduce the concentration of suspended matters in the water.

**9.** A permanent volume retention system comprises

- (1) a water and sediment accumulation zone;
- (2) flow control devices;
- (3) an emergency weir;
- (4) a maintenance access ramp; and
- (5) a bottom valve to drain the basin for maintenance.

**10.** A permanent volume retention system that also reduces the concentration of suspended matters must include a pretreatment work upstream from the system.

A pretreatment system is not required if

(1) the storm water comes from a territory whose dominant use class is residential and is served by a road network whose estimated annual average daily traffic is less than 500 vehicles; or

(2) the sum of the impervious surface drained to the permanent volume retention system does not exceed 250 m<sup>2</sup>.

**11.** A permanent volume retention system includes a permanent volume of water in the water and sediment accumulation zone above which there is a temporary volume of water in rainy weather that is drained gradually.

**12.** A permanent volume retention system governed by the Dam Safety Act (chapter S-3.1.01) is not a storm water management work for the purposes of this Regulation.

### DIVISION IV GRASSED DITCH

**13.** A grassed ditch is a water transport work covered with vegetation and a geometry that maximizes the reduction of the concentration of suspended matters in the water when evacuating storm water downstream while minimizing the depth of flow and ensuring the contact surface of the flow with the vegetation.

**14.** In a grassed ditch, storm water is drained downstream of the ditch by surface runoff.

## DIVISION V HYDRODYNAMIC SEPARATOR

**15.** A hydrodynamic separator is a manufactured treatment device that is integrated with a storm water management system to reduce the concentration of suspended matters in the storm water.

**16.** A hydrodynamic separator includes

(1) a tank in which a volume of water is present and where intercepted particles accumulate; and

(2) components that promote the sedimentation of particles.

## DIVISION VI COMMERCIAL STORM WATER TREATMENT TECHNOLOGY

**17.** A commercial storm water treatment technology is a manufactured treatment device, other than a hydrodynamic separator, integrated with a storm water management system, that reduces the concentration of suspended matters in the storm water.

## CHAPTER III DESIGN OF A STORM WATER MANAGEMENT SYSTEM

### DIVISION I PLANS AND SPECIFICATIONS AND MAINTENANCE PROGRAM

#### §1. General

**18.** The design of a storm water management system must include the preparation of plans and specifications the general content of which is determined in subdivision 2 of Division I of Chapter III and a maintenance program the general content of which is determined in subdivision 3 of Division I of Chapter III.

The design must also include, where applicable, the preparation of plans and specifications and the maintenance program the contents of which are determined in subdivision 4 of Division III of Chapter III for supplementary storm water management works and the preparation of maintenance programs determined in Chapter IV for storm water management works.

#### §2. Plans and specifications

**19.** The plans and specifications must contain clauses requiring the contractor to

(1) prepare, for the duration of the excavation, back-filling and soil levelling work and according to the work phases, an erosion and sediment control program on the work site that includes

(a) measures to divert storm water from zones adjacent to the work site and prevent the water from passing on the work surfaces;

(b) protection measures to prevent and avoid any soil loss caused by storm water;

(c) measures to drain storm water outside the work site; and

(d) a plan that localizes the measures mentioned in subparagraphs *a* to *c*;

(2) implement measures to intercept suspended matters and any material displaced by storm water flow from the work site;

(3) delimit the site zones and the material storage zones;

(4) delimit machinery traffic surfaces and protect them;

(5) implement, for the duration of the work, measures to protect or cover bare soil, the granular material storage zones and steep slope zones against washout, gullying and transportation of particles during rainy weather;

(6) provide measures to reduce the concentration of suspended matters contained in storm water, before being drained outside the work site, to a value not exceeding the sum of the typical natural or ambient concentration of the receiving lake or watercourse at the discharge point after at least 5 days after a rain event is observed at the work site, plus 25 mg/L, or to intercept particles of a size equal to or greater than 120 µm during a rain event having a total height of 25 mm for measures whose design is based on volume, or having an intensity of 30 mm/h for measures whose design is based on flow.

The measures must resist to the rain events that have a return period corresponding at least to the values indicated in Table 3.1;

Table 3.1 Return periods of rain events

Duration of the measure	Return period (year)
< 12 months	1
between 12 months and 36 months	2
between 3 years and 5 years	3
over 5 years	5

(7) implement measures to revegetate bare soil within 5 days following the end of the work and, if the revegetation cannot be done within that time, apply bare soil protection measures adapted to the slopes involved until the revegetation is carried out; in the latter case, revegetation must be carried out not later than 8 months following the end of the work; and

(8) provide for the measures applicable to preparation work on the storm water management system in order that it is carried out only when the tributary surfaces of the system do not contain or are not likely to contain bare soil or that it is carried out in a way as to protect or isolate the storm water management system from storm water coming from the work site until the tributary surfaces of the system no longer contain or are no longer likely to contain bare soil.

The plans and specifications must describe the storm water management systems whose geometries and configurations are similar to those modelled in the computer models used, if applicable.

### §3. Maintenance program

**20.** The maintenance program must include the following information and be given to the owner of the storm water management work:

- (1) the function of the first person in charge of maintenance;
- (2) the criteria or indicators that, where observed on the site, signal the need to proceed with a maintenance activity;
- (3) the routine maintenance activities to be carried out and their justification;
- (4) a comprehensive inventory of problematic situations that may be encountered and their solution;
- (5) a schedule and frequency of the maintenance activities to be carried out;

(6) an estimate of the costs to carry out the maintenance activities and the costs for disposal of debris, waste and sediments;

(7) the equipment, tools and material required for the maintenance or repair activities and, if specific tools must be used, a list of suppliers of those tools;

(8) the instructions for the maintenance and replacement of the parts of the hydrodynamic separators and commercial storm water treatment technologies;

(9) the identification of the training or certificates required for the staff responsible for carrying out the maintenance activities;

(10) the procedures and equipment required to ensure the safety of the staff carrying out the maintenance activities;

(11) a copy of the warranties offered, where applicable, by manufacturers of the hydrodynamic separators and commercial storm water treatment technologies;

(12) a copy of the construction plans of the storm water management works.

## DIVISION II DIMENSIONING

### §1. General

**21.** To determine the runoff peak flow of a territory or the storage volume of a storm water management work, the rational method or computer model complying with the standards established in subdivision 4 of Division II of Chapter III must be used.

The rational method described in subdivision 2 of Division II of Chapter III allows the estimating of the runoff peak flow of a territory having an area less than 25 km<sup>2</sup> for storm water management works whose design criterion is the runoff flow.

The rational method described in subdivision 3 of Division II of Chapter III allows the estimating of the storage volume of a storm water management work whose design criterion is the runoff volume receiving storm water from a territory having a maximum area of 5 ha.

Every hydrological and hydraulic calculation provided for in this Regulation may be carried out using a computer model if the standards established in subdivision 4 of Division II of Chapter III are complied with.

For the purposes of this Regulation,

(1) the grassed ditch, the hydrodynamic separators and the commercial storm water treatment technologies are storm management works whose design criterion is the runoff flow; and

(2) the dry retention system and the permanent volume retention system are storm management works whose design criterion is the runoff volume.

**22.** When, in the application of the rational method or a computer model, intensity-duration-frequency values of the rainfalls are used, the values must result from the statistical analysis of the rainfall data from a weather station whose rain conditions and altitude are representative of those prevailing in the territory drained by the storm water management system and have been produced by Environment and Climate Change Canada, Agrométéo Québec or a municipality.

The intensity-duration-frequency values of rainfalls associated with a return period must be based on a number of years of recording rainfall data complying with the number of years of recording indicated in Table 3.2.

Table 3.2 Number of years of recording associated with a return period

Return period	Number of years of recording
< 2 years	5
2 years	5
10 years	10
25 years	15
50 years	20
100 years	25

For every hydrological calculation carried out with projected conditions, the intensity-duration-frequency values of the rainfalls must be increased by the minimum value indicated in Table 3.3 on the basis of the return period, unless the intensity-duration-frequency curves used in the calculation already take into account the effects of climate change by at least the values indicated in Table 3.3.

Table 3.3 Increase

Return period	Increase
< 2 years	No increase
≥ 2 years	+ 18%



§2. Rational method for determining a runoff peak flow

**23.** The runoff peak flow,  $Q$ , of storm water management works whose design criterion is the runoff flow is established using equation 3-1.

Equation 3-1:	$Q = Cr(p) \times A \times i/360$
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where:

- $Q$  = Runoff peak flow (m<sup>3</sup>/s);
- $Cr(p)$  = Weighted runoff coefficient established using equation 3-2;
- $A$  = Area of the territory draining to the storm water management work (ha);
- $i$  = Rain intensity (mm/h);
- 360 = Conversion coefficient for units.

Equation 3-2:	$Cr(p) = \frac{\sum_{j=1}^m (A_j \times Cr_j)}{\sum_{j=1}^m (A_j)}$
---------------	---

where:

- $Cr(p)$  = Weighted runoff coefficient;
- $A_j$  = Area of the homogenous surface  $j$  (m<sup>2</sup>);
- $Cr_j$  = Runoff coefficient in relation to the homogenous surface  $j$ ;
- $m$  = Number of homogenous surfaces included in the territory draining to the water storm management system.

**24.** The following rules apply to the factors of equations 3-1 and 3-2:

- (1) the runoff coefficients  $Cr_j$  used may not be less than the values indicated in Table 3.4;

Table 3.4 Runoff coefficients  $Cr_j$  according to the various types of surface return periods

Surface	Return period			
	2 to 10 years	11 to 25 years	26 to 50 years	51 to 100 years
Gravel				
Compacted (unpaved road, shoulder, etc.)	0.75	0.83	0.95	0.95
Non compacted	0.60	0.66	0.79	0.95

Surface	Return period			
	2 to 10 years	11 to 25 years	26 to 50 years	51 to 100 years
Paving				
Asphalt, concrete	0.90	0.95	0.95	0.95
Bricks	0.80	0.88	0.95	0.95
Conventional roof	0.95	0.95	0.95	0.95
Green roof				
Thickness < 100 mm	0.50	0.55	0.66	0.83
Thickness from 100 to 200 mm	0.30	0.33	0.40	0.50
Thickness from 201 to 500 mm	0.20	0.22	0.26	0.33
Thickness > 500 mm	0.10	0.11	0.13	0.17
Grass (sandy soil)				
Flat (slope < 2%)	0.08	0.09	0.11	0.13
Average (slope of 2 to 7%)	0.13	0.14	0.17	0.21
Steep (slope > 7%)	0.18	0.20	0.24	0.30
Grass (dense soil)				
Flat (slope < 2%)	0.15	0.17	0.20	0.25
Average (slope of 2 to 7%)	0.20	0.22	0.26	0.33
Steep (slope > 7%)	0.30	0.33	0.40	0.50
Wooded area (sandy soil)				
Flat (slope < 2%)	0.05	0.06	0.07	0.13
Average (slope of 2 to 7%)	0.08	0.09	0.11	0.18

Surface	Return period			
	2 to 10 years	11 to 25 years	26 to 50 years	51 to 100 years
Steep (slope > 7%) Wooded area (loamy or silty soil)	0.11	0.12	0.15	0.23
Flat (slope < 2%)	0.08	0.09	0.11	0.13
Average (slope of 2 to 7%)	0.11	0.12	0.15	0.18
Steep (slope > 7%) Wooded area (sandy clay soil)	0.14	0.15	0.18	0.23
Flat (slope < 2%)	0.10	0.11	0.13	0.17
Average (slope of 2 to 7%)	0.13	0.14	0.17	0.21
Steep (slope > 7%) Wooded area (clay soil)	0.16	0.18	0.21	0.26
Flat (slope < 2%)	0.12	0.13	0.16	0.20
Average (slope of 2 to 7%)	0.16	0.18	0.21	0.26
Steep (slope > 7%)	0.20	0.22	0.26	0.33

(2) the rain intensity,  $i$ , to be used is the intensity associated with a rainfall duration equal to the concentration time,  $t_c$ , of the territory drained to the storm water management system established using equation 3-3 and associated with the return period considered, without considering a concentration time of less than 10 minutes.

Equation 3-3	$t_c = \max(t_e + t_r)$
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where:

- $t_c$  = Concentration time (min); if the concentration time is equal to or less than 10 minutes, the duration of the concentration time is 10 minutes
- $t_e$  = Entry time established using equation 3-4 (min);
- $t_r$  = Water flow time in the storm water management system (min);
- max = Function of maximization indicating that the concentration time corresponds to the time associated with the combination of an entry time,  $t_e$ , and a water flow time,  $t_r$ , in the storm water management system that produces the highest peak flow.

$$\text{Equation 3-4: } t_e = \left( \frac{2.187 \times L \times N}{\sqrt{S}} \right)^{0.467}$$

where:

- $t_e$  = Entry time (min);
- $L$  = Maximum distance covered by the water at the surface before reaching the intake of the storm water management system (m); maximum value: 365 m;
- $N$  = Roughness coefficient of the sheet flow according to the flow surfaces indicated in Table 3.5 ( $\text{s/m}^{1/3}$ );
- $S$  = Average slope of the path travelled by the water before reaching the intake of the storm water management system (m/m).

Table 3.5 Roughness coefficients

Flow surface	Roughness coefficient
Asphalt/concrete	0.01 to 0.15
Smooth impervious surface	0.02
Bare soil, compacted, without debris, without rocks	0.10
Short and sparse vegetation	0.05
Cultivated soil	
Surface of residues $\leq 20\%$	0.06
Surface of residues $> 20\%$	0.17
Grass	
Short grass	0.15
Dense grass	0.24
Very dense grass	0.41
Natural grassland	0.13
Pastureland	0.40
Forest	
Sparse undergrowth	0.40
Dense undergrowth	0.80

**25.** The following rules apply to factor,  $t_f$ , of equation 3-3:

(1) the water flow time,  $t_f$ , for a storm water management system constituted of ditches is established using equation 3-5:

$$\text{Equation 3-5: } t_f = \left( \frac{L \times n}{R^{2/3} \times \sqrt{S}} \right) / 60$$

where:

- $t_f$  = Water flow time in the storm water management system constituted of ditches (min);
- $L$  = Length of water flow into ditches between the intake and the connection point to the storm water management system (m);
- $n$  = Manning's coefficient of the ditches determined in Table 3.6 ( $\text{s/m}^{1/3}$ );

- R = Hydraulic radius of the ditch established by assuming that the design flow flows into the ditch. If a number of ditch geometries are present on the route, L, the geometry showing the highest hydraulic radius value must be used (m);
- S = Average slope of water flow (m/m);
- 60 = Conversion coefficient for the units.

Table 3.6 Manning's coefficients

Type of ditch	Manning's coefficient
Unprotected ditches	
A) Earth	
Without vegetation	0.018
Grassed	0.025
Sparse bush	0.080
Dense bush	0.120
B) Rock	
Smooth and even	0.038
Irregular with roughness	0.043
Protected ditches	
A) Concrete	
Unfinished concrete	0.015
Finishing	0.013
B) Concrete apron	
Stone and mortar walls	0.018
Concrete block walls	0.023
Armour stone walls (riprap)	0.025
C) Gravel apron	
Concrete walls	0.019
Stone and mortar walls	0.022
Armour stone walls (riprap)	0.028
D) Brick	
	0.016
E) Bituminous concrete	
	0.015
F) Wood	
	0.012
Road and drainage ditches	
A) Depth < 200 mm	
Grass 50 mm	0.058
Grass from 100 to 150 mm	0.070
Hay 300 mm	0.130
Hay 600 mm	0.215
B) Depth from 200 to 450 mm	
Grass 50 mm	0.043
Grass from 100 to 150 mm	0.050
Hay 300 mm	0.105
Hay 600 mm	0.145

(2) the water flow time,  $t_f$ , for a storm water management system constituted of pipes is established using equation 3-6:

$$\text{Equation 3-6: } t_f = \left( \frac{2.52 \times L \times n}{D^{2/3} \times \sqrt{S}} \right) / 60$$

where:

- $t_f$  = Water flow time in the storm water management system constituted of pipes (min);
- $L$  = Length of water flow into the pipe between the intake and the connection point to the storm water management system (m);
- $n$  = Manning's coefficient of the pipes determined in Table 3.7 ( $s/m^{1/3}$ );
- $D$  = Diameter of the pipe (m). If a number of pipes are present on the route,  $L$ , an average diameter must be used;
- $S$  = Average slope of water flow (m/m);
- 60 = Conversion coefficient for the units.

Table 3.7 Manning's coefficients

Type of pipe	Roughness or corrugation	Manning's coefficient
Round concrete pipe	Smooth	0.013
Rectangular concrete pipe	Timber formwork (rough)	0.016
	Timber formwork (smooth)	0.014
	Steel formwork (smooth)	0.013
Corrugated steel pipe Annular or helical corrugations	68 over 13 mm (annular)	
	Unpaved	0.024
	25% paved	0.021
	100% paved	0.012
	68 over 13 mm (helical)	
	Unpaved	Variable with D
	25% paved	Variable with D
	100% paved	0.012
	76 over 25 mm (annular)	
	Unpaved	0.027
	25% paved	0.023
	100% paved	0.012
	76 over 25 mm (helical)	Variable with D
150 over 25 mm	0.024	
125 over 25 mm	0.026	
75 over 25 mm	0.028	
150 over 50 mm	0.035	
Corrugated steel pipe Multiplates	Variable corrugation	0.028-0.033
Thermoplastic pipe	Smooth inside	0.010
	Corrugated inside	0.020
Cast iron pipe	Smooth	0.013
Steel pipe	Smooth	0.011
Wood culvert	Smooth	0.016



### §3. Rational method for determining runoff volume

**26.** The minimum storage volume of storm water management works whose design criterion is the runoff volume corresponding to the maximum value of the differences between the runoff volume entering the storm water management work established using equation 3-7, Vinflow, and the volume leaving established using equation 3-8, Voutflow, obtained following a succession of calculations for which the rain duration, t, is increased by 5-minute increments from 5 minutes to 360 minutes.

Equation 3-7:	$V_{\text{entrant}}$	=	$[Cr(p) \times A_{\text{totale}} \times (i \times M)/6] \times t$
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where:

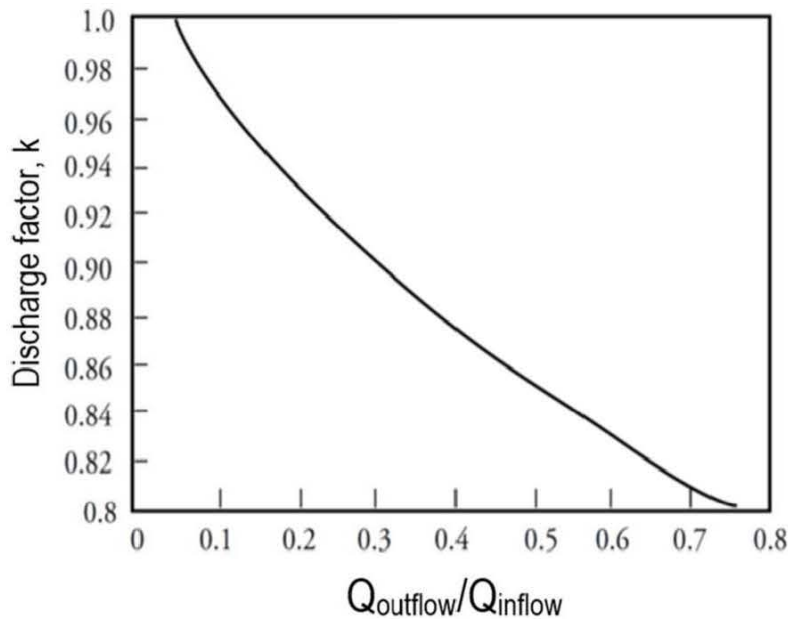
- $V_{\text{entrant}}$  = Runoff volume entering the storm water management work during the time, t, and for the 100-year return period ( $m^3$ );
- $Cr(p)$  = Weighted runoff coefficient calculated under equation 3-2;
- $A_{\text{total}}$  = Area of the surfaces drained to the storm water management work (ha);
- $i$  = Rain intensity associated with time, t, for the 100-year return period (mm/h);
- $M$  = Increase to take into account the effects of climate change; the value of the increase must be equal to or greater than 1.18;
- $6$  = Conversion coefficient for the units;
- $t$  = Duration of the rainfall (min);

Equation 3-8:	$V_{\text{outflow}}$	=	$k \times Q_{\text{outflow}} \times t \times 60$
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where:

- $V_{\text{outflow}}$  = Volume leaving the storm water management work during time t ( $m^3$ );
- $k$  = Value of the discharge factor as determined using figure 3.1;
- $Q_{\text{outflow}}$  = Maximum flow leaving the flow control device ( $m^3/s$ ) established in accordance with Division V of Chapter III;
- $t$  = Duration of the rainfall (min);
- $60$  = Conversion coefficient for the units.

Figure 3.1 Value of the discharge factor,  $k$ , established according to the ratio of the controlled flow from the flow control device ( $Q_{outflow}$ ) and the peak inflow ( $Q_{inflow}$ ).



**27.** An increase of 10% must be applied to the maximum value of the differences between the inflow volume and the outflow volume referred to in section 26.

*§4. — Computer model*

**28.** The standards established in this subdivision apply to the computer model used to carry out the hydrological and hydraulic calculations used to size a storm water management system.

**29.** The computer model must be based on the calculation processes and algorithms of modelling software SWMM5, Storm Water Management Model, developed by the American agency Environmental Protection Agency.

**30.** The parameters of the computer model must comply with the values of the attributes indicated in Table 3.8 for “General options” type elements.

For the other parameters of the computer model, the values of the attributes, other than the Horton or Green-Ampt attributes, must be determined following a calibration of the model or, failing that, comply with the values indicated in Table 3.8.

For the values of the Horton or Green-Ampt attributes, if onsite data are available, the data must be used or, failing that, the values indicated in Table 3.8 must be complied with.

Table 3.8 Parameters of the SWMM5 computer model

Element of the model	Attribute	Value
General options	Units	L/s or m <sup>3</sup> /s
General options	Routing model	Dynamic wave
General options	Infiltration model	Horton or Green-Ampt
General options	Reporting time steps	≤ 1 minute
General options	Routing time steps	≤ 30 seconds
General options	Allow ponding	Activated
Subcatchments	Roughness coefficient (N) – impervious area	Table 3.5
Subcatchments	Roughness coefficient (N) – pervious area	
Subcatchments	Depth of depression storage – impervious area	Table 3.9
Subcatchments	Depth of depression storage – pervious area	
Subcatchments	Horton – maximum infiltration rate (f <sub>o</sub> )	Table 3.10
Subcatchments	Horton – minimum infiltration rate (f <sub>c</sub> )	Table 3.11
Subcatchments	Horton – decay constant (k)	≥ 2
Subcatchments	Green-Ampt – Suction head at the wetting front	Table 3.12
Subcatchments	Green-Ampt – Saturated hydraulic conductivity	
Node	Ponded area	Non-zero value

Table 3.9 Initial losses according to the type of surfaces

Type of surface	Minimum initial loss (mm)
Paving	1.5
Flat roof	1.5
Sloped roof	1.0
Grass	5.0
Wooded area and fields	8.0
Forest	15.0

Table 3.10 Initial infiltration capacity ( $f_o$ )

Type of surface	Initial infiltration capacity ( $f_o$ ) (mm/h)					
	With little or no vegetation			With dense vegetation		
	Sandy soil	Loam	Clay soil	Sandy soil	Loam	Clay soil
Completely dry soil	125	75	25	250	150	50
Virtually dry soil	60	40	15	125	75	25
Drained, but not dry soil (field capacity)	40	25	10	80	50	15
Virtually saturated to saturated soil	Values of Table 3.11					

Table 3.11 Ultimate infiltration capacity ( $f_c$ )

Hydrologic soil group <sup>(1)</sup>	Ultimate infiltration capacity ( $f_c$ ) (mm/h)
A	35
B	15
C	2
D	0.5

(1) Hydrologic groups A, B, C and D are those defined in the report *Classement des séries de sols minéraux du Québec selon les groupes hydrologiques*, Rapport final, IRDA, déc. 2013.

Table 3.12 Suction head at the wetting front and saturated hydraulic conductivity

Type of soil	Suction head at the wetting front (mm)	Saturated hydraulic conductivity (mm/hr)
Sand	50	120
Loamy sand	60	30
Sandy loam	110	11
Loam	90	3
Silty loam	170	7
Sandy clay loam	220	2
Clay loam	210	1
Silty clay loam	270	1
Sandy clay	240	1
Silty clay	290	1
Clay	320	0

**31.** The simulation model of a storm water management system must be a double drain construction.

A simulation model is a double drain construction where the minor and major drainage systems of the storm water management system are modelled and the surcharges of the minor drainage system and the interaction between the major and minor drainage systems are taken into consideration.

A minor drainage system intercepts, carries and discharges storm water from events having a return period equal to or less than 25 years and, where applicable, treats, holds and controls storm water flow: it comprises storm water management works, ditches, pipes, sumps and manholes.

A major drainage system allows the flow of surface storm water where the capacity of the minor drainage system is exceeded.

**32.** The characteristics of each modelled sub-basins in a computer model must be homogenous for the sub-basin modelled.

**33.** The duration of the simulation must end, at least, at the end of the simulated storm pattern plus 48 hours.

A storm pattern is rain that is integrated to the computer model for hydrological and hydraulic simulation purposes.

**34.** The continuity errors on the mass conservation of the runoff water model and water flow model must be between - 5% and + 5% at the end of a simulation.

**35.** Where simulated rain intensities or levels have return periods equal to or less than the service level of a simulated minor drainage system, no “node” type element of the computer model may be flooded on the surface for the duration of the simulation.

The service level of the minor drainage system is the annual probability that part or all of the minor network flow surcharges and corresponds to the return period according to  $T = 1/P$  where  $T$  is the return period in years and  $P$  is the annual probability that part or all of a minor network flow surcharges at least once.

**36.** No hydrographs of the “segment” type element of the computer model must have digital instabilities at the end of a simulation that affect the validity of the results.

**37.** The storm pattern for sizing storm water management works for controlling suspended matters, the quality control rain, is defined in Table 3.13.

The runoff volume to be treated,  $V_{\text{quality}}$ , and the runoff flow to be treated,  $Q_{\text{quality}}$ , are those associated with the passing of the quality control rain defined in the first paragraph.

Table 3.13 Quality control rain

Time	Rain intensity	Time	Rain intensity	Time	Rain intensity
(min)	(mm/h)	(min)	(mm/h)	(min)	(mm/h)
0	0.00	130	5.70	250	2.16
10	1.30	140	16.70	260	2.02
20	1.37	150	32.91	270	1.90
30	1.44	160	18.34	280	1.80
40	1.53	170	7.25	290	1.70
50	1.64	180	5.28	300	1.62
60	1.77	190	4.24	310	1.56
70	1.92	200	3.59	320	1.48
80	2.12	210	3.14	330	1.42
90	2.38	220	2.80	340	1.37
100	2.74	230	2.54	350	1.33
110	3.24	240	2.34	360	1.28
120	4.07				

**38.** The storm pattern for sizing storm water management works for controlling erosion, erosion control rain, is the type II NRCS rain defined in Table 3.14 having a total rainfall level corresponding to 75% of the rainfall level associated with a duration of 24 hours and having a return period of 2 years based on the intensity-duration-frequency values of rainfalls.

The runoff volume to control erosion,  $V_{\text{erosion}}$ , is the volume associated with the passage of the type II NRCS rain defined in the first paragraph.

Table 3.14 Erosion control rain

Time	P/Ptotal <sup>(1)</sup>	Time	P/Ptotal <sup>(1)</sup>
00:00	0.000	11:00	0.235
02:00	0.022	11:30	0.283
04:00	0.048	11:45	0.357
06:00	0.080	12:00	0.663
07:00	0.098	12:30	0.735
08:00	0.120	13:00	0.772
08:30	0.133	13:30	0.799
09:00	0.147	14:00	0.820
09:30	0.163	16:00	0.880
09:45	0.172	20:00	0.952
10:00	0.181	24:00	1.000
10:30	0.204		

(1) Cumulated fraction of rainfall since the beginning of the rain in relation to the total level of the rain.



**39.** Storm patterns for sizing storm water management works to control 10-year and 100-year floods must at least include Chicago type rainfalls of 3 hours and 6 hours having a return period of 10 years and 100 years, respectively.

The rainfall levels of the storm patterns must correspond to the rainfall level associated with the duration and 10-year or 100-year return period based on intensity-duration-frequency values of rainfalls.

**40.** Chicago rainfall is defined in equations 3-9 and 3-10:

$$\text{Equation 3-9: } i_{av} = \frac{A \left[ (1-C) \frac{t_{av} + B}{r} \right]}{\left( \frac{t_{av} + B}{r} \right)^{(C+1)}}$$

$$\text{Equation 3-10: } i_{ap} = \frac{A \left[ (1-C) \frac{t_{ap} + B}{1-r} \right]}{\left( \frac{t_{ap} + B}{1-r} \right)^{(C+1)}}$$

where:

- $i_{av}$  = Rain intensity before the peak (mm/h);
- $i_{ap}$  = Rain intensity after the peak (mm/h);
- $t_{av}$  = Time before the peak (min);
- $t_{ap}$  = Time after the peak (min);
- $r$  = Symmetry factor corresponding to the values indicated in Table 3.15;
- $A, B, C$  = Regression coefficients of the intensity-duration-frequency curve defined in equation 3-11.

$$\text{Equation 3-11: } i = A/(B+t)^C$$

where:

- $i$  = Rain intensity (mm/h);
- $t$  = Duration of the rain (min).

Table 3.15 Symmetry factor

Place	Symmetry factor (r)
Montréal	0.45
Lennoxville	0.37
Val d'Or	0.38
Québec	0.38
La Pocatière	0.42
Normandin	0.32
Bagotville	0.42
Other	0.40

**41.** The time step of the hyetograph of a rain pattern must comply with the durations indicated in Table 3.16.

Table 3.16 Duration of the time step of the hyetograph of a rain pattern

Type of rainfall	Duration of the time step of the hyetograph (min)
Chicago	10
NRCS type II	15

**42.** Where more than one rain pattern is used to design storm water management works, the patterns must be simulated and the results leading to the largest sizing of the storm water management works must be kept for design purposes.

### DIVISION III REDUCTION OF SUSPENDED MATTERS

#### §1. General

**43.** To reach the goal of reducing suspended matters, the design of a storm water management system must

(1) comply with the design standards of storm water management works provided for in subdivision 2 of Division III of Chapter III and allow application the calculation standards determined therein to assess the suspended matter reduction performance of storm water management works;

(2) allow the treatment of the runoff volume or flow associated with the quality control rain in accordance with subdivision 3 of Division III of Chapter III; and

(3) comply, where applicable, with the design standards of certain works supplementary to the storm water management works referred to in subdivision 4 of Division III of Chapter III.

#### §2. Multiple storm water management works

**44.** When a treatment train composed of more than one storm water management work is used, those works must be installed in increasing order of their suspended matter reduction performance, from upstream to downstream.

**45.** Two storm water management works of the same type may not be installed in series to increase the suspended matter reduction performance.

**46.** To determine the suspended matter reduction performance of 2 storm water management works of a different nature installed in series, equation 3-12 must be used. Note that no reduction performance is recognized for a pretreatment work unless such a work is listed in Table 3.17.

$$\text{Equation 3-12: } P = A + B - [(A \times B) / 100]$$

where:

- P = Suspended matter reduction performance for 2 storm water management works installed in series (%); minimum value of 80%;
- A = Reduction performance of the storm water management work situated upstream in accordance with Table 3.17 (%);
- B = Reduction performance of the storm water management work situated downstream in accordance with Table 3.17 (%).

**47.** To determine the suspended matter reduction performance of storm water management works installed in parallel, equation 3-13 must be used. Note that no reduction performance is recognized for a pretreatment work unless such a work is listed in Table 3.17.

$$\text{Equation 3-13: } P = 1 - \frac{\sum_{i=1}^n Q_i(1-r_i)}{\sum_{i=1}^n Q_i}$$

where:

- P = Suspended matter reduction performance of  $n$  storm water management works installed in parallel (%); minimum value of 80%;
- $Q_i$  = Flow passing through the work  $i$  ( $m^3/s$ );
- $r_i$  = Suspended matter reduction performance of storm water management work  $i$  determined in accordance with Table 3.17 (%).

Table 3.17 Suspended matter reduction performance

Storm water management work	Suspended matter reduction performance
Dry retention system	40 to 60%: performance established in accordance with subdivision 2 of Division I of Chapter IV
Permanent volume retention system	50 to 90%: performance established in accordance with subdivision 2 of Division II of Chapter IV
Grassed ditch	50% or performance established in section 146

Storm water management work	Suspended matter reduction performance
Hydrodynamic separator	Variable: performance established in accordance with Division IV of Chapter IV
Commercial storm water treatment technology	50% or 80%: performance established in accordance with Division V of Chapter IV

### §3. — Volume or design flow

**48.** Storm water management works must be designed to treat the runoff volume or flow associated with the quality control rain whether the design of the work is based on a runoff volume or flow.

The quality control rain for a storm water management work whose design is based on a runoff volume is rainfall having a total rainfall level of 25 mm.

The quality control rain for a storm water management work whose design is based on a runoff flow is rainfall having an average rain intensity corresponding to 65% of the rain intensity having a 2-year return period based on rainfall intensity-duration-frequency data for a duration that may not exceed the concentration time of the territory draining to a storm water management work established using equation 3-3.

**49.** Failing the use of a computer model, the runoff volume to be treated to reduce suspended matters and that drains to a storm water management work whose design is based on a runoff volume is established using equation 3-14.

Equation 3-14:	$V_{\text{quality}} = 25 \times 0.9 \times A_{\text{imp}} \times 10$
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where:

- $V_{\text{quality}}$  = Runoff volume referred to in sections 48 and 49 (m<sup>3</sup>);
- 25 = Quality control rain level (mm);
- 0.9 = Runoff coefficient;
- $A_{\text{imp}}$  = Sum of impervious surfaces drained to the storm water management work, including surfaces drained indirectly (ha);
- 10 = Conversion coefficient for the units.

**50.** Failing the use of a computer model, the runoff flow to be treated to reduce suspended matters and that drains to a storm water management work whose design is based on a runoff flow is established using equation 3-15.

Equation 3-15:	$Q_{\text{quality}}$	=	$(0.65 \times i_{2\text{years}} \times 0.9 \times A_{\text{imp}}) / 360$
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where:

- $Q_{\text{quality}}$  = Runoff flow to be treated (m<sup>3</sup>/s);
- 0.65 = Rainfall level adjustment factor;
- $i_{2\text{years}}$  = Rain intensity having a 2-year return period based on the rainfall intensity-duration-frequency values for a duration that may not exceed the concentration time of the territory draining to a storm water management work (mm/h);
- 0.9 = Associated runoff coefficient;
- $A_{\text{imp}}$  = Sum of impervious surfaces drained to the storm water management work, including surfaces drained indirectly (ha);
- 360 = Conversion coefficient for the units.

#### §4. Supplementary storm water management works

##### §1. REVEGETATION

**51.** No invasive exotic plant species may be used in the design of a storm water management system.

**52.** Where the design of a storm water management system includes the use of plants, the plants chosen must be adapted to the hydrological zone indicated in Table 3.18.

The hydrological zones correspond to those listed in Table 3.19.

Table 3.18 Hydrological zones

Storm water management work	Hydrological zone				
	1	2	3	4	5
Dry retention system			X	X	X
Permanent volume retention system	X	X	X	X	X
Grassed ditch			X	X	X

Table 3.19 Description of hydrological zones

Zone	Description	Hydrological conditions
1	Permanent deep water	<ul style="list-style-type: none"> <li>• Permanent presence of water;</li> <li>• Water depth &gt; 0.5 m;</li> <li>• Aquatic plants appropriate for the greatest depths.</li> </ul>
2	Permanent shallow water	<ul style="list-style-type: none"> <li>• Permanent presence of water;</li> <li>• Water depth from 0.15 to 0.5 m.</li> </ul>
3	Retention zone	<ul style="list-style-type: none"> <li>• Exposed zone between 2 rain events, but regularly flooded;</li> <li>• For a dry retention system and a grassed ditch, the zone corresponds to the zone between the bottom and the water level reached following the passage of the erosion control rain defined in section 76;</li> <li>• For a permanent volume retention system, the zone corresponds to the permanent volume water level in the water and sediment accumulation zone and the level reached by the water following the passage of the erosion control rain defined in section 76.</li> </ul>
4	Riparian border	<ul style="list-style-type: none"> <li>• Occasionally flooded during events having a 2-year and 100-year return period.</li> </ul>
5	Outside strip	<ul style="list-style-type: none"> <li>• Rarely or never flooded;</li> <li>• Developed areas for environmental and aesthetic aspects and to control access to the storm water management work.</li> </ul>

**53.** The plantation plans and specifications of a storm water management work must

- (1) indicate and locate the plants to be planted;
- (2) specify the composition and depth of the growth substrates;
- (3) indicate the methods for the planting of substrates and plants; and
- (4) indicate the plant storage methods.

The plantation plans and specifications of the grassed ditch for hydrological zones 2 and 3, except accesses provided for maintenance, must be prepared by a person holding a university diploma in landscape architecture, biology or in the forest field, or under the person's supervision.

**54.** The plantation specifications for a project must include the following clauses:

- (1) measures to prevent soil erosion must be present until at least 90% of the planted surface is occupied by well-established plant species in the case of revegetation by seeding, or until the plant species are well established and able to ensure erosion control in the case of revegetation by plantation;
- (2) the replanted surfaces must show a minimum rate of coverage by living plants of 90% at the end of at least 1 year following the end of the revegetation work. Revegetation must be carried out again for as long as the plant survival rate is not at least 90% at the end of the year following revegetation work;
- (3) fertilization during the plant establishment period must be carried out according to standard BNQ 0605-100 — Aménagement paysager à l'aide de végétaux;



(4) as soon as the plants are received and stored and up to 12 months after plantation, the measures required by the contractor to protect and ensure their survival.

**55.** The maintenance program must indicate that plant maintenance must be carried out according to standard BNQ 0605-200 — Entretien arboricole et horticole.

## §2. PRETREATMENT WORK

**56.** The purpose of a pretreatment work is to collect particles contained in storm water before they enter in a storm water management work.

The following in particular are pretreatment works: the hydrodynamic separator, the grassed ditch and the pretreatment cell.

**57.** Every pretreatment work must be situated upstream of storm water management works.

**58.** A level 1 or level 2 pretreatment work must be installed for each intake of the dry retention system or the permanent volume retention system whose purpose is to reduce suspended matters through which travels storm water from at least 10% of the surfaces drained by the dry retention system or the permanent volume retention system.

A level 1 pretreatment work allows the withdrawal of at least 35% of suspended matters or the removal of at least 120 µm of particles during the passage of the runoff flow to be treated. A level 2 pretreatment work allows the withdrawal of at least 50% of suspended matters or the removal of at least 65 µm of particles during the passage of the runoff flow to be treated.

**59.** The hydrodynamic separator is a level 1 or level 2 pretreatment work depending on the performance associated with the treatment flow of the selected model determined under Division IV of Chapter IV, and the grassed ditch and pretreatment cell are a level 2.

## §3. PRETREATMENT CELL

**60.** A pretreatment cell is a water basin in which particles greater than 65 µm contained in storm water settle.

It is separated from the storm water management work by a barrier.

**61.** The barrier separating a pretreatment cell from the storm water management work must allow the distribution of water over the full width of the water and sediment accumulation zone.

If a granular berm is used as barrier, it must be protected from erosion.

**62.** A pretreatment cell of a dry retention system must be empty at least 48 hours after the end of the rain event if no other rain event occurs during that period.

A rain event corresponds to the rainfall observed during and after a continuous period of at least 6 hours during which the total rainfall level does not exceed 0.3 mm.

**63.** The water level in the pretreatment cell must not exceed 1 metre.

**64.** The water flow speed in the pretreatment cell must be less than 1.2 m/s during the passage of the peak flow having a 2-year return period.

**65.** A layout allowing the complete emptying of the pretreatment cell or the drainage of water using a removable pump must be provided for.

**66.** The total storage capacity for the accumulation of sediments and water of all pretreatment cells, distributed proportionally between the tributary surfaces of each pipe, is established using equation 3-16.

Equation 3-16:	$V_{\text{cell1}} = 0,15 \times V_{\text{quality}}$
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where:

$V_{\text{cell1}}$  = Total storage capacity for the accumulation of sediments and water of all pretreatment cells (m<sup>3</sup>);

$V_{\text{quality}}$  = Runoff volume to be treated as defined in sections 48 and 49 (m<sup>3</sup>).

**67.** The total storage capacity for the accumulation of sediments and water of all pretreatment cells if sand or other aggregate is used in winter as abrasive in the territory draining to the dry retention system or the permanent volume retention system is established using equation 3-17.

$$\text{Equation 3-17: } V_{\text{cell2}} = 1,20 \times V_{\text{cell1}}$$

where:

$V_{\text{cell2}}$  = Total storage capacity for the accumulation of sediments and water of all pretreatment cells if sand or other aggregate is used in winter as abrasive in the territory draining to the dry retention system or the permanent volume retention system ( $\text{m}^3$ );

$V_{\text{cell1}}$  = Total storage capacity for the accumulation of sediments and water of all pretreatment cells established using equation 3-16 ( $\text{m}^3$ ).

**68.** The capacity of each pretreatment cell to be reserved for the accumulation of sediments is established using equation 3-18

$$\text{Equation 3-18: } V_{\text{séd}} = 0,50 \times V_{\text{cell}}$$

where:

$V_{\text{séd}}$  = Storage volume of each pretreatment cell to be reserved for the accumulation of sediments ( $\text{m}^3$ );

$V_{\text{cell}}$  = Total storage capacity for the accumulation of sediments and water for all pretreatment cells established by equation 3-16 ( $V_{\text{cell1}}$ ) or equation 3-17 ( $V_{\text{cell2}}$ ) ( $\text{m}^3$ ), as the case may be.

**69.** The pretreatment cell must be equipped with an access for the maintenance machinery. If an access ramp is installed, it must comply with the layout standards provided for in section 90.

**70.** A sediment accumulation level indicator must be installed in the pretreatment cell and have a mark indicating the level reached by the sediment volume determined in section 68.

#### §4. MICROBASIN

**71.** A microbasin is a depressed cavity situated downstream of the dry retention system allowing the maintenance of a permanent water volume to prevent sedimented particles from being again suspended and the sealing of the opening provided for the control of suspended matters or erosion.

**72.** The storage capacity of the microbasin must correspond to at least 15% of the runoff volume to be treated.

**73.** A reserve volume for the accumulation of sediments, corresponding to half of the storage capacity of the microbasin, must be provided for to allow an accumulation of sediments for complying with the average water level in the microbasin.

**74.** The average water level of the microbasin must be at least 1 metre when the reserve volume for the accumulation of sediments is full.

**75.** A sediment accumulation level indicator must be installed in the microbasin and have a mark indicating the level reached by the sediment volume determined in section 73.

#### DIVISION IV EROSION CONTROL

**76.** To minimize accelerated erosion of receiving lakes and watercourses, the average flow coming out of the territory drained by a storm water management system at the end of the work during the passage of erosion control

rain, erosion, must not exceed the value established using equation 3-19; if the value obtained according to the equation is less than 5 L/s, the value of 5 L/s must be used.

Erosion control rain is rainfall having a total rainfall level corresponding to 75% of the rainfall level associated with a period of 24 hours and having a 2-year return period based on the rainfall intensity-duration-frequency values.

Equation 3-19:	$\bar{Q}_{\text{erosion}} = V_{\text{erosion}} / 86,400$
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where:

- $\bar{Q}_{\text{erosion}}$  = Average flow leaving during the passage or the erosion control rain (m<sup>3</sup>/s);
- $V_{\text{erosion}}$  = Runoff volume to be controlled for erosion;
- 86,400 = Number of seconds in 24 hours.

**77.** The runoff volume to be controlled for erosion is the volume established using equation 3-20.

Equation 3-20:	$V_{\text{erosion}} = H_{2\text{years}} \times 0.75 \times A_{\text{total}} \times Cr(p) \times 10$
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where:

- $V_{\text{erosion}}$  = Runoff volume to be controlled for erosion (m<sup>3</sup>);
- $H_{2\text{years}}$  = Rain level associated with a period of 24 hours and having a 2-year return period based on the rainfall intensity-duration-frequency values (mm);
- 0.75 = Rain level adjustment factor;
- $A_{\text{total}}$  = Area of the installation or extension project of the storm water management system (ha);
- $Cr(p)$  = Weighted runoff coefficient;
- 10 = Conversion coefficient for the units.

**78.** The maximum flow coming out of the territory drained to the storm water management system at the end of the work during the passage of erosion control rain must not exceed double the average flow,

## DIVISION V FLOOD CONTROL

**79.** In order not to increase the frequency of flooding of receiving lakes or watercourses and to not reduce the service level of infrastructures crossing the lakes or watercourses situated in the area of influence of the project, peak flows from the territory drained to a storm water management system must comply with the following conditions:

(1) for the 10-year return period, the peak flow must be less or equal to the weakest of

(a) the runoff peak flow prevailing before the carrying out of the work for the 10-year return period; and

(b) the sum of the surfaces of the project multiplied by 10 L/s/ha;

(2) for the 100-year return period, the peak flow must be less than or equal to the weakest of

(a) the runoff peak flow prevailing before the carrying out of the work for the 100-year return period; and

(b) the sum of the surfaces of the project multiplied by 30 L/s/ha.

For the purposes of hydrological calculations, the conditions prevailing before the carrying out of the work must be presumed to be a densely wooded area in good condition, unless photographs of the ground, aerial or satellite, show different ground occupancy, in a minimum continuous period of 10 years before the carrying out of the work. If more than one type of occupancy of the territory is present on the site during that period, the type of occupancy having the weakest runoff potential must be used for the calculations.

The service level of infrastructures is the annual probability that the hydraulic capacity of the infrastructures are exceeded and corresponds to the return period according to  $T = 1/P$  where  $T$  is the return period in years and  $P$  is the annual probability that the hydraulic capacity is exceeded at least once.

The influence area of the project is the section of the hydraulic section downstream of the project starting at the discharge point of the storm water management system and ending at the point where the area of the project represents only 10% of the watershed.

#### CHAPTER IV DESIGN — STORM WATER MANAGEMENT WORKS

##### DIVISION I DRY RETENTION SYSTEM

###### §1. Flow control

**80.** A dry retention system must be open.

The minimum retention capacity of this system corresponds to the water volume associated with a 100-year return period whose flow corresponds to the flow referred to in subparagraph 2 of the first paragraph of section 79. The capacity is calculated from the location where the water begins to be discharged by the flow control device.

**81.** A dry retention system must not be installed in a karst site.

**82.** The floor of the dry retention system must have a longitudinal slope between 0.5% and 2% and lateral slopes equal to or greater than 2%.

**83.** A minimum distance of 300 mm must separate the groundwater average seasonal peak and the floor of the dry retention system at its lowest point, except if the dry retention system is constituted of a leakproof membrane or perforated drains collecting the water under the system floor.

The groundwater average seasonal peak is determined using one of the following methods:

(1) the average of the maximum levels recorded between 1 May and 30 November for at least 2 years using a piezometer installed on the site of the dry retention system;

(2) from the observation of the redox level on the site of the dry retention system;

(3) by adding 1.5 m to a punctual measurement of the groundwater level obtained on the site of the dry retention system. If the calculation leads to a groundwater level above the surface, the groundwater average seasonal peak is a level flush with the surface.

**84.** a minimum freeboard of 300 mm must separate the water level associated with a 100-year return period and the point where the dry retention system starts to overflow at its lowest point.

**85.** The emergency weir must have a capacity allowing for the discharge of the flow associated with an event having a 100-year return period.

**86.** The inlet and outlet pipes must have a minimum inside diameter of 450 mm and a minimum draining slope of 1% over at least 10 m from the dry retention system. If the draining slope is less than 1%, the minimum inside diameter of the pipe must be at least 525 mm.

**87.** The inlet pipes must be protected to limit washout and local erosion.

**88.** The flow control devices at the outlet must be protected against sealing and obstruction by debris, ice or frost. The components of the flow control devices must be corrosion-resistant and protected against vandalism.

**89.** The downstream end of the outlet pipes must be protected to limit washout and erosion and protected against vandalism.

**90.** A road must make it possible for the machinery used for maintenance to access the dry retention basin and an access ramp with a maximum slope of 15% and a minimum width of 3 m must descend to the bottom of the basin. If the roadway is consolidated, the maximum slope does not apply.

**91.** A dry retention system must be empty less than 72 hours after the end of a rain event if no other rain event occurs during that period.

For the purposes of the first paragraph, the dry retention system is considered empty where less than 10% of the maximum volume reached in the system following the passage of a rain event is present in the system.

**92.** In the water and sediment accumulation zone, a volume for the accumulation of sediments must be provided for on top of the storage volume provided for the water.

**93.** A sediment accumulation level indicator must be installed in the water and sediment accumulation zone and have a mark indicating the level where the sediment volume provided for in section 92 is reached, as calculated in accordance with section 109.

**94.** The flow control devices of the dry retention system must include

(1) a device for ensuring compliance with the average flow during the passage of the erosion control rain,  $Q_{\text{erosion}}$ ;

(2) a device for ensuring compliance with the peak flow established in subparagraph 1 of the first paragraph of section 79; the sizing of the device must take into account the flow discharged by the device provided for in subparagraph 1 of the first paragraph and, where applicable, the device provided for in section 103; and

(3) a device for ensuring compliance with the peak flow established in subparagraph 2 of the first paragraph of section 79; the sizing of the device must take into account the flow discharged by the devices provided for in subparagraphs 1 and 2 of the first paragraph and, where applicable, by the device provided for in section 103.

Despite the foregoing, if a flow control device of the orifice or orifice plate type is used, the diameter must not be less than 75 mm.

**95.** Subject to the restrictions in the second paragraph, the following types of flow control devices must be used:

(1) orifice or orifice plate;

(2) flow restricting pipe;

(3) broad-crested or sharp-crested weir;

(4) vortex flow regulator;

(5) buoyant flow control devices providing a constant discharge.

Except in the case of peak flows equal to or less than 15L/s, vortex flow regulators or buoyant flow control devices providing a constant discharge may not be used in a dry retention system to reproduce peak flows with a period equal to or less than 25 years.

**96.** Where the flow control device is sized to discharge a flow equal to or less than 15 L/s, a vortex flow control device must be used.

A vortex flow control device must never be submerged downstream.

**97.** The sizing of the flow control device of the orifice or orifice plate type must be established using equation 4-1 if a maximum flow is used for design purposes or equation 4-2 if an average flow is used for design purposes.

$$\text{Equation 4-1: } A = \frac{Q}{C\sqrt{2 \times 9.81(H_1 - H_2)}}$$

where:

- A = Flow section of the orifice (m<sup>2</sup>);
- Q = Flow leaving an orifice ensuring compliance with paragraph 1, 2 or 3 of section 94 (m<sup>3</sup>/s);
- C = Discharge coefficient of the orifice; minimum value 0.60;
- 9.81 = Gravitational acceleration (m/s<sup>2</sup>);
- H<sub>1</sub> = Vertical distance between the centre of the orifice and the average water level reached upstream of the orifice;
- H<sub>2</sub> = Vertical distance between the centre of the orifice and the water level downstream of the orifice (m); if the downstream side of the orifice is not submerged and is free-flowing, then H<sub>2</sub> = 0.



$$\text{Equation 4-2: } A = \bar{Q}_{\text{erosion}} / C \times \sqrt{2 \times 9.81(H_1 - H_2)}$$

where:

- A = Flow section of the orifice (m<sup>2</sup>);
- $\bar{Q}_{\text{erosion}}$  = Average outlet flow during the passage of erosion control rain;
- C = Discharge coefficient of the orifice; minimum value: 0.60;
- 9.81 = Gravitational acceleration (m/s<sup>2</sup>);
- H<sub>1</sub> = Vertical distance between the centre of the orifice and the average water level upstream of the orifice; the average level corresponds to the average between the maximum level and the level of the centre of the orifice;
- H<sub>2</sub> = Vertical distance between the centre of the orifice and the water level downstream of the (m); if the downstream side of the orifice is not submerged and is free-flowing, then H<sub>2</sub> = 0.

**98.** The sizing of a flow control device of a non-submerged thin-walled weir type is established using equation 4-3, in the case of a trapezoidal weir.

A thin-walled weir is a weir made of a thin plate less than 5 mm thick.

A trapezoidal weir consists of 1 rectangular weir and 2 triangular weirs.

$$\text{Equation 4-3: } Q_{\text{ns}} = C_d \times (L - 0.1 \times i \times H) \times H^{3/2} + C_c \times \emptyset \times H^{5/2}$$

where:

- Q<sub>ns</sub> = Flow discharged by a non-submerged thin-walled trapezoidal weir (m<sup>3</sup>/s);
- C<sub>d</sub> = Flow coefficient for the rectangular central part of the weir, with C<sub>d</sub> = 1.81 + (0.22 × H/P), where P = height of the crest above the channel bottom or invert or the discharge channel (m<sup>1/2</sup>/s); if H/P < 0.3, C<sub>d</sub> = 1.84;
- L = Length of the weir (m); for a triangular weir L = 0 m;
- i = Number of contractions: 0, 1 or 2;
- H = Height of the runoff curve above the crest (m);
- C<sub>c</sub> = Flow coefficient for each triangle of the weir; a value of 1.38 must be used where tg<sup>-1</sup>(∅) is between 10° and 50° (m<sup>1.5</sup>/s);
- ∅ = Ratio of the horizontal distance and the vertical distance of each of the lateral walls; for a rectangular weir ∅ = 0.



**99.** The sizing of a flow control device of the thin-walled weir type submerged downstream must be established using equation 4-4

$$\text{Equation 4-4: } Q_s = Q_{ns} \times \left( 1 - \left( \frac{H_2}{H_1} \right)^{3/2} \right)^{0.385}$$

where:

- $Q_s$  = Flow discharged by a submerged thin-walled weir (m<sup>3</sup>/s);
- $Q_{ns}$  = Flow discharged by the non-submerged weir (m<sup>3</sup>/s);
- $H_1$  = Height of the runoff curve above the crest upstream of the weir (m);
- $H_2$  = Height of the runoff curve above the crest downstream of the weir (m).

**100.** The sizing of a flow control device of a non-submerged broad-crested weir type must be established using equation 4-5, in the case of a rectangular weir.

A broad-crested weir is a weir having a thickness allowing the distribution of the pressure to be hydrostatic.

$$\text{Equation 4-5: } Q_{sp} = C_{sp} \times (L - 0.1 \times i \times H) \times H^{3/2}$$

where:

- $Q_{sp}$  = Flow discharged by a non-submerged rectangular broad-crested weir (m<sup>3</sup>/s);
- $C_{sp}$  = Flow coefficient for a broad-crested weir determined in accordance with Table 4.1 (m<sup>1/2</sup>/s);
- $L$  = Length of the weir (m);
- $i$  = Number of contractions: value = 0, 1 or 2;
- $H$  = Height of the runoff curve above the crest (m).

Table 4.1 Flow coefficient

Height of the runoff curve above the crest <sup>(1)</sup> (m)	Length of the weir (length in the direction of the water flow)														
	0.15	0.20	0.30	0.40	0.50	0.60	0.70	0.80	0.90	1.00	1.25	1.50	2.00	3.00	4.00
0.10	1.59	1.56	1.50	1.47	1.45	1.43	1.42	1.41	1.40	1.39	1.37	1.35	1.36	1.40	1.45
0.15	1.65	1.60	1.51	1.48	1.45	1.44	1.44	1.44	1.45	1.45	1.44	1.43	1.44	1.45	1.47
0.20	1.73	1.66	1.54	1.49	1.46	1.44	1.44	1.45	1.47	1.48	1.48	1.49	1.49	1.49	1.48
0.30	1.83	1.77	1.64	1.56	1.50	1.47	1.46	1.46	1.47	1.47	1.47	1.48	1.48	1.48	1.46
0.40	1.83	1.80	1.74	1.65	1.57	1.52	1.49	1.47	1.46	1.46	1.47	1.47	1.47	1.48	1.47
0.50	1.83	1.82	1.81	1.74	1.67	1.60	1.55	1.51	1.48	1.48	1.47	1.46	1.46	1.46	1.45
0.60	1.83	1.83	1.82	1.73	1.65	1.58	1.54	1.46	1.46	1.48	1.48	1.46	1.46	1.46	1.45
0.70	1.83	1.83	1.83	1.78	1.72	1.65	1.60	1.53	1.44	1.45	1.49	1.47	1.47	1.46	1.45
0.80	1.83	1.83	1.83	1.82	1.79	1.72	1.66	1.60	1.57	1.55	1.50	1.47	1.47	1.46	1.45
0.90	1.83	1.83	1.83	1.83	1.81	1.76	1.71	1.66	1.61	1.58	1.50	1.47	1.47	1.46	1.45
1.00	1.83	1.83	1.83	1.83	1.82	1.81	1.76	1.70	1.64	1.60	1.51	1.48	1.47	1.46	1.45
1.10	1.83	1.83	1.83	1.83	1.83	1.83	1.80	1.75	1.66	1.62	1.52	1.49	1.47	1.46	1.45
1.20	1.83	1.83	1.83	1.83	1.83	1.83	1.83	1.79	1.70	1.65	1.53	1.49	1.48	1.46	1.45
1.30	1.83	1.83	1.83	1.83	1.83	1.83	1.83	1.82	1.77	1.71	1.56	1.51	1.49	1.46	1.45
1.40	1.83	1.83	1.83	1.83	1.83	1.83	1.83	1.83	1.83	1.77	1.60	1.52	1.50	1.46	1.45
1.50	1.83	1.83	1.83	1.83	1.83	1.83	1.83	1.83	1.83	1.79	1.66	1.55	1.51	1.46	1.45
1.60	1.83	1.83	1.83	1.83	1.83	1.83	1.83	1.83	1.83	1.81	1.74	1.58	1.53	1.46	1.45

(1) Measured over a distance equal to or greater than 2.5 times the height of the weir crest above the bottom or invert or the water discharge channel.

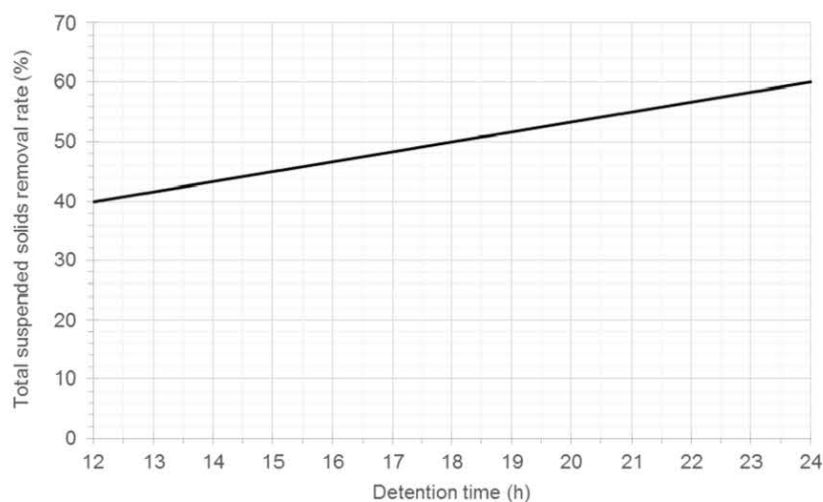
## §2. Control of suspended matters

**101.** This subdivision applies to a dry retention system that also reduces suspended matters.

**102.** The suspended matter reduction performance of the dry retention system is established in accordance with figure 4.2; it is between 40% and 60% depending on the retention period.

The retention period corresponds to the time elapsed between the time the water of the dry retention system reaches a maximum level and the time when there is less than 10% of the volume in the system.

Figure 4.2 Suspended matter reduction performance of a dry retention system according to the retention period



**103.** The dry retention system must have a flow control device for the reduction of suspended matters that ensures a retention period of the runoff volume to be treated of at least 12 hours.

If a flow control device of the orifice or orifice-plate type is used, the diameter may not be less than 75 mm. In that case a value of 40% must be used as suspended matter removal performance.

Where a flow control device is added to the dry retention system in accordance with the first paragraph, the device provided for in subparagraph 1 of the first paragraph of section 94 becomes optional.

**104.** The maximum flow coming out of the dry retention system for the retention period may not exceed double the average flow determined using equation 4-6.

$$\text{Equation 4-6: } \bar{Q}_{\text{mes}} = V_{\text{quality}} / [t \times (3600)]$$

where:

- $\bar{Q}_{\text{mes}}$  = Average outlet flow of the dry retention system to discharge the runoff volume to be treated ( $\text{m}^3/\text{s}$ );
- $V_{\text{quality}}$  = Runoff volume to be treated ( $\text{m}^3$ );
- $t$  = Retention period (h);
- 3600 = Number of seconds in 1 hour.

**105.** The sizing of the flow control device for the reduction of suspended matters, in the case of an orifice or orifice plate type, is established using equation 4-7.

Equation-4-7:

$$A = \bar{Q}_{\text{mes}} / C \times (\sqrt{2 \times 9.81(H_1 - H_2)})$$

where:

- A = Flow section of the orifice ( $\text{m}^2$ );
- $\bar{Q}_{\text{mes}}$  = Average outlet flow of the dry retention system to discharge the runoff volume to be treated ( $\text{m}^3/\text{s}$ );
- C = Discharge coefficient of the orifice minimum value: 0.60;
- 9.81 = Gravitational acceleration ( $\text{m}/\text{s}^2$ );
- $H_1$  = Vertical distance between the centre of the orifice and the average water level upstream of the orifice; the average level corresponds to the average between the maximum level and the level of the centre of the orifice;
- $H_2$  = Vertical distance between the centre of the orifice and the water level downstream of the orifice (m); if the downstream side of the orifice is not submerged and is free-flowing, then  $H_2 = 0$ .

**106.** The route followed by the water in the dry retention system by at least 80% of the runoff volume to be treated must have a minimum ratio of the width over the length of the flow path of 3 to 1, or a minimum ratio of the flow path over the length of the work of 3 to 1.

A flow path is the route followed by the water between an intake in a storm water management work and the outlet of the work.

**107.** The ratio of the lengths of the shortest flow path and the longest flow path must be at least 0.7, except if less than 20% of the surfaces drained to the dry retention system drain through the shortest flow path.

**108.** If a low volume flow channel is installed at the bottom of the basin, it must not be covered with concrete or asphalt.

**109.** The volume for the accumulation of sediments provided for in the water and sediment accumulation zone must correspond to at least the smaller of the following values, irrespective of the volumes calculated for the pretreatment cell and the microbasin, where applicable:

- (1) 20% of the runoff volume to be treated;
- (2) the volume established using equation 4-8.

Equation 4-8:	$V_{MES} = M_{sed.} \times N \times A_{imp} \times P/100$
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where:

- $V_{MES}$  = Reserve volume for the accumulation of sediments (m<sup>3</sup>);
- $M_{sed.}$  = Volume of sediments produced per year per hectare (m<sup>3</sup>/year/ha); minimum value: 0.68;
- $N$  = Expected number of years of operation without maintenance (year); minimum value: 5;
- $A_{imp}$  = Area of impervious surfaces drained to the dry retention system (ha);
- $P$  = Suspended matter reduction performance determined in accordance with figure 4.2 (%).

### §3. Maintenance program

#### 110. The maintenance program must include

(1) an estimate of the expected reserve volume for the accumulation of sediments in the water and sediment accumulation and, where applicable, the microbasin and the pretreatment work;

(2) the expected number of years of operation without maintenance of the dry retention system, expressed in years, established using equation 4-9.

Equation 4-9:	$N = V_{MES} / (M_{sed.} \times A_{imp} \times P/100)$
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where:

- $N$  = Estimate of the expected number of years of operation without maintenance (year); minimum value: 1;
- $V_{MES}$  = Reserve volume for the accumulation of sediments in the dry retention system (m<sup>3</sup>);
- $M_{sed.}$  = Volume of sediments produced per year per hectare (m<sup>3</sup>/year/ha); minimum value: 0.68;
- $A_{imp}$  = Area of impervious surfaces drained to the dry retention system (ha);
- $P$  = Suspended matter reduction performance determined in accordance with figure 4.2 (%);

(3) the need to proceed with the maintenance of the water and sediment accumulation zone where

(a) the accumulation of sediments reaches the mark affixed on the sediment level indicator;

(b) water remains present 72 hours after the end of the rain event and no other rain event has occurred during that period;

(4) the need to proceed, where applicable, with the maintenance of the pretreatment work where

(a) the accumulation of sediments reaches the mark affixed on the sediment level indicator;

(b) water remains present 24 hours after the end of a rain event and no other rain event has occurred during that period;

(5) the water discharge curve of the retention system according to the water level;

(6) the curve describing the volume of storage according to the water level;

(7) the water level from which the dry retention system overflows at its lowest point.

## DIVISION II PERMANENT VOLUME RETENTION SYSTEM

### §1. Flow control

**111.** The permanent volume retention system must be open.

The minimum retention capacity of the temporary detention of the system corresponds to the water volume associated with a 100-year return period whose flow corresponds to the flow referred to in subparagraph 2 of the first paragraph of section 79. The capacity is calculated from the location where the water begins to be discharged by the flow control device.

**112.** The average depth of the volume occupied by permanent water must be greater than 1 m.

The average depth is calculated by dividing the volume occupied by the permanent water by the area occupied at the surface by that volume of water.

**113.** The thickness of the temporary volume of water associated with a 100-year return period must be less than 3 m.

**114.** A minimum freeboard of 300 mm must separate the water level associated with a 100-year return period and the point at which the permanent volume retention system begins to overflow at its lowest point.

**115.** The emergency weir must have a capacity allowing the discharge of the peak runoff flow entering the retention system and associated with an event having a 100-year return period.

**116.** The inlet and outlet pipes must have a minimum inside diameter of 450 mm and a minimum draining slope of 1% over at least 10 m from the permanent volume retention system. If the draining slope is less than 1%, the minimum inside diameter of the pipe must be at least 525 mm.

**117.** The invert of the inlet pipe must be located above the surface of the permanent water or, failing that, at least 150 mm lower than the underside of the ice cover, hg, established using equation 4-10.

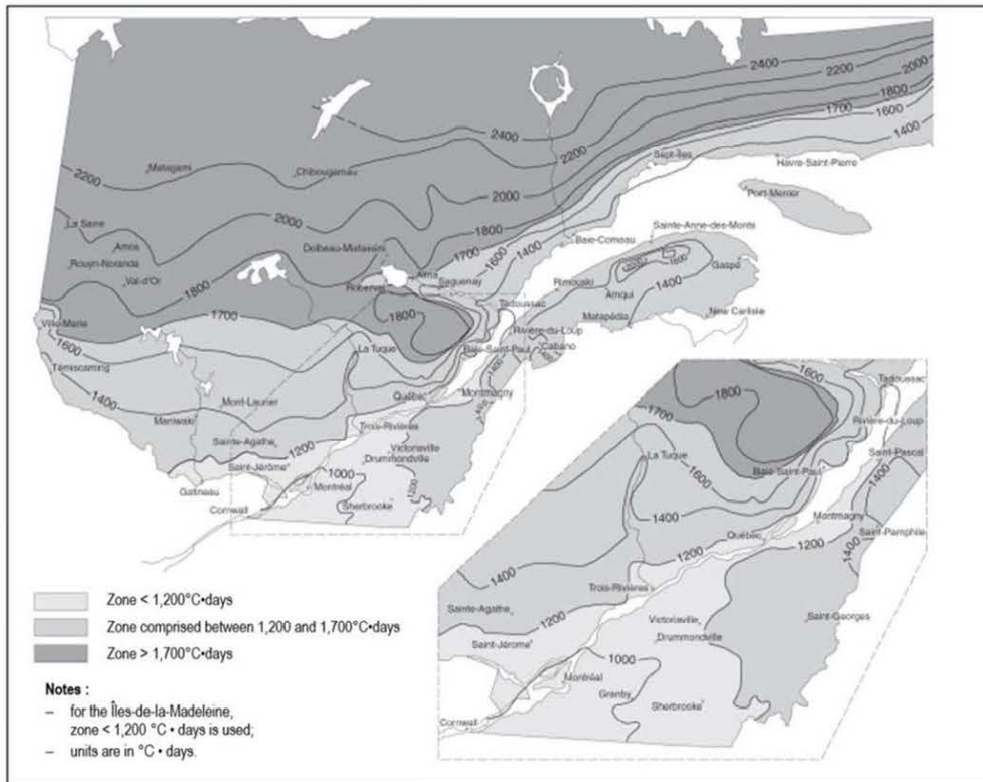
Equation 4-10:	$h_g = 20 \times (D_g)^{0.5}$
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where:

$h_g$  = Thickness of the ice cover (mm);  
 $D_g$  = Sum of the freezing degree-days at the site of the permanent volume retention system determined using figure 4.3 or from the climate normals data published by Environment and Climate Change Canada ( $^{\circ}\text{C} \times \text{days}$ ).



Figure 4.3 Freezing degree days index

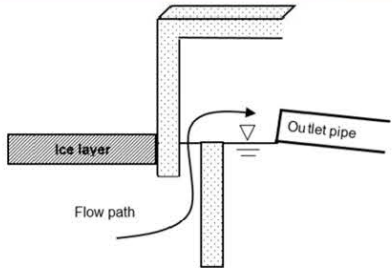
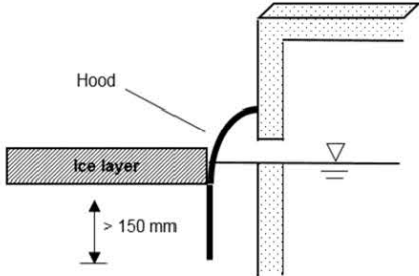
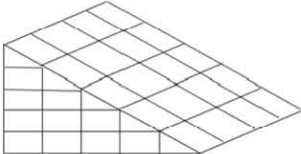
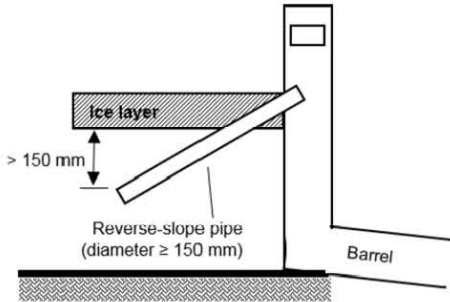


**118.** The inlet pipes of the permanent volume retention system must be protected to limit washout and local erosion.

**119.** The flow control devices at the outlet of the permanent volume retention system must be protected against sealing and obstruction by debris, ice or frost. The components of the flow control devices must be corrosion-resistant and protected against vandalism.

**120.** At least one of the measures against freezing of the flow control devices shown in Table 4.4 must be provided at the outlet of the permanent volume retention system.

Table 4.4 Protection at outlet

Type of protection	Sketch (for information purposes only)
Baffle weirs	
Hood	
Trash rack installed at a shallow angle	
Reverse-slope pipe	

**121.** The end of the protective plate shown in Table 4.4 must be situated at least 150 mm from the ice cover.

**122.** The inside diameter of an invert slope pipe shown in Table 4.4 must be at least 150 mm and the top of the pipe must be situated at least 150 mm from the ice cover.

**123.** The downstream end of the outlet pipes must be protected to limit washout and erosion and protected against vandalism.

**124.** A road must make it possible for the machinery used for maintenance to access the dry retention basin and an access ramp with a maximum slope of 15% and

a minimum width of 3 m must descend to the bottom of the basin. If the roadway is consolidated, the maximum slope does not apply.

**125.** The volume of the temporary water must be discharged less than 72 hours after the end of the rain event if no other rain event has occurred during that period.

**126.** In the water and sediment accumulation zone

(1) a reserve must be provided for the accumulation of sediments above the volume occupied by the permanent water;

(2) a sediment accumulation level indicator must be installed and have a mark indicating the level where the sediment volume is reached, that the volume be the one provided for in paragraph 1 of this section or in section 136, as the case may be.

**127.** The provisions of sections 94 to 100 applicable to the dry retention system apply to the permanent volume retention system, with the necessary modifications.

## §2. Control of suspended matters

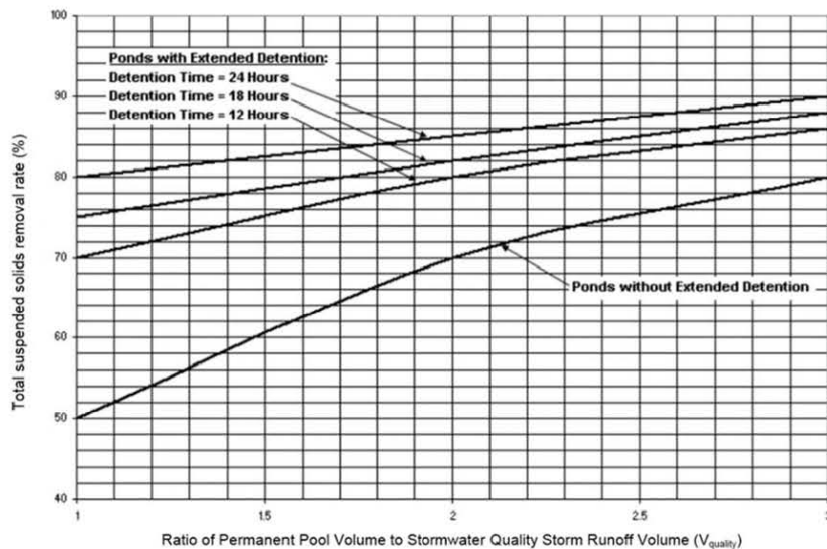
**128.** This subdivision applies to a permanent volume retention system that also reduces suspended matters.

**129.** The suspended matter reduction performance of the permanent volume retention system is established in accordance with figure 4.5; it is included between 50% and 90% and varies according to the ratio between the volume of permanent water in the water and sediment accumulation zone and the runoff volume to be treated,  $V_{\text{quality}}$ , and according to the temporary retention period.

The temporary retention period corresponds to the time elapsed between the moment the volume of the temporary water reaches a maximum level and the moment there is less than 10% of the volume of maximum temporary water in the system.

The volume of the temporary water is the difference between the volume of water in the permanent volume retention system and the volume of permanent water in the water and sediment accumulation zone.

Figure 4.5 Suspended matter reduction performance



**130.** The volume of permanent water in the water and sediment accumulation zone must be at least equal to the runoff volume to be treated.

**131.** The bottom of the permanent volume retention system must be impervious.

**132.** The maximum flow leaving the permanent volume retention system for the temporary retention period may not exceed the flow calculated using equation 4-11.

$$\text{Equation 4-11: } \bar{Q}_{\max} = 2 \times [V_{\text{quality}} / (t \times 3,600)]$$

where:

- $\bar{Q}_{\max}$  = Maximum flow leaving the permanent volume retention system for the temporary retention period;  
 $V_{\text{quality}}$  = Runoff volume referred to in sections 48 and 49 (m<sup>3</sup>);  
 $t$  = Temporary retention period (h);  
 3,600 = Number of seconds in an hour.

**133.** The sizing of the flow control device for reducing suspended matters, in the case of an orifice or orifice plate type, is established using equation 4-12.

$$\text{Equation 4-12: } A = \bar{Q}_{\text{mes}} / C \times (\sqrt{2 \times 9.81(H_1 - H_2)})$$

where:

- $A$  = Flow section of the orifice (m<sup>2</sup>);  
 $\bar{Q}_{\text{mes}}$  = Average flow leaving the permanent volume retention system to discharge the runoff volume to be treated (m<sup>3</sup>/s);  
 $C$  = Discharge coefficient of the orifice: minimum value: 0.60;  
 9.81 = Gravitational acceleration (m/s<sup>2</sup>);  
 $H_1$  = Vertical distance between the centre of the orifice and the average water level upstream of the orifice; the average level corresponds to the average between the maximum level and the level of the centre of the orifice;  
 $H_2$  = Vertical distance between the centre of the orifice and the water level downstream of the orifice (m); if the downstream side of the orifice is not submerged and is free-flowing, then  $H_2 = 0$ .

**134.** The route followed by the water in the permanent volume retention system by at least 80% of the runoff volume to be treated must have a minimum ratio of the width over the length of the flow path of 3 to 1, or a minimum ratio of the flow path over the length of the work of 3 to 1.

A flow path is the route followed by the water between an intake in a storm water management work and the outlet of the work.

**135.** The ratio of the lengths of the shortest flow path and the longest flow path must be at least 0.7, except if less than 20% of the surfaces drained to the permanent volume retention system drain through the shortest flow path.

**136.** The reserve volume for the accumulation of sediments provided for in the water and sediment accumulation zone must correspond to at least the smaller of the following values, irrespective of the volumes calculated for the pretreatment cell, where applicable:

- (1) 20% of the runoff volume to be treated;
- (2) the volume established using equation 4-13.

Equation 4-13:	$V_{MES} = M_{sed.} \times N \times A_{imp} \times P/100$
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where:

- $V_{MES}$  = Reserve volume for the accumulation of sediments (m<sup>3</sup>);
- $M_{sed.}$  = Volume of sediments produced per year per hectare (m<sup>3</sup>/year/ha): minimum value: 0.68;
- $N$  = Expected number of years of operation without maintenance (year); minimum value: 5;
- $A_{imp}$  = Area of impervious surfaces drained to the permanent volume retention system (ha);
- $P$  = Suspended matter reduction performance determined in accordance with figure 4.5 (%).

### §3. Maintenance program

**137.** The maintenance program must include

(1) an estimate of the expected reserve volume for the accumulation of sediments in the water and sediment accumulation zone and, where applicable, in the pretreatment work;

(2) the expected number of years of operation without maintenance of the permanent volume retention system, expressed in years, established using equation 4-14.

Equation 4-14:	$N = V_{MES} / (M_{sed.} \times A_{imp} \times P/100)$
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where:

- $N$  = Estimate of the expected number of years of operation without maintenance (year): minimum value: 5;
- $V_{MES}$  = Reserve volume for the accumulation of sediments in the permanent volume retention system (m<sup>3</sup>);
- $M_{sed.}$  = Volume of sediments produced per year per hectare (m<sup>3</sup>/year/ha): minimum value: 0.68;
- $A_{imp}$  = Area of impervious surfaces drained to the permanent volume retention system (ha);
- $P$  = Suspended matter reduction performance determined in accordance with figure 4.5 (%);

(3) the minimum value of the water depth of the volume of permanent water in the water and sediment accumulation zone to be complied with and the site where the observation must be made;

(4) the need to proceed to the maintenance of the water and sediment accumulation zone where the minimum value of the water depth observed at the site provided for in paragraph 3 is less than the value to be complied with;

(5) the need to proceed, where applicable, to the maintenance of the pretreatment work where the accumulation of sediments reaches the mark affixed on the sediment level indicator;

(6) the water discharge curve of the permanent volume retention system according to the water level;

(7) the curve describing the storage volume according to the water level;

(8) the water level from which the permanent volume retention system overflows at its lowest point.

### DIVISION III GRASSED DITCH

#### §1. General

**138.** The width of the water flow into the grassed ditch must be included between 0.5 and 2.5 m.

**139.** The cross section of the floor of the grassed ditch must be smooth over the width of the ditch.

**140.** The longitudinal slope of the grassed ditch must be included between 0.3 and 5%.

If the longitudinal slope is greater than 5%, weirs must be installed so that the slope of the water flow between the weirs is between 0.3 and 5%. The weirs must be protected downstream against erosion.

**141.** The lateral walls of the grassed ditch must have a horizontal distance (H) ratio over a vertical distance (V) of 3H: 1V or be more gentle.

**142.** The bottom of the grassed ditch must be situated at a minimum distance of 300 mm from the average seasonal maximum groundwater level determined in accordance with section 83.

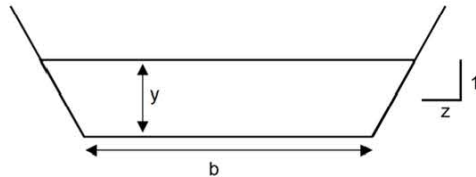
**143.** The average speed of water flow, V, established using equation 4-15, in the grassed ditch during the passage of the runoff flow to be treated must be less than 0.5 m/s.

$$\text{Equation 4-15: } V = \frac{1}{N} R^{2/3} S^{1/2}$$

where:

- V = Average water flow speed (m/s);
- N = Roughness coefficient during the passage of the runoff flow to be treated,  $Q_{\text{quality}}$ ; minimum value of 0.25;
- R = Hydraulic radius (m); for a trapezoidal channel R is established using equation 4-16:
- S = Longitudinal draining slope (m/m);

$$\text{Equation 4-16: } R = \frac{(b+z \times y) \times y}{b+2 \times y \sqrt{1+z^2}}$$



where:

- y = Water flow level (m);
- z = Ratio of the horizontal distance over a vertical distance unit (zH: 1V); value  $\geq 3$ ;
- b = Width at the bottom of the grassed ditch (m); value between 0.5 and 2.5 m.



**144.** The water flow level,  $y$ , in the grassed ditch during the passage of the runoff flow to be treated must be less than two-thirds the height of mowing of the vegetation, or mature vegetation present in the ditch where no maintenance is carried out, without exceeding 80 mm.

The water flow level,  $y$ , is established by iteration using equation 4-17

$$\text{Equation 4-17: } Q = A \times V$$

where:

- $Q$  = Flow into the ditch (m<sup>3</sup>/s);
- $A$  = Area of the flow section, for a trapezoidal channel,  
 $A = by + zy^2$  (m<sup>2</sup>);
- $V$  = Average water flow speed (m/s).

**145.** The minimum travel time of the water in the ditch,  $\tau$ , established using equation 4-18, must be equal to or greater than 600 seconds.

The minimum travel time of the water is the average time that the water takes to flow into the grassed ditch from the last intake of the grassed ditch to the end of the ditch.

$$\text{Equation 4-18: } \tau = L/V$$

where:

- $\tau$  = Minimum travel time of the water;
- $L$  = Length of the grassed ditch, from the last water intake to the end of the ditch (m);
- $V$  = Average water flow speed (m/s).

**146.** The suspended matter reduction performance is established using equation 4-19 if water input to the grassed ditch is evenly distributed over the length of the ditch.

$$\text{Equation 4-19: } P = \left( \frac{L - (V \times 600)}{L} \right) \times 50\%$$

where:

- $P$  = Suspended matter reduction performance (%);
- $V$  = Average water flow speed (m/s);
- $L$  = Length of the grassed ditch (m).

Where the length of the ditch,  $L$ , is less than the product of the average water flow speed,  $V$ , multiplied by 600 seconds,  $V \times 600$ , the suspended matter reduction performance,  $P$ , is 0%.

**147.** Each square metre of the surface of the grassed ditch must be covered 90% by shoots at least 120 mm high after a 7-week or more growth within the growth periods indicated in Table 4.6, according to the hardness zone determined by Natural Resources Canada.

Table 4.6 Growth period according to hardness zone

Hardiness zone	Growth period
2a and 2b	From 30 June to 21 August
3a and 3b	From 15 June to 30 August
4a and 4b	From 21 May to 10 September
5a and 5b	From 10 May to 21 September

**148.** The average water flow speed,  $V$ , during the passage of the flow having a 5-year return period must not exceed the values indicated in Table 4.7 according to the type of vegetation in place, the draining slope and the nature of the soils.

Table 4.7 Average water flow speed

Type of vegetation in the ditch	Slope (%)	Speed (m/s)	
		Erosion-resistant soil	Non-erosion-resistant soil
Well-rooted grass	0-5	2.44	1.83
	5-10	2.13	1.52
	> 10	1.83	1.22
Short-blade grass	0-5	2.44	1.52
	5-10	1.83	1.22
	> 10	1.52	0.91
Mixture	0-5	1.52	1.22
	5-10	1.22	0.91
Grasses	0-5	1.07	0.76

## §2. Maintenance program

**149.** The maintenance program must include the following information:

- (1) plants must be kept at a size of at least 120 mm;
- (2) each square metre of the surface of the grassed ditch must be reseeded where less than 90% of shoots are less than 120 mm high after a 7-week or more growth period within the growth periods indicated in Table 4.6;
- (3) the ditch must be subject to maintenance where water is present in the grassed ditch more than 48 hours after the end of the rain event and no other rain event has occurred during that period.

## DIVISION IV HYDRODYNAMIC SEPARATOR

### §1. General

**150.** To be installed, a hydrodynamic separator must comply with the following:

- (1) hydrodynamic separator have been verified under Canada's Environmental Technology Verification Program or as part of a verification process compliant with ISO Standard 14034 Environmental management — Environmental technology verification (ETV);

(2) the verification conducted under paragraph 1 confirms, through a verification certificate or declaration, that the laboratory test procedure for oil and grit separators published by Canada's Environmental Technology Verification Program has been complied with;

(3) the verification certificate or declaration referred to in paragraph 2 is not expired on the date on which the plans and specifications are signed or is dated not more than 3 years before the signing of the plans and specifications;

(4) the conditions and restrictions provided for in the verification certificate or declaration, the technology sheet and the verification report produced at the end of the verification process performed under paragraph 1 are complied with.

**151.** For a given loading rate, a hydrodynamic separator may be installed in a series configuration if a test for resuspension of sediments conducted at a loading rate corresponding to 200% of the loading rate has been successful.

An installation in a series configuration is an installation in which flows travelling in a storm water management system are sent to a non-bypass treatment unit upstream of the hydrodynamic separator.

**152.** For a given loading rate, a hydrodynamic separator may be installed in a parallel configuration if a test for resuspension of sediments conducted at a loading rate corresponding to at least 125% of the given loading rate has been successful.

An installation in a parallel configuration is an installation in which flows equal to or less than the treatment capacity of the hydrodynamic separator are sent, the excess flows being bypassed upstream by an outside work to bypass the hydrodynamic separator in order to reach the storm water management system downstream of the hydrodynamic separator.

**153.** A test for resuspension is successful where the concentration of suspended matters at the effluent is less than 20 mg/L for a series configuration and 10 mg/L for a parallel configuration, after correction to take into account the concentration of raw water and the smallest particle that may be intercepted during the suspended matter reduction performance.

For the purposes of the correction provided for in the first paragraph,

(1) a 5 µm particle size must be postulated in raw water if no granulometric analysis of the suspended matters contained in the raw water has been conducted;

(2) the size of the smallest particle that may be intercepted for a given loading rate corresponds to D5 of the granulometric curve of particles found in the tank following suspended matter removal tests conducted at 25% of the given loading rate; D5 is the diameter corresponding to the point on the granulometric curve where the percentage of passing particles is 5%; linear interpolation is allowed to obtain D5.

**154.** A hydrodynamic separator may not be used at a given loading rate if no sediment resuspension test has been conducted at a loading rate corresponding to at least 125% of the given loading rate.

## *§2. Suspended matter reduction performance*

**155.** Hydrodynamic separators may not be installed in series to increase the suspended matter reduction performance.

**156.** The annual suspended matter reduction performance for a given flow is established

(1) by multiplying the suspended matter reduction performance associated with the loading rates corresponding to 25%, 50%, 75%, 100% and 125% of the given loading rate by the weighting factors indicated in Table 4.8; and

(2) by adding the products obtained in subparagraph 1.

For the purpose of establishing the suspended matter reduction performance provided for in the first paragraph,

(1) the suspended matter reduction performance values must come from experimental results at the end of the verification process performed under paragraph 1 of section 150, without extrapolation of the results;

(2) the suspended matter reduction performance must be 0% for loading rates greater than those tested; and

(3) the suspended matter reduction performance for loading rates less than those tested must be capped to the performance measured for the smallest loading rate tested.

Table 4.8 Weighting factors

Loading rate %	Weighting factor
25%	0.35
50%	0.25
75%	0.20
100%	0.10
125%	0.10

**157.** A suspended matter reduction performance curve must be drawn. The curve must link the performances determined in section 156 and the loading rate. For that purpose, the loading rates tested during the performance tests must at least constitute the points on the curve.

**158.** The floor of the hydrodynamic separator tank installed must have an area greater than or equal to the area established using equation 4-20 for the annual suspended matter reduction performance sought.

Equation 4-20:	$A = Q_{\text{quality}}/q$
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where:

- A = Area of the floor of the hydrodynamic separator tank (m<sup>2</sup>);  
 $Q_{\text{quality}}$  = Value of the runoff flow to be treated (m<sup>3</sup>/s);  
 q = Loading rate corresponding to the performance sought determined from the performance curve plotted under section 157 (m<sup>3</sup>/s/m<sup>2</sup>).

**159.** The inside sizes of length and width of the hydrodynamic separator tank must be geometrically proportional to those of the hydrodynamic separator tested.

The height and depth sizes of the hydrodynamic separator must be proportional to those of the hydrodynamic separator tested in a proportion of at least 85%.

### §3. Maintenance program

**160.** The maintenance program must include

(1) the manufacturer's maintenance plan for the hydrodynamic separator installed;

(2) the value of the maintenance threshold and the indication that maintenance is required where the accumulated sediments exceed the maintenance threshold; the maintenance threshold is the sediment level for which the distance between the water surface and the top of the accumulated sediments in the separator tank is less than 85% of the distance between the surface of the water and the preloading level of the sediments present in the hydrodynamic separator tank tested during the performance tests, after the scaling of the distance proportionally to the diameters of the separator installed and tested; and

(3) an indicator of the expected number of years of operation without maintenance of the hydrodynamic separator, expressed in years, established using equation 4-21

Equation 4-21:	$N = V_{MES} / (M_{sed.} \times A_{imp} \times P/100)$
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where:

- N** = Expected number of years of operation without maintenance (year);
- V<sub>MES</sub>** = Volume available in the tank for the accumulation of sediments situated below the maintenance threshold (m<sup>3</sup>);
- M<sub>sed.</sub>** = Volume of sediments produced per year per hectare (m<sup>3</sup>/year/ha); minimum value: 0.68;
- A<sub>imp</sub>** = Area of the impervious surfaces drained to the hydrodynamic separator (ha);
- P** = Suspended matter reduction performance associated with the loading rate determined from the performance curve plotted under section 157 (%).

## DIVISION V COMMERCIAL STORM WATER TREATMENT TECHNOLOGY

### §1. General

**161.** To be installed, a commercial storm water treatment technology must meet the conditions provided for in one of the following paragraphs:

(1) the commercial storm water treatment technology is approved by the Washington State Department of Ecology for a General Use Level Designation (GULD) and complies with the conditions and restrictions issued for that commercial storm water treatment technology by the Washington State Department of Ecology for a General Use Level Designation (GULD);

(2) the commercial storm water treatment technology must be verified as part of a verification process compliant with ISO Standard 14034 Environmental management — Environmental technology verification (ETV) and the verification declaration of that technology attests that the Technology Assessment Protocol – Ecology (TAPE), produced by the Washington State Department of Ecology, has been complied with. That verification declaration may not be expired on the date on which the plans and specifications were signed or must be dated not more than 3 years preceding the date of signing of the plans and specifications. The conditions and restrictions provided for in the verification declaration and the verification report produced at the end of the verification process must be complied with.

**162.** The suspended matter reduction performance for a commercial storm water treatment technology corresponds

(1) to the Treatment Type recognized by the Washington State Department of Ecology for a commercial storm water treatment technology referred to in paragraph 1 of section 160;

(2) to 80% of suspended matter reduction, if the average suspended matter reduction performance based on the measurement of the concentration of suspended matters, SSC, indicated in the verification report, is equal to or greater than 80% according to the results reported in the verification report for a commercial storm water treatment technology that meets the conditions referred to in paragraph 2 of section 161.

**163.** Commercial storm water treatment technologies may not be installed in series to increase the suspended matter reduction performance.

### §2. Maintenance program

**164.** The maintenance program must include

(1) the maintenance plan of the manufacturer for the commercial storm water treatment technology installed;

(2) the indicator used to establish the maintenance threshold, the value of the maintenance threshold and the indication that maintenance is required where the accumulated sediments exceed the value of the maintenance threshold; and

(3) an estimate of the expected number of years of operation without maintenance;

(4) the details of the hypotheses and the calculation for establishing the estimate referred to in paragraph 3.

## CHAPTER V FINAL

**165.** This Regulation comes into force on 31 December 2020.

## Regulation respecting the reclamation of residual materials

Environment Quality Act  
(chapter Q-2, ss. 53.30, 95.1, 115.27, 115.34 and 124.1)

### CHAPTER I SCOPE AND DEFINITIONS

**1.** This Regulation applies to residual materials reclamation activities covered by a declaration of compliance or an exemption pursuant to the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*), subject to any contrary provision of this Regulation.

It applies in a reserved area and in an agricultural zone established pursuant to the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

**2.** In this Regulation, unless the context indicates a different meaning,

“Act” means the Environment Quality Act (chapter Q-2); (*Loi*)

“ambient noise” means the total noise that exists in a given situation, at a given moment, usually composed of noises emitted by many sources that are close and far from a site; (*bruit ambiant*)

“dwelling” means any construction intended to lodge persons and connected to individual or collective systems for the supply of drinking water and the treatment of waste water; (*habitation*)

“Minister” means the minister responsible for the application of the Act; (*ministre*)

“particular noise” means the component of the ambient noise that can be specifically identified and that is associated with the activities carried out at a site; (*bruit particulier*)

“public institution” means any of the following institutions: (*établissement public*)

(1) “educational institution” means any institution providing preschool education or primary or secondary level instruction governed by the Education Act (chapter I-13.3) or by the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), a private educational institution governed by the Act respecting private education (chapter E-9.1), an institution whose

instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), a general and vocational college, a university, a research institute, a superior school or an educational institution more than half of whose operating expenses are paid out of appropriations voted by the National Assembly. For the purposes of this Regulation, childcare centres and day care centres governed by the Educational Childcare Act (chapter S-4.1.1) are deemed to be educational institutions; (*établissement d’enseignement*)

(2) “correctional facility” means any facility used for the detention of persons and governed by the Act respecting the Québec correctional system (chapter S-40.1); (*établissement de détention*)

(3) “health and social services institution” means any health and social services institution governed by the Act respecting health services and social services (chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (chapter S-5). For the purposes of this Regulation, any other place where lodging services are provided for senior citizens or for any users entrusted by a public institution governed by any of the aforementioned Acts is also a health and social services institution; (*établissement de santé et de service sociaux*)

(4) “tourist establishment” means an establishment which offers to the public restaurant services or sleeping accommodations, including the rental of camping spaces. Tourist information offices, museums, ski stations, holiday camps, outdoor recreation areas, public beaches, rest areas, golf courses, marinas and sites with guided tourist visits are deemed to be tourist establishments; (*établissement touristique*)

“reference noise level” means a particular noise to which a corrective term may be added; (*niveau acoustique d’évaluation*)

“residual noise” means the noise that subsists at a given site, in a given situation, when the particular noise is eliminated from the ambient noise; (*bruit résiduel*)

“water withdrawal site” means the place where water enters a facility installed to make water withdrawals. (*site de prélèvement d’eau*)

**3.** For the purposes of this Regulation,

(1) a reference to a category 1, 2 or 3 water withdrawal is a reference to the categories established by the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);



(2) the expressions “livestock waste”, “raising site” and “spreading site”, have the same meaning as that assigned to them by section 3 of the Agricultural Operations Regulation (chapter Q-2, r. 26);

(3) the terms used to designate wetlands and bodies of water are those provided for in the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).

**4.** The distances prescribed by this Regulation in reference to a watercourse or a lake are calculated from the high-water mark. The distances so prescribed in reference to a wetland are calculated from its boundary.

## CHAPTER II GENERAL

### DIVISION I SITING STANDARDS

**5.** Any residual materials reclamation activity for the purpose of composting or storing organic residual materials, establishing a residual materials transfer station or a selective collection sorting station, storing, sorting and conditioning construction or demolition residual materials, storing and conditioning street sweeping waste, or conditioning uncontaminated wood must be carried out

(1) 100 m or more from a category 1, 2 or 3 groundwater withdrawal site, except in the case of a water withdrawal related to the activity;

(2) 60 m or more from a watercourse or lake and 30 m or more from a wetland;

(3) outside the floodplain.

The first paragraph does not apply to the following activities:

(1) storing livestock waste on a raising site or spreading site;

(2) composting in an enclosed thermophilic composter;

(3) household composting of materials in a volume of less than 4 m<sup>3</sup>;

(4) storing compost.

Subparagraph 3 of the first paragraph does not apply where

(1) the transfer of materials from a residual materials transfer station or selective collection sorting station is carried out indoors;

(2) the activity is limited to the storing of construction and demolition waste.

**6.** Any residual materials reclamation activity for the purpose of crushing, screening and storing crushed stone or residues from the dimension stone sector, brick, concrete or asphalt or for the purpose of sorting and conditioning dead leaves must be carried out

(1) 100 m or more from a category 1 or 2 groundwater withdrawal site or 30 m or more from a category 3 groundwater withdrawal site, except in the case of a water withdrawal related to the activity;

(2) 60 m or more from a watercourse or lake and 30 m or more from a wetland;

(3) outside the floodplain.

The first paragraph does not apply to the storage, crushing and screening of brick, concrete, asphalt and crushed stone carried out during construction or demolition work in accordance with section 290 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).

Subparagraph 3 of the first paragraph does not apply where the activity is limited to storing residual materials.

**7.** Where an activity in a facility for composting livestock that dies at the farm involves the storage of the compost produced, the storage must be carried out more than 500 m from a dwelling that does not belong to the owners of the composting facility or from a public institution.

The first paragraph does not apply where the compost meets the maturity criterion as defined in CAN/BNQ Standard 0413-200, according to an analysis by a laboratory accredited under section 118.6 of the Act. The analysis certificate must be kept by the operator and be provided to the Minister at the Minister’s request.

### DIVISION II OPERATING STANDARDS

**8.** Where a residual materials reclamation activity involves the conditioning, crushing, screening, transfer or sorting of residual materials on site, the noise emitted by those activities, represented by the reference noise

level obtained at the dwelling or public institution must not exceed, for any 1-hour interval, the highest of the following sound levels:

- (1) residual noise;
- (2) 40 dBA between 7:00 p.m. and 7:00 a.m. and 45 dBA between 7:00 a.m. and 7:00 p.m.

The first paragraph does not apply to

(1) a dwelling owned by or rented to the owner or operator of the site or to educational institutions or tourist establishments when they are closed; or

(2) activities carried out during construction or demolition work.

**9.** Every declarant of a residual materials reclamation activity covered by a declaration of compliance, excluding the activities indicated in section 11 or 12, must keep a daily log containing the following information:

- (1) for each material received at the facility:
  - (a) the reception date;
  - (b) the quantity received, by weight or volume;
  - (c) the name and contact information of the generator;
  - (d) the name and contact information of the carrier;
- (2) for each material leaving the facility:
  - (a) the shipping date;
  - (b) the quantity shipped, by weight or volume;
  - (c) the type of material shipped;
  - (d) the name and contact information of the destination;
  - (e) the name and contact information of the carrier;
- (3) the date and the details of any complaint received regarding the declarant's activities, as well as the measures taken to remedy the situation;
- (4) the dates of maintenance and inspection of the facility's structures, any observations made and any maintenance or repair measures undertaken.

The declarant must keep the information recorded in the log for a minimum of 5 years from the date it was entered in it. The information must be provided to the Minister on request.

This section applies, adapted as required, to an operator carrying out storage and conditioning of non-contaminated wood referred to in section 276 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).

**10.** In the case of a statement of compliance for the composting and reclamation of compost produced in an enclosed thermophilic composter, in addition to the information prescribed by the first paragraph of section 9 for such an activity, the log must also include the following information:

- (1) the daily temperatures in the thermophilic composter;
- (2) the results obtained from sampling the compost;
- (3) the date the composter is unloaded and the volume of mature compost unloaded.

**11.** Every declarant of an activity covered by a declaration of compliance for the construction, installation, modification or operation on a raising site of a facility for composting livestock that dies at the farm and for the storing and spreading on a raising site or spreading site of the compost produced must keep a log containing the following information:

- (1) for the declarant's composting activities,
  - (a) the internal temperatures of the composting materials in the facility taken at intervals of no more than 72 hours;
  - (b) each time inedible meat is brought into the facility and for each species,
    - i. the species;
    - ii. the approximate weight;
    - iii. if applicable, the number of carcasses.
- (2) for each compost heap:
  - (a) the location of the heap;
  - (b) the date of the first input forming the heap;
  - (c) the date of the complete removal of the heap.

The declarant must keep the information recorded in the log for a minimum of 5 years from the date it was entered in it. The information must be provided to the Minister on request.

**12.** Every declarant of an activity relating to the spreading of fresh waste water or of sludge from a commercial fishing pond site or fresh water aquacultural site must keep a log containing the following information:

(1) the name and contact information of the operator of the commercial fishing pond site or fresh water aquacultural site from which the fresh waste water or sludge originates:

(2) the method of spreading;

(3) the estimated volume of fresh waste water or sludge spread;

(4) the date of spreading of fresh waste water or sludge;

(5) the name and contact information of the forest spreading site or the raising or spreading site.

The declarant must keep the information recorded in the log for a minimum of 5 years from the date it was entered in it. The information must be provided to the Minister on request.

**13.** Every operator carrying out an activity exempted pursuant to section 274 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*) concerning the storing of organic agricultural residues or organic residual materials for purposes of reclamation must keep a log containing the following information for each heap of residues:

(1) the location of the heap;

(2) the date of the first input forming the heap;

(3) the date of the complete removal of the heap.

The operator must keep the information recorded in the log for a minimum of 5 years from the date it was entered in it. The information must be provided to the Minister on request.

### CHAPTER III

#### RECLAMATION OF RESIDUAL MATERIALS FROM CONSTRUCTION OR DEMOLITION WORK

**14.** This Chapter prescribes the standards applicable to residual materials from construction or demolition work for purposes of their reclamation as residual granular materials in accordance with the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).

The residual materials covered by this Chapter are

(1) crushed stone;

(2) concrete;

(3) grooving sludge and sediments from ready-mix concrete basins with a dryness greater than 55%;

(4) brick;

(5) asphalt;

(6) cuttings and tailings from the dimension stone sector;

(7) sludge from the dimension stone sector.

**15.** In this Chapter, unless the context indicates a different meaning,

“impurity” means any particle or fragment of material occurring in a mixture of residual materials covered by this Chapter, consisting of plastic, polymer, ceramic, glass, wood, plaster, cardboard, paper, reinforcing steel, pieces of metal, insulating material or any other construction or demolition material that is not a material covered by the second paragraph of section 14;

“residual granular material” means a material made up of one or more of the materials covered by the second paragraph of section 14;

“residual granular materials producer” means a person operating a business that stocks and conditions residual materials covered by this Chapter and stocks, distributes or sells residual granular materials produced from such materials.

**16.** For purposes of its reclamation as a residual granular material, a residual material may not contain

(1) firebrick, asphalt shingles or roof gravels coated with bituminous compound;

- (2) asbestos or lead paint;
- (3) reinforcing metal in a size exceeding that of the residual granular material;
- (4) where it comes from land for which a characterization pursuant to Division IV of Chapter IV of Title I of the Act or a voluntary characterization has been performed, contaminants identified by the characterization and not listed in tables 1 and 2 of Schedule I to this Regulation, except in the case of a category 4 material.

Neither may it be

- (1) a hazardous material; or
  - (2) mixed with soil.
- 17.** For purposes of its reclamation, a residual granular material must meet the following requirements in regard to its content:
- (1) inorganic contaminants must comply with the maximum levels applicable to its category and, where applicable, the maximum levels for leaching tests;
  - (2) except for asphalt, the level of petroleum hydrocarbons ( $C_{10}$  -  $C_{30}$ ) must meet the following conditions:
    - (a) it must be less than or equal to the maximum level applicable to its category;
    - (b) it must be less than or equal to 3,500 mg/kg according to analysis on the total extractible fraction;
  - (3) except for asphalt, the organic contaminants must meet the following conditions:
    - (a) in the case of category 1 to 3 residual granular materials, the levels must be less than or equal to the maximum levels applicable to its category prescribed by Table 2 of Schedule I;
    - (b) in the case of category 4 residual granular materials, the levels must be less than or equal to the limit values prescribed by the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);
  - (4) the total impurities must be less than 1% by weight of the residual granular material and the low-density particles, also called light materials, particularly wood, plastic, insulating material and straw, must be less than 0.1% of the residual granular material;
  - (5) the grooving sludge and ready-mix concrete basin sediments must have a dryness greater than 55%.

**18.** The residual materials must be conditioned to a maximum particle size of

- (1) 300 mm in the case of roadway backfilling, except for work undertaken to stabilize a slope in a structure or build a noise-abatement wall, in which case the maximum particle size is determined in the plans and specifications signed and sealed by an engineer; and
- (2) 112 mm in other cases.

#### CHAPTER IV CHARACTERIZATION

**19.** A producer of residual granular materials must perform a characterization of those materials in accordance with this Chapter.

This Chapter does not apply in cases where

- (1) there is no contaminated soil on the land from which the residual materials originate and the materials concerned originate from residential land, agricultural land other than a livestock waste storage facility, a primary or secondary educational institution, a childcare centre or a day care centre;
- (2) the residual granular materials are residual crushed stone from construction work only, or cuttings or tailings from the dimension stone sector;
- (3) reclamation of the residual granular materials is carried out on the land from which the materials originate, provided the land concerned meets the following conditions:

- (a) the land contains no contaminated materials or contaminated soil;

- (b) no motor vehicle repair, maintenance or recycling activities, treated wood reclamation activities or activities covered by Schedule 3 to the Regulation respecting hazardous materials (chapter Q-2, r. 32) or Schedule III to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) have been carried out on the land;

- (4) the residual materials originate from road infrastructures and are reclaimed in the course of road infrastructure work carried out by the same operator.

**20.** Subject to a specific method prescribed by sections 21 to 23, the characterization of residual granular materials must be performed before they are reclaimed by taking at least 1 sample for every 10,000 m<sup>3</sup> or less of each type of residual granular material generated in order to analyze

(1) the inorganic parameters indicated in Table 1 of Schedule I;

(2) where the residual granular materials are likely to contain organic contaminants, other than asphalt, due to factors such as the utilization of coatings or resin, the occurrence of spills or the carrying out of industrial activities,

(a) the level of petroleum hydrocarbons ( $C_{10}$ - $C_{50}$ ); and

(b) the organic compounds indicated in Table 2 of Schedule I.

**21.** Where the residual materials originate from land containing contaminated materials or contaminated soil or from land on which motor vehicle repair, maintenance or recycling activities, treated wood reclamation activities or activities indicated in Schedule 3 to the Regulation respecting hazardous materials (chapter Q-2, r. 32) or Schedule III to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) have been carried out, the characterization must be performed by taking at least 1 sample for every 10,000 m<sup>3</sup> or less.

Where the residual granular materials consist of sludge from the dimension stone sector, grooving sludge or sediments from ready-mix concrete basins, at least one representative annual sampling must be taken.

In all the cases covered by this section, the following must be analyzed:

(1) the inorganic parameters indicated in Table 1 of Schedule I;

(2) where the residual granular materials are likely to contain organic contaminants, other than asphalt, due to factors such as the utilization of coatings or resin, the occurrence of spills or the carrying out of industrial activities,

(a) the level of petroleum hydrocarbons ( $C_{10}$ - $C_{50}$ ); and

(b) the organic compounds indicated in Table 2 of Schedule I.

**22.** Where the residual materials originate from building demolition or construction work or where the residual materials have visible impurities, the impurities content of those materials must be assessed in accordance with the method prescribed by Schedule II.

**23.** Where the residual granular materials originate from land on which a soil characterization pursuant to Division IV of Chapter IV of Title I of the Act or a voluntary soil characterization has been performed, the characterization must be performed in accordance with the guide provided for in section 31.66 of the Act.

The analysis must pertain in particular to the contaminants indicated in section 20, as well as any contaminant identified in the soil characterization.

**24.** Where the characterization performed in accordance with sections 20 to 23 shows that the level of one of the inorganic parameters indicated in Table 1 of Schedule I is higher than the maximum level indicated in the second column of that same table, the mobility of that parameter must be analyzed by making 1 test for each of the following types of leaching:

(1) leaching for assessing the mobility of inorganic species;

(2) acid rain leaching;

(3) water leaching.

**25.** Any analysis required pursuant to this Chapter must be performed by a laboratory accredited pursuant to section 118.6 of the Act.

## CHAPTER V CATEGORIES OF RESIDUAL GRANULAR MATERIALS

**26.** A residual granular material belongs to one of the following 4 categories, based on their characteristics:

<b>CATEGORY 1</b>				
Case 1: The residual granular material requires no characterization pursuant to the second paragraph of section 19, except for materials from road infrastructures.				
Case 2: The residual granular material meets the following requirements:				
<b>Level of metals, metalloids and other inorganic parameters</b>	<b>Level of petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)</b>	<b>Level of organic compounds</b>	<b>Leachates</b>	<b>Impurities content</b>
lower or equal to the level of the	lower or equal to 100 mg/kg	lower or equal to the level of	N/A	lower or equal to 1%
second column of Table 1 of Schedule I		the second column of Table 2 of Schedule I		(w/w) and 0.1% (w/w) for light materials
<b>CATEGORY 2</b>				
The residual granular material meets the following requirements:				
<b>Level of metals, metalloids and other inorganic parameters</b>	<b>Level of petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)</b>	<b>Level of organic compounds</b>	<b>Leachates</b>	<b>Impurities content</b>
between the level of the second column and the level of the third column of Table 1 of Schedule I	lower or equal to 100 mg/kg	lower or equal to the level of the second column of Table 2 of Schedule I	leachates do not exceed the maximum level of Table 1 of Schedule I	lower or equal to 1% (w/w) and 0.1% (w/w) for light materials



<b>CATEGORY 3</b>				
Case 1: The residual granular material is asphalt and requires no characterization pursuant to this Regulation.				
Case 2: The residual granular material is composed of a mixture of category 1 or 2 residual granular materials and, if applicable, more than 1% asphalt.				
Case 3: The residual granular material meets the following requirements:				
<b>Level of metals, metalloids and other inorganic parameters</b>	<b>Level of petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)</b>	<b>Level of organic compounds</b>	<b>Leachates</b>	<b>Impurities content</b>
lower or equal to the level of the third column of Table 1 of Schedule I, except in the case of asphalt containing slag from steel mills	between 100 mg/kg and 3,500 mg/kg, except asphalt	lower or equal to the level of the third column of Table 2 of Schedule I, except asphalt	leachates do not exceed the maximum level of Table 1 of Schedule I	lower or equal to 1% (w/w) and 0.1% (w/w) for light materials
<b>CATEGORY 4</b>				
The residual granular material is crushed stone reclaimed on the land from which the material was excavated and meeting the following requirements:				
(1) it is a category 1 or 2 material in respect of impurities;				
(2) it has a level of contaminants lower than or equal to the limit values prescribed by Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) or Schedule II of that Regulation for land before the following uses:				
(a) land on which, under a municipal zoning by-law, industrial, commercial or institutional uses are authorized, except				
i. land where totally or partially residential buildings are built;				
ii. land where elementary-level and secondary-level educational institutions, childcare centres, day care centres, hospital centres, residential and long-term care centres, rehabilitation centres, child and youth protection centres, or correctional facilities are built;				
(b) land constituting, or intended to constitute, the site of a roadway within the meaning of the Highway Safety Code (chapter C-24.2) or a sidewalk bordering a roadway, a bicycle path or a municipal park, except play areas for which the limit values prescribed in Schedule I to this Regulation and in Schedule I to the Land Protection and Rehabilitation Regulation for any other use remain applicable for a depth of at least 1 m				

A mixture of residual granular materials belongs to the most restrictive category of materials included in its composition.

**27.** Residual granular materials may be reclaimed for one of the uses indicated in the table below, based on their category:

Type of use	Category 1	Category 2	Category 3	Category 4
Grading down or raising up of ground level using crushed stone free of impurities	X			X
Road abrasives – crushed stone and cuttings and tailings from the dimension stone sector	X			
Construction on residential or agricultural land, a primary or secondary educational institution, a childcare centre or a day care centre	X			X
Mulching, rockfill, landscaping – crushed stone, brick and cuttings and tailings from the dimension stone sector only	X			
Backfilling areas excavated during a demolition	X			X
Construction on institutional, commercial or industrial land, including municipal land	X	X		X
Recreation and tourism facilities (bicycle path, park, etc.)	X	X		X
Access road, farm road, noise-abatement embankment and visual screen	X	X		
Construction of a snow disposal site	X	X		X
Final cover material for a construction or demolition waste landfill or engineered landfill, in compliance with the provisions of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19)	X	X		X
Concrete manufacturing	X	X		
Hot or cold bituminous mix	X	X	X	X
Storage area on industrial land	X	X	X	X

Type of use	Category 1	Category 2	Category 3	Category 4
Parking area	X	X	X	X
Traffic lanes of industrial or commercial establishments	X	X	X	X
Daily cover material for an engineered landfill, in compliance with the provisions of the Regulation respecting the landfilling and incineration of residual materials	X	X	X	X
Highway and street construction and repair, including highways and streets in residential, municipal and agricultural sectors				
- Filtering layer - crushed stone and cuttings and tailings from the dimension stone sector only	X	X	X	
- Mineral filler	X	X	X	
- Roadbed - asphalt or non-asphalt	X	X	X	X
- Road shoulder - asphalt or non-asphalt	X	X	X	X
- Cushion	X	X	X	X
- Encasing for pipes, excluding waterworks and sewers	X	X	X	X
- Encasing for pipes - crushed stone and cuttings and tailings from the dimension stone sector only	X			
- Anti-contaminant layer	X	X	X	X
- Screenings	X	X	X	X
- Surface treatment	X	X	X	X
- Granulates for sealing grout	X	X	X	X
- Encasing for culverts	X	X	X	X
- Roadway backfilling	X	X	X	X
- Road underbed	X	X	X	X

## CHAPTER VI MONETARY ADMINISTRATIVE PENALTIES

**28.** A monetary administrative penalty in the amount of \$250 for a natural person and \$1,000 in other cases may be imposed on every person who fails

(1) to keep or provide to the Minister, at the Minister's request, the certificate referred to in the second paragraph of section 7, in accordance with that section;

(2) to keep the log prescribed by the first paragraph of section 9, 11, 12 or 13, in accordance with those sections;

(3) to record in the log the information prescribed by section 10;

(4) to keep the information entered in the log for the period prescribed by the second paragraph of section 9, 11, 12 or 13, or provide it to the Minister in accordance with that paragraph.

**29.** A monetary administrative penalty in the amount of \$1,000 for a natural person and \$5,000 in other cases may be imposed on every person who

(1) uses a residual granular material containing one of the materials covered by section 16 for purposes of reclamation as granular material;

(2) uses a residual granular material not meeting the requirements prescribed by section 17 for purposes of reclamation;

(3) uses cuttings or tailings from the dimension stone sector that do not meet the maximum particle size requirement prescribed by section 18 for restoring a quarry or sand pit;

(4) fails to perform a characterization of the residual granular materials in contravention of section 19;

(5) fails to perform the characterization in accordance with the conditions set out in any of sections 20 to 23;

(6) fails to analyze the mobility of an inorganic parameter in accordance with section 24, in contravention of that section;

(7) reclaims a residual granular material for a type of use not permitted in section 27 for its category;

**30.** A monetary administrative penalty in the amount of \$2,000 for a natural person and \$10,000 in other cases may be imposed on every person who fails to comply with the operation standard concerning noise prescribed in section 8.

## CHAPTER VII PENAL SANCTIONS

**31.** Every person who contravenes the second paragraph of section 7 or any of sections 9 to 13 commits an offence and is liable to a fine of \$1,000 to \$100,000 for a natural person and \$3,000 to \$600,000 in other cases.

**32.** Every person who contravenes any of sections 16 to 24 or section 27 commits an offence and is liable to a fine of \$5,000 to \$500,000 or, despite section 231 of the Code of Penal Procedure (chapter C-25.1), a maximum term of imprisonment of 18 months, or both the fine and imprisonment, for a natural person or a fine of \$15,000 to \$3,000,000 in other cases.

**33.** Every person who contravenes section 8 commits an offence and is liable to a fine of \$10,000 to \$1,000,000 or, despite section 231 of the Code of Penal Procedure (chapter C-25.1), a maximum term of imprisonment of 3 years, or both the fine and imprisonment, for a natural person or a fine of \$30,000 to \$6,000,000 in other cases.

## CHAPTER VIII FINAL

**34.** This Regulation comes into force on 31 December 2020.

**SCHEDULE I**

(Sections 16, 17, 20, 24 and 26)

## SPECIFIC REQUIREMENTS

**Table 1 – Environmental requirements for metals, metalloids and other inorganic parameters**

<b>Parameters</b>	<b>Maximum level<sup>1</sup> - mg/kg</b>	<b>Maximum level prescribed by Schedule II to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37)<sup>1</sup> - mg/kg</b>	<b>Maximum level - leachate,<sup>2</sup> mg/L</b>
Arsenic (As)	6	50	0.025
Barium (Ba)	340	2,000	1
Cadmium (Cd)	1.5	20	0.005
Cobalt (Co)	25	300	
Total chromium (Cr)	100	800	0.05
Copper (Cu)	50	500	1
Available cyanide (CN <sup>-</sup> ) <sup>3</sup>	2	100	0.2
Available fluoride (F <sup>-</sup> )	200	2,000	1.5
Manganese	1,000	2,200	0.05
Mercury (Hg)	0.2	10	0.001
Molybdenum (Mo)	2	40	
Nickel (Ni)	50	500	
Lead (Pb)	50	1,000	0.01
Selenium (Se)	1	10	0.01
Zinc (Zn)	140	1,500	
<p>1. Total extractable metal.</p> <p>2. In the case of leaching to simulate acid rain, the maximum levels applicable are those indicated in this column multiplied by 10.</p> <p>3. Water leaching only for this parameter.</p>			



Table 2 – Environmental requirements for organic compounds

Parameters	Maximum level - categories 1 and 2, mg/kg	Maximum level - category 3, mg/kg
<b>Polycyclic aromatic hydrocarbons</b>		
Acenaphtene	0.1	100
Acenaphtylene	0.1	100
Anthracene	0.1	100
Benzo (a) anthracene	0.1	10
Benzo (a) pyrene	0.1	10
Benzo (b+j+k) fluoranthene	0.1	10
Benzo (c) phenanthrene	0.1	10
Benzo (g, h, i) perylene	0.1	10
Chrysene	0.1	10
Dibenzo (ah) anthracene	0.1	10
Dibenzo (ai) pyrene	0.1	0.1
Dibenzo (ah) pyrene	0.1	0.1
Dibenzo (al) pyrene	0.1	0.1
7,12-Dimethylbenzo (a) anthracene	0.1	0.1
Fluoranthene	0.1	100
Fluorene	0.1	100
Indeno (1,2,3-cd) pyrene	0.1	10
3-Methylcholanthrene	0.1	0.1
1-Methylnaphtalene	0.1	0.1
2-Methylnaphtalene	0.1	0.1
1,3-Dimethylnaphtalene	0.1	0.1
2,3,5-Trimethylnaphtalene	0.1	0.1
Naphtalene	0.1	50
Phenanthrene	0.1	50



Pyrene	0.1	100
<b>Semi-volatile organic compounds</b>		
Butylbenzylphtalate	0.1	0.1
Bis (2-Chloroethoxy) methane	0.1	0.1
Bis (2-Chloroisopropyl) ether	0.1	0.1
Bis (2-Ethylhexyl) phtalate	0.1	0.1
Diethylphtalate	0.1	0.1
Dimethylphtalate	0.1	0.1
Di-n-butylphtalate	0.1	0.1
Di-n-octylphtalate	0.1	0.1
2,6-Dinitrotoluene	0.1	0.1
Hexachlorobenzene	0.1	0.1
Hexachlorocyclopentadiene	0.1	0.1
Hexachloroethane	0.1	0.1

## SCHEDULE II

(Section 22)

### DETERMINATION OF IMPURITIES CONTENT

The impurities content in residual materials from building demolition or construction work or residual materials with visible impurities must be estimated by manually separating the particles of a residual granular material in order to determine the relative proportions by mass of each of the following 6 categories of particles, according to particle size fraction and percentage:

- (1) asphalt;
- (2) concrete;
- (3) crushed stone;
- (4) cooked granular materials;
- (5) light materials;
- (6) other residual granular materials.

Classification by fraction must be accomplished using 2.5 mm, 5 mm, 10 mm, 20 mm, 31.5 mm, 56 mm and 112 mm screens that comply with ISO 3310-1, Test sieves – Technical requirements and testing – Part 1: Test sieves of metal wire cloth. Before separation by screening, samples must be dried in an oven of sufficient size that can be maintained at a constant temperature of  $50^{\circ}\text{C} \pm 5^{\circ}\text{C}$  for residual granular material containing asphalt and  $110^{\circ}\text{C} \pm 5^{\circ}\text{C}$  for other materials.

The steps in the process are as follows:

(1) separate by screening the entire sample and retain the fraction withheld by the screens;

(2) before preparing the test portions, determine the relative percentages of the fractions using the screens, calculated as in the following example for the 2.5 - 5 mm fraction (P2.5-5):

$$\text{P2.5 - 5 (\%)} = (\text{mass withheld by 2.5-5 mm screen (g)}) \div (\text{total mass withheld by 2.5 mm screen (g)})$$

(3) based on the maximum particle size of the residual granular material, reduce the fractions and record the minimum masses of the test portions in table form based on the masses indicated in the following table:

Maximum particle size (mm)	Minimum mass of the test portions by fractions					
	2.5 mm	5 - 10 mm	10 - 20 mm	20 - 31.5 mm	31.5 - 56 mm	56 - 112 mm
31.5	30 g	200 g	500 g	1,000 g		
56					3,000 g	
112						8,000 g

(4) spread each fraction in a layer at the bottom of an aluminum or stainless steel container of a shape and size that allows the residual granular material to be spread out in a thin layer. Use as many containers as there are fractions to be analyzed;

(5) for each fraction, visually inspect the particles and classify them into the 6 categories of above-mentioned constituents;

(6) weigh them using a scale with a 20,000 g capacity, accurate to 1 gram, and record the mass of each category of particles by fraction in a table of results;

(7) calculate the percentage of residual granular material by category using the following equation, for which the terms are defined in the table below:

Fraction (in mm)	Percentage related to the fraction in the residual granular material	Mass tested (kg)	Mass of impurities categories (kg)		
			Cooked granular materials (CM)	Light materials (LM)	Other residual granular materials (OM)
2.5–5	$P_{2.5-5}$	$m_0$	$m_{0CM}$	$m_{0LM}$	$m_{0OM}$
5–10	$P_{5-10}$	$m_1$	$m_{1CM}$	$m_{1LM}$	$m_{1OM}$
10–20	$P_{10-20}$	$m_2$	$m_{2CM}$	$m_{2LM}$	$m_{2OM}$
20–31.5	$P_{20-31.5}$	$m_3$	$m_{3CM}$	$m_{3LM}$	$m_{3OM}$
31.5–56	$P_{31.5-56}$	$m_4$	$m_{4CM}$	$m_{4LM}$	$m_{4OM}$
56–112	$P_{56-112}$	$m_5$	$m_{5CM}$	$m_{5LM}$	$m_{5OM}$

(8) the sum of the percentages of residual granular materials in the “cooked granular materials” and “light materials” categories and of the other residual granular materials corresponds to the percentage by weight of the impurities content, and the percentage of the “light materials” category corresponds to the percentage by weight of light materials.

## Regulation respecting activities in wetlands, bodies of water and sensitive areas

Environment Quality Act  
(chapter Q-2, ss. 95.1, 115.27, 115.34 and 124.1).

### CHAPTER I OBJECT, SCOPE AND INTERPRETATION

**1.** The object of this Regulation is to prescribe certain general standards applicable to the carrying out of activities in wetlands and bodies of waters covered by section 46.0.2 of the Environment Quality Act (chapter Q-2), hereinafter referred to as the “Act”, and in other sensitive areas as a supplement in particular to the rules prescribed by other statutes and regulations, by the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35) and by municipal by-laws.

**2.** Excluding sections 19, 42, 46, 47, 48 and 49, which apply generally to all types of activities, this Regulation applies to activities eligible for a declaration of compliance and exempted activities covered by the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (insert here the reference to the Compilation of Québec Laws and Regulations).

It applies in particular in a reserved area and in an agricultural zone established pursuant to the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

Despite the foregoing, the following are not governed by this Regulation:

(1) activities whose carrying out is subject to the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01);

(2) cultivation of non-aquatic plants and mushrooms.

**3.** Section 118.3.3 of the Act does not apply to this Regulation, nor does section 46.0.2 of the Act apply to interventions in

(1) the following man-made sites:

(a) an irrigation pond;

(b) a water management or treatment facility referred to in subparagraph 3 of the first paragraph of section 22 of the Act;

(c) a body containing water pumped from a sand pit or quarry, if it has not been restored;

(d) a commercial fishing pond;

(e) a pond for the production of aquatic organisms;

(2) an environment in which the vegetation is dominated by reed phalaris (*Phalaris arundinacea L.*) or the introduced sub-species of common water reed (*Phragmites australis (Cav.) Trin. ex Steud. subsp. australis*), and when the soil is not hydromorphic.

For the purposes of subparagraph 1 of the first paragraph,

(1) the works must be on land or in a floodplain, excluding riverbanks and lakeshores and any wetlands present in that floodplain;

(2) the works must still be in use or, if not in use, must have been unused for at least 10 years;

(3) a wetland resulting from work under a program to promote the restoration and creation of wetlands and bodies of water under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or from work carried out in accordance with the Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) is not considered to be a man-made works;

(4) a wetland into which storm water is discharged cannot be considered to be a water management or treatment facility.

**4.** In this Regulation, unless the context indicates a different meaning,

“body of water” means an area characterized in particular by the permanent or temporary presence of water, which may occupy a bed and may be stagnant or in movement, such as a lake or watercourse, and including their lakeshores and riverbanks, littoral zone and floodplains; (*milieu hydrique*)

“boundary” means a line marking the limit of a wetland and corresponding to the point at which the soil ceases to be hydromorphic and the vegetation ceases to be dominated by hygrophilous species, in relation to the area where at least one of those conditions does apply; (*bordure*)

“floodplain” means the area occupied by a lake or watercourse during periods of flooding; the geographic limits of the flooded areas are identified by one of the means prescribed by the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains; (*plaine inondable*)

“forest cover” means the aggregate of the crowns of trees in a forest stand forming a more or less continuous canopy; (*covert forestier*)

“forested peatland” means a peatland comprising trees more than 4 m tall covering at least 25% of its surface area; (*tourbière boisée*)

“forested swamp” means a swamp comprising trees more than 4 m tall covering at least 25% of its surface area; (*marécage arborescent*)

“forested wetland” means a forested peatland or a forested swamp; (*milieu humide boisé*)

“forest development activity” means an activity covered by paragraph 1 of section 4 of the Sustainable Forest Development Act (chapter A-18.1) carried out elsewhere than in the lands of the domain of the State and aimed specifically at the development and conservation of forest lands; (*activité d'aménagement forestier*)

“high-water mark” means a line marking the limit of the littoral zone and lakeshore or riverbank based on the criteria prescribed by the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35); (*ligne des hautes eaux*)

“lakeshore” and “riverbank” mean the strip of land bordering a lake, watercourse, estuary or sea, extending inland from the high-water mark and having a width of

(1) 10 m where the slope is less than 30% or, if the slope is greater than 30%, having a bank no higher than 5 m;

(2) 15 m where the slope is greater than 30% and is continuous or has a bank higher than 5 m; (*rive*)

“littoral zone” means the part of a lake, watercourse, estuary or sea that extends from the high-water mark to the centre of the body of water; (*littoral*)

“marsh” means an area of land that is permanently or temporarily flooded and is dominated by herbaceous vegetation growing on a mineral or organic soil; where shrubs and trees are present, they cover less than 25% of its surface area; (*marais*)

“open wetland” means any wetland that is not forested; (*milieu humide ouvert*)

“open peatland” means a peatland comprising trees more than 4 m tall covering less than 25% of its surface area; (*tourbière ouverte*)

“peatland” means an area of land covered with peat and resulting from the accumulation of partially decomposed organic matter in a layer at least 30 cm thick, in which the water table is usually at the same level as the soil or close to its surface; (*tourbière*)

“pond” means an area of land covered by water whose depth at low water is less than 2 m; if vegetation is present, it comprises floating or submerged plants and emergent plants covering less than 25% of its surface area; despite the foregoing, this definition does not apply to a commercial fishing pond or an aquatic organism breeding pond; (*étang*)

“rut” means a track on the surface of the ground measuring at least 4 m in length and created by the wheels or crawlers of a motorized or non-motorized machine; on organic soil, a rut is considered to be the torn plant cover; on mineral soil, a rut has a depth of more than 200 mm measured from the litter surface; (*ornière*)

“shrubby swamp” means any swamp that is not a forested swamp; (*marécage arbustif*)

“St. Lawrence lowlands” means the municipalities a part of whose territory is included in that natural province; (*basses-terres du Saint-Laurent*)

“swamp” means an area of land subject to seasonal flooding or characterized by a soil permanently or temporarily saturated with water and containing ligneous, shrubby or arborescent vegetation growing on a mineral soil covering more than 25% of its surface area; (*marécage*)

“silvicultural prescription” means a document prepared and signed by a forest engineer; (*prescription sylvicole*)

“watercourse” means any mass of water running along a bed in a regular or intermittent flow, including a bed created or altered by human intervention, the St. Lawrence River, the estuary of the St. Lawrence River, the gulf of St. Lawrence and all the seas surrounding Québec, excluding a ditch; (*cours d'eau*)

“wetland” means an area that meets the criteria prescribed in section 46.0.2 of the Act, characterized in particular by hydromorphic soils or vegetation dominated by hygrophilous species, such as a pond, marsh, swamp or peatland. (*milieu humide*)

**5.** Unless otherwise provided for, for the purposes of this Regulation,

(1) a reference to a littoral zone, riverbank or lakeshore includes any wetlands present;

(2) a reference to body of water includes any wetlands present in the littoral zone or on the riverbank or lakeshore, excluding any wetlands present in a floodplain;

(3) a reference to a floodplain excludes the littoral zone, riverbanks and lakeshores, and any wetlands present;

(4) a reference to a pond, marsh, swamp, peat bog or wetland in general is a reference to the environment concerned if it is not situated in the littoral zone or on a riverbank or lakeshore;

(5) a reference to an area is a reference to the cumulative area for the environment for the activity;

(6) distances in relation to a watercourse or lake are calculated from the high-water mark; distances in relation to a wetland are calculated from its boundary;

(7) the construction of an infrastructure, works, building or equipment includes its siting, replacement, substantial modification, and dismantling, and any prior activity to clear trees;

(8) the maintenance of an infrastructure, works, building or equipment includes its inspection, refurbishment and repair; it is carried on in the immediate vicinity of the infrastructure, works, building or equipment and includes the necessary vegetation control;

(9) a substantial modification includes a refurbishment or repair of the infrastructure, works building or equipment; it includes an enlargement, extension or prolongation;

(10) a stabilization works is a works to increase the mechanical resistance of the soil or an infrastructure and protect it against erosion and landslides, excluding the approaches and protection works for bridges and culverts which form an integral part of those structures, and retaining walls;

(11) a road is an infrastructure the right of way of which includes a roadway, shoulders and, where applicable, ditches and turning circles, but excludes a stabilization works, a railway, a bridge, a culvert, a temporary road or winter road; a road laid out by the minister responsible for the Act respecting roads (chapter V-9) is deemed to be a road and includes any related infrastructures for road traffic such as cycle paths and footbridges;

(12) a temporary road is a road put in place for a maximum period of 3 years and which is dismantled after use;

(13) a silvicultural treatment is a forest development activity that is intended, as part of a specific silvicultural regime and scenario, to direct the development of a stand, in particular as regards its renewal, or to improve its yield and quality;

(14) the diameter of a tree is measured at a height of 1.3 m from the highest ground level;

(15) the terms “invasive exotic plant species” and “ditch” defined in section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert here the reference to the Compilation of Québec Laws and Regulations*) apply.

## CHAPTER II GENERAL STANDARDS APPLICABLE TO ALL WETLANDS AND BODIES OF WATER

### DIVISION I MISCELLANEOUS PROVISIONS

**6.** This Chapter applies to all wetlands and bodies of water.

**7.** Interventions carried out in wetlands and bodies of water must not interfere with the free flow of water.

However, such interventions may cause certain permanent restrictions to the free flow of water if they concern a bridge or culvert.

**8.** Work carried out in wetlands and bodies of water must satisfy the following conditions:

(1) materials must be used that are appropriate for the area concerned;

(2) measures must be taken to control erosion, sediments and suspended matter.

### DIVISION II EXPLOSIVES

**9.** No work carried out in wetlands and bodies of water may include the use of explosives, except for the following:

(1) work carried out in the unwatered area of a lakeshore or riverbank or a floodplain in the course of work carried out by the Minister responsible for the Act respecting roads (chapter V-9);

(2) seismic refraction surveys.

### DIVISION III EXCAVATION AND BACKFILLING

**10.** No work carried out in wetlands and bodies of water may include excavation or backfilling.

The provisions of the first paragraph do not apply to work whose nature necessarily entails excavation and backfilling, such as road construction or maintenance, burial or anchoring of certain equipment, or construction of a building.

Excavation and backfilling resulting from work covered by the second paragraph may give rise to temporary encroachments in wetlands and bodies of water if the work is carried out in the right-of-way of the undertaking or in the immediate work zone.

At the end of any intervention, spoil and excess materials must be disposed of outside of wetlands and bodies of water and managed so as to forestall runoff from sediment toward those areas, except for drilling mud, which may be left in an unwatered wetland, and any other spoil and materials covered by a contrary provision of this Regulation.

### DIVISION IV VEHICLES AND MACHINERY

**11.** The use of vehicles or machinery in wetlands and bodies of water must meet the following conditions:

(1) in the unwatered part of a lakeshore or riverbank, floodplain or wetland, the vehicle or machinery may circulate provided the area is restored to its original condition, or a condition close thereto if ruts are formed;

(2) refuelling and maintenance must be done outside the littoral zone, the lakeshore or riverbank, or a wetland, except in the case of a drill or stationary machinery used in those areas.

The condition prescribed in subparagraph 1 of the first paragraph does not apply to ruts formed in trails laid out in a forested wetland and a floodplain for the purpose of a forest management activity if they appear over no more than 25% of the total length of the trails laid out in each harvest area.

### DIVISION V FOREST DEVELOPMENT ACTIVITY

**12.** Sylvicultural treatments applied in wetlands and bodies of water must be carried out by promoting natural regeneration of the vegetation.

If natural regeneration of the vegetation is inadequate to restore the forest cover, the site must be reforested within 4 years after the end of the treatments, except where the treatments are carried out in a floodplain or forested wetland following the occurrence of a natural disturbance such as a windfall, epidemic, fire or ice storm. In such a case, the site must be reforested, but no time limit applies to that requirement.

**13.** Sylvicultural treatments in wetlands and bodies of water must be carried out without soil amendment.

**14.** Despite the fourth paragraph of section 10 and section 13, spreading of wood waste is permitted in the lakeshore or riverbank, a floodplain and a forested wetland or a wetland reforested after having been abandoned for agricultural use.

### DIVISION VI RESTORATION

**15.** At the end of any intervention in wetlands and bodies of water,

(1) any temporary undertaking must be dismantled, subject to any contrary provision;

(2) the banks must be stable and protected against erosion, preferably by means of the technique most conducive to maintaining the natural character of the area;

(3) except for sylvicultural treatments, the areas concerned must be restored within one year following the end of the intervention including, where applicable,

(a) land restoration;

(b) in the unwatered zone, revegetation of the areas concerned if they have been stripped of vegetation or soil, except

i. for drilling work;

ii. for preliminary survey work, in respect of the tree stratum;

iii. where the revegetation jeopardizes the stability or security of an undertaking, in respect of the tree and shrub stratum.

**16.** Where land restoration is required pursuant to this Regulation, it must meet the following conditions:

(1) outside the littoral zone, it must be carried out with the excavated materials or, where that is not possible, with substitute materials of the same type;



(2) inside the littoral zone, it must be carried out with the stabilized original substrate, unless it is composed of particles smaller than 5 mm;

(3) the organic part of the soil must be returned to place on the surface of the ground profile;

(4) the debris and other residual materials must be removed, unless they consist of wood waste present outside the littoral zone and produced by any activity other than that covered by section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert here the reference to the Compilation of Québec Laws and Regulations*);

(5) the original drainage conditions must be restored or equivalent drainage conditions must be established;

(6) it must be carried out as far as possible with the original topography of the areas concerned being preserved.

**17.** Where revegetation is required pursuant to this Regulation, it must meet the following conditions:

(1) it must be carried out using species that belong to the same strata as those affected and are adapted to the environment, ideally native species and not invasive exotic plant species;

(2) the survival rate of the vegetation or cover must be 80% in the year following revegetation.

### CHAPTER III SPECIAL STANDARDS APPLICABLE TO BODIES OF WATER

#### DIVISION I GENERAL PROVISION

**18.** This Chapter applies solely to bodies of water.

#### DIVISION II CONSTRUCTION OF UNDERTAKINGS AND BUILDINGS

**19.** Construction of a residential building, including its ancillary buildings and undertakings and the requisite accesses, is prohibited in the littoral zone or a lakeshore or riverbank, except, for a lakeshore or riverbank, in the cases covered by paragraphs *c* and *d* of section 3.2 of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

For the purposes of this section, construction of a building does not include its dismantling.

**20.** Construction of a road or a water management, withdrawal or treatment facility in the littoral zone or a lakeshore or riverbank must be for the sole purpose of crossing them.

**21.** Construction of a permanent undertaking in a watercourse must not widen the watercourse beyond the high-water mark, unless the undertaking is aimed at restoring the natural width of the watercourse. The same applies for the installation of a permanent facility.

A watercourse may not be permanently narrowed by encroaching on more than 20% of its width or, where an undertaking or facility is present that has already narrowed the watercourse by encroaching on more than 20% of its width, it may not be further narrowed beyond the extent of that existing encroachment.

**22.** Construction of a deflector in the littoral zone must be carried out at a point where the littoral zone is no wider than 4.5 m.

The same applies for the construction of a weir, unless it is associated with a culvert installed by the Minister responsible for the Act respecting roads (chapter V-9) and is aimed at permitting the free circulation of fish, in which case 2 weirs may be installed within a distance corresponding to 4 times the opening of the culvert.

A weir must be equipped with a notch and, once installed, may not cause the water level between the areas upstream and downstream of the undertaking to vary by more than 20 cm from the water line.

#### DIVISION III VEHICLE OR MACHINERY

**23.** Construction or maintenance work carried out in the littoral zone requiring the use of machinery must be carried out solely if the littoral zone is dewatered, except for the carrying out of drilling work.

**24.** Where there is no ford or undertaking available for crossing a watercourse, a vehicle or machinery may circulate in the littoral zone of a watercourse for only one back-and-forth crossing, provided the crossing point chosen minimizes the impacts on the watercourse.

A vehicle or machinery may be used in the littoral zone if it is required for constructing a temporary undertaking, making preliminary technical surveys, taking samples or taking measurements.

#### DIVISION IV WATERCOURSE MAINTENANCE

**25.** The maintenance work on a watercourse covered by section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (insert here the reference to the Compilation of Québec Laws and Regulations) must meet the following conditions:

- (1) it must be carried out in the lower one third of the height of the bank;
- (2) it must not be carried out during a period of flooding in the watercourse;
- (3) it must be solely for the purpose of removing accumulated sediment or, where the original plans of the watercourse are available, the work must not allow the watercourse to be excavated beyond the depth indicated in the original plans of the watercourse.

In addition, during the carrying out of the work covered by the first paragraph, the sediment removed must meet the following conditions:

- (1) it must be deposited and graded outside the littoral zone or a wetland located in a lakeshore or riverbank;
- (2) for the cleaning work covered by subparagraph 1 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, it must be deposited more than 3 m from the high-water mark for work carried out on a cultivated parcel and outside the lakeshore or riverbank in other cases;
- (3) for the cleaning work covered by subparagraphs 2 and 3 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, it must be deposited more than 3 m from the top of the bank;
- (4) it must not modify the topography of the site if it is deposited and graded in a floodplain, including the lakeshore or riverbank, where applicable.

**26.** Tree clearing and brush cutting work required to carry out maintenance work on a watercourse must be meet the following conditions:

- (1) it must be carried out on only one bank of the watercourse;
- (2) it must be limited to the space necessary for carrying out the work;

(3) it may not cause the complete removal of the riparian arborescent vegetation;

(4) the plant debris must be removed from the littoral zone.

**27.** A municipality carrying out maintenance work on a watercourse covered by subparagraph 1 of the first paragraph of section 335 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (insert here the reference to the Compilation of Québec Laws and Regulations) is required to provide to the Minister, at the Minister's request and within the time and in the manner and form the Minister determines, the longitudinal and projected profiles as well as the original plans of the watercourse.

#### DIVISION V DEWATERING AND NARROWING OF A WATERCOURSE

**28.** Where a portion of a watercourse is temporarily dewatered or narrowed, the dewatering or narrowing,

(1) in the case of work carried out by the Minister responsible for the Act respecting roads (chapter V-9) lasting for more than 10 consecutive days, may not exceed,

(a) if there is an infrastructure present, one half of the infrastructure's opening if the dewatering or narrowing is carried out between June 15 and September 30 or one third of its opening if the dewatering or narrowing is carried out between October 1 and June 14,

ii. if there is no infrastructure present, two thirds of the width of the watercourse;

(2) in other cases,

(a) may not exceed one third of the width of the watercourse,

(b) may not last for more than 30 consecutive days, and

(c) may not occur more than twice a year.

**29.** Dewatering or narrowing work on a watercourse must meet the following conditions:

(1) the equipment and materials used must make it possible to limit the discharge of suspended matter in the littoral zone;

(2) if granular materials are used, they must originate from a duly authorized quarry or sand pit or a site located more than 30 m from the littoral zone and a floodplain;

(3) if the pumped water contains suspended matter visible to the naked eye, it must be discharged

(a) into a sedimentation basin located within the right-of-way of a road, if the work is carried out by the Minister responsible for the Act respecting roads (chapter V-9), subject to the following conditions:

- i. the basin must not be located in the littoral zone;
- ii. the basin must not be located in the bank of the watercourse, unless it is impossible to find another location, in which case it must not be located in any wetland present therein;

(b) into an area of vegetation located more than 30 m from the littoral zone, such as a field of grass or forest litter, provided the point of discharge is regularly shifted to a new location.

**30.** Any undertaking used for dewatering or narrowing a watercourse must be dismantled by first removing the materials situated inside the dewatered area and by advancing from the area downstream of the undertaking toward upstream.

#### DIVISION VI WATER WITHDRAWAL FACILITY

**31.** Construction of a surface water withdrawal facility in a floodplain having a flood recurrence interval of 20 years must be carried out in such a way that the components of the facility are located under ground level, for the portion located outside the littoral zone, or placed on the surface temporarily.

For the purposes of this section, the reference to a floodplain includes the littoral zone and the lakeshore or riverbank, where applicable.

**32.** Construction of a surface water withdrawal facility aimed at supplying a temporary industrial camp must be carried out in compliance with the following conditions:

- (1) no impounding structure may be installed in a watercourse or lake;
- (2) any area cleared of vegetation in a lakeshore or riverbank or in the littoral zone must be no wider than 5 m;
- (3) the pumping equipment must be installed elsewhere than in a lakeshore or riverbank or in the littoral zone, except in the case of a submersible pump.

The quantity of water withdrawn by the water withdrawal facility may not, at any time, exceed 15% of the instantaneous flow of the watercourse or lower the level of a lake by more than 15 cm.

**33.** Hydraulic fluids and drilling greases used for a drill in the littoral zone or in a lakeshore or riverbank must be degradable to more than 60% in 28 days.

The waste water generated by drilling work must be collected and reused by means of a water recirculation system and may not be discharged in the littoral zone, in a lakeshore or riverbank or in a non-dewatered wetland.

At the end of the work,

(1) the drill holes must be sealed in such a way as to prevent contaminants from migrating from the surface toward an aquifer;

(2) the tubing located in the littoral zone or a lakeshore or riverbank must be removed or cut off at ground level.

#### CHAPTER IV SPECIAL STANDARDS APPLICABLE TO LAKESHORES AND RIVERBANKS

##### DIVISION I MISCELLANEOUS PROVISIONS

**34.** This Chapter applies solely to lakeshores and riverbanks.

**35.** Work requiring the removal and trimming of vegetation in a lakeshore or riverbank must be carried out without stump removal and without impermeabilization of the ground, unless stump removal cannot be avoided.

##### DIVISION II FOREST DEVELOPMENT ACTIVITIES

**36.** Harvesting of trees in a lakeshore or riverbank carried out for the purpose of a forest development activity must be done in such a way as to promote maintenance of at least 50% of the forest cover and with the trees left standing being uniformly spaced, unless the harvesting results from the occurrence of a natural disturbance and covers more than 50% of trees measuring more than 10 cm in diameter. In such a case, if the surface area to be harvested is more than 1 000 m<sup>2</sup>, the harvest must be recommended in a silvicultural prescription.

The sylvicultural prescription must be kept by the person that carries out the activity for 5 years and must be provided to the Minister at the Minister's request and within the time and subject to the other conditions the Minister determines.

## CHAPTER V SPECIAL STANDARDS APPLICABLE TO FLOODPLAINS

### DIVISION I GENERAL PROVISION

**37.** This Chapter applies solely to a floodplain.

### DIVISION II CONSTRUCTION OF UNDERTAKINGS AND BUILDINGS

**38.** Except in the cases provided for in the second paragraph, work relating to an undertaking, building or facility already present in the area concerned must not increase its exposure to flooding.

Work relating to reconstruction or maintenance of a road must not increase the surface area of an undertaking, building or facility exposed to flooding by more than 25%.

In the course of carrying out work to make substantial modifications to an undertaking or building, flood-proofing measures made to such structures must be applied to the entirety of the undertaking or building, such as the measures prescribed by Schedule 1 to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

For the purposes of this section, the reference to a floodplain includes the littoral zone and the lakeshore or riverbank, where applicable.

**39.** Work aimed at constructing an artificial basin, pond or lake must not include an intake channel or a discharge point in another wetland or body of water. Work undertaken to backfill such an area may not be carried out until after the area has been dewatered.

**40.** A service entrance for a water system or sewer system constructed in a floodplain having a flood recurrence interval of 20 years must be solely for the purpose of connecting undertakings or buildings already present in the floodplain.

For the purposes of this section, the reference to a floodplain excludes the littoral zone and the lakeshore or riverbank.

## CHAPTER VI SPECIAL STANDARDS APPLICABLE TO WETLANDS

### DIVISION I GENERAL PROVISIONS

**41.** This Chapter applies solely to wetlands.

**42.** Races, rallies and other motor vehicle competitions are prohibited in wetlands.

### DIVISION II CONSTRUCTION OF UNDERTAKINGS AND BUILDINGS

**43.** Before construction is undertaken on a winter road in an open peatland not covered by section 45, a plan for its construction must be prepared and signed by an engineer.

The plan must be kept by the person that carries out the activity for 5 years and must be provided to the Minister at the Minister's request and within the time and subject to the conditions the Minister determines.

### DIVISION III FOREST DEVELOPMENT ACTIVITY

**44.** Harvesting of trees in a forested wetland for the purpose of a forest development activity must be carried out in such a way as to maintain a forest cover composed of trees with an average height of at least 4 m over at least 30% of the total surface area of all the forested wetlands included in a private forest constituting a unit of assessment within the meaning of the Act respecting municipal taxation (chapter F-2.1).

For a tree harvest targeting more than 50% of the trees measuring at least 10 cm in diameter in a forested wetland, the person who carries out the harvest must maintain a forested strip at least 60 m wide between the different harvest areas. In the strip, no work may be carried out until such time as the trees have reached an average height of 4 m in the adjacent harvest areas, unless the work is undertaken solely for the purpose of providing a crossing between harvest areas. Unless it was recommended in a sylvicultural prescription, such a harvest is limited to

- (1) 4 ha per harvest area in the St. Lawrence lowlands;
- (2) 25 ha per harvest area in any other territory.

This section does not apply to a tree harvest carried out for the purpose of recovering timber following a natural disturbance.

**45.** The following forest development activities must be recommended in a silvicultural prescription:

(1) tree harvesting in forested wetlands over a surface area exceeding the surface areas prescribed in subparagraphs 1 and 2 of the second paragraph of section 44;

(2) site preparation by mechanized scarification in forested wetlands over a surface area of more than 4 ha per intervention area;

(3) construction of a winter road in an open peatland;

(4) roadside construction of a ditch to a depth of more than 1 m below the surface of the litter layer;

(5) construction of a road more than 120 m long in a forested wetland and more than 35 m long in any other wetland.

The silvicultural prescription must be kept by the person who carries out the activity for 5 years and must be provided to the Minister at the Minister's request and within the time and subject to the other conditions the Minister determines.

## CHAPTER VII SPECIAL STANDARDS APPLICABLE TO CERTAIN SENSITIVE AREAS

### DIVISION I DUNES

**46.** Races, rallies and other motor vehicle competitions are prohibited on dunes.

**47.** Circulation of motor vehicles is prohibited on dunes, except

(1) in the territory of the municipalité des Îles-de-la-Madeleine on trails lawfully developed and identified for that purpose;

(2) if circulation is required to carry out work.

### DIVISION II BEACHES AND OFFSHORE BARS

**48.** Races, rallies and other motor vehicle competitions are prohibited on beaches and offshore bars.

**49.** Circulation of motor vehicles is prohibited on beaches and offshore bars located in the littoral zone of the St. Lawrence River downstream from the pont Laviolette, the estuary and the gulf of St. Lawrence, as well as the baie des Chaleurs and the islands located therein, except for

(1) circulation of off-road vehicles in winter where so permitted by the bearing capacity of the ground so as not to create ruts;

(2) circulation required for a lawfully practised hunting, fishing or trapping activity;

(3) circulation on trails lawfully developed and identified for that purpose;

(4) circulation required for accessing a property;

(5) circulation required in carrying out work.

## CHAPTER VIII MONETARY ADMINISTRATIVE PENALTIES

**50.** A monetary administrative penalty in the amount of \$250 for a natural person and \$1,000 in other cases may be imposed on every person who

(1) fails to keep information or a document or to keep it for the prescribed period;

(2) fails to provide information or a document to the Minister or to provide it within the time and in the manner and form the Minister determines;

(3) fails to comply with a provision of this Regulation for the contravention of which no other monetary administrative penalty is prescribed herein.

**51.** A monetary administrative penalty in the amount of \$500 for a natural person and \$2,500 in other cases may be imposed on every person who

(1) in carrying out work in wetlands and bodies of water, interferes with the free flow of water in contravention of the first paragraph of section 7;

(2) fails to carry out work in wetlands and bodies of water in compliance with the requirements of section 8;

(3) uses a vehicle or machinery in contravention of the first paragraph of section 11;

(4) carries out silvicultural treatments while failing to promote natural regeneration of ground vegetation or fails to reforest the area concerned within 4 years after the end of treatments in contravention of section 12;

(5) amends the soil while carrying out silvicultural treatments in contravention of section 13;

(6) at the end of any intervention in wetlands and bodies of water, fails to comply with the requirements prescribed in section 15;

(7) fails to revegetate the area concerned in compliance with section 17;

(8) fails to comply with the requirement prescribed in section 20;

(9) fails to comply with the requirements prescribed in section 22 for constructing a deflector or weir;

(10) fails to comply with the requirements prescribed in section 24 for crossing a watercourse;

(11) fails to comply with the requirements prescribed in section 31 for constructing a surface water withdrawal facility;

(12) fails to comply with the requirements prescribed in section 32 concerning a water withdrawal facility for supplying a temporary industrial camp;

(13) fails to comply with the requirements prescribed in section 33;

(14) removes stumps or impermeabilizes the ground in the lakeshore or riverbank in contravention of section 35;

(15) harvests trees in contravention of the requirements prescribed in the first paragraph of section 36 and in section 44;

(16) fails to obtain a silvicultural prescription in contravention of the requirements prescribed in the first paragraph of section 36 and the first paragraph of section 45;

(17) fails to apply the flood-proofing measures covered by the third paragraph of section 38;

(18) constructs an artificial basin, pond or lake or backfills it before it has been dewatered in contravention of section 39;

(19) fails to comply with the requirements prescribed in section 40 for underground public utility infrastructures;

(20) fails to comply with the requirements prescribed in the first paragraph of section 43 for constructing a winter road.

**52.** A monetary administrative penalty in the amount of \$1,000 for a natural person and \$5,000 in other cases may be imposed on every person who fails to restore wetlands and bodies of water comprised within a trail developed for the purpose of a forest development activity where more than 25% of their surface areas contains ruts in contravention of the second paragraph of section 11.

**53.** A monetary administrative penalty in the amount of \$1,500 for a natural person and \$7,500 in other cases may be imposed on every person who

(1) fails to restore the soil in accordance with section 16;

(2) carries out an activity that is prohibited in contravention of sections 19, 42, 46, 47, 48 and 49;

(3) carries out work that widens a watercourse beyond the high-water mark in contravention of the first paragraph of section 21;

(4) carries out work that narrows a watercourse to a width narrower than that prescribed in the second paragraph of section 21;

(5) uses machinery in a littoral zone that has not been dewatered in contravention of section 23;

(6) fails to comply with the conditions prescribed in sections 25 and 26 concerning maintenance work on a watercourse;

(7) dewateres or narrows a watercourse in contravention of the requirements prescribed in sections 28, 29 and 30;

(8) carries out work that increases the exposure of an installation, undertaking, building or facility to flooding in contravention of the first and second paragraphs of section 38.

**54.** A monetary administrative penalty in the amount of \$2,000 for a natural person and \$10,000 in other cases may be imposed on every person who

(1) uses explosives in carrying out work in contravention of section 9;

(2) carries out excavation and backfilling work in wetlands and bodies of water in contravention of the first paragraph of section 10;

(3) fails to comply with the requirements prescribed in the third and fourth paragraphs of section 10 concerning excavation and backfilling resulting from work.

## CHAPTER IX PENAL SANCTIONS

**55.** Every person who

(1) neglects to keep information or a document or to keep it for the prescribed period,



(2) refuses or neglects to provide information or a document to the Minister or to provide it within the time and in the manner and form the Minister determines, or

(3) contravenes this Regulation in cases where no other offence is prescribed herein,

commits an offence and is liable to a fine of \$1,000 to \$100,000 for a natural person and \$3,000 to \$600,000 in other cases.

**56.** Every person who contravenes the first paragraph of section 7, section 8, the first paragraph of section 11, section 12, 13, 15, 17, 20, 22, 24, 31, 32, 33, 35 or 36, the third paragraph of section 38, section 39 or 40, the first paragraph of section 43 or section 44 or 45 commits an offence and is liable to a fine of \$2,500 to \$250,000 for a natural person and \$7,500 to \$1,500,000 in other cases.

**57.** Every person who

(1) contravenes the second paragraph of section 11,

(2) makes a false or misleading declaration or provides false or misleading information or documents for the purpose of making the person's activity eligible for a declaration of compliance, or

(3) signs a false or misleading document,

commits an offence and is liable to a fine of \$5,000 to \$500,000 or, despite section 231 of the Code of Penal Procedure (chapter C-25.1), a maximum term of imprisonment of 18 months, or both the fine and imprisonment, for a natural person and \$15,000 to \$3,000,000 in other cases.

**58.** Every person who contravenes section 16, 19, 21, 23, 25, 26, 28, 29 or 30, the first and second paragraphs of section 38 or section 42, 46, 47, 48 or 49 commits an offence and is liable to a fine of \$10,000 to \$500,000 for a natural person and \$40,000 to \$3,000,000 in other cases.

**59.** Every person who contravenes section 9 or the first, third or fourth paragraph of section 10 commits an offence and is liable to a fine of \$10,000 to \$1,000,000 for a natural person and \$30,000 to \$6,000,000 in other cases.

## CHAPTER X FINAL PROVISIONS

**60.** This Regulation replaces the Regulation respecting motor vehicle traffic in certain fragile environments (chapter Q-2, r. 9).

**61.** This Regulation comes into force on 31 December 2020.

## Snow, road salt and abrasives management regulation

Environment Quality Act  
(chapter Q-2, ss. 95.1, 115.27, 115.34, 124.1)

### CHAPTER I GENERAL

**1.** This Regulation applies to the removal, transport and disposal of snow. It also applies to storage and handling centres for road salt and abrasives.

It applies in a reserved area and in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

**2.** For the purposes of this Regulation,

“abrasives” means any mixture of granular materials and salts; (*abrasifs*)

“Act” means the Environment Quality Act (chapter Q-2); (*Loi*)

“ambient noise” means the total noise present in a given situation, at a certain time, usually composed of noise emitted by several near and remote sources; (*bruit ambiant*)

“dwelling” means any construction intended to lodge persons and connected to individual or collective systems for the supply of drinking water and the treatment of waste water; (*habitation*)

“Minister” means the Minister responsible for the application of the Act; (*ministre*)

“particular noise” means the component of the ambient noise that may be specifically identified and is associated with the activities carried on at a location; (*bruit particulier*)

“public institution” means any of the following:

(1) “educational institution”: an institution providing preschool, elementary or secondary education and governed by the Education Act (chapter I-13.3) or by the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), a private educational institution governed by the Act respecting private education (chapter E-9.1), an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), a general and vocational college, a

university, a research institute, a superior school or an educational institution of which more than one-half of the operating expenditures are paid out of the appropriations voted by the National Assembly, and for the purposes of this Regulation, includes childcare centres and day care centres governed by the Educational Childcare Act (chapter S-4.1.1); (établissement d'enseignement)

(2) “correctional facility”: a facility used for the detention of persons and governed by the Act respecting the Québec correctional system (chapter S-40.1); (établissement de détention)

(3) “health and social services institution”: a health and social services institution governed by the Act respecting health services and social services (chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (chapter S-5). For the purposes of this Regulation, any other place where lodging services are provided for senior citizens or for any users entrusted by a public institution governed by any of the aforementioned Acts is also a health and social services institution; (établissement de santé et de services sociaux)

(4) “tourist establishment”: an establishment which offers to the public restaurant services or sleeping accommodations, including the rental of camping spaces, and includes tourist information offices, museums, ski stations, holiday camps, outdoor recreation areas, public beaches, rest areas, golf courses, marinas and sites with guided tour visits; (établissement touristique)

“reference noise level” means the particular noise to which a corrective term may be added; (*niveau acoustique d'évaluation*)

“residual noise” means noise that lingers at a given place, in a given situation, when the particular noise is eliminated from the ambient noise; (*bruit résiduel*)

“water withdrawal site” means the place where water enters a facility installed to make water withdrawals. (*site de prélèvement d'eau*)

### **3.** For the purposes of this Regulation,

(1) a reference to any of the 1, 2 or 3 water withdrawal categories is a reference to the categories established by the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(2) a reference to an inner, intermediate or outer water withdrawal protection zone is a reference to the protection zones delimited under the Water Withdrawal and Protection Regulation; and

(3) the terms used to designate wetlands and bodies of water are those appearing in the Regulation respecting activities in wetlands, bodies of water and sensitive areas (*insert the reference to the Compilation of Québec Laws and Regulations*).

**4.** The distances provided for in this Regulation with respect to a watercourse or a lake are calculated from the high-water mark. The distances with respect to wetlands are calculated from their edges.

## **CHAPTER II** SNOW REMOVAL AND DISPOSAL

**5.** Snow that has been removed and transported for disposal may be definitively deposited for that purpose only at a snow disposal site authorized by the Minister under section 22 of the Act.

That rule does not apply if snow is removed and transported within the same parking area on which no industrial activity is carried on, in which case the snow may be disposed of in that area

In the event that snow that has been removed and transported is definitively deposited at an unauthorized site or at a site that does not meet the requirements of section 6, as applicable, the owner, lessee or any other person responsible for the site is required to take the necessary measures to have the snow disposed of in accordance with this Regulation.

**6.** Snow that has been removed and transported for disposal within the same parking area may be deposited only at a site situated

(1) more than 15 m from a watercourse, a lake or wetlands;

(2) outside a floodplain having a flood recurrence interval of 0-20 years; and

(3) more than 100 m from a category 1, 2 or 3 ground-water withdrawal site.

## **CHAPTER III** STORAGE AND HANDLING CENTRES FOR ROAD SALT AND ABRASIVES

**7.** This Chapter applies to the establishment and operation of storage and handling centres for road salt and abrasives for which a declaration of compliance is required under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).

## DIVISION I SITING AND LAYOUT STANDARDS

**8.** A storage and handling centre for road salt and abrasives must be sited

- (1) 60 m or more from a watercourse or lake and 30 m or more from wetlands;
- (2) outside a floodplain;
- (3) 15 m or more from a septic tank other than a septic tank located on the site;
- (4) 30 m from all vegetation used as a wind or noise shield; and
- (5) 100 m or more from a category 1, 2 or 3 ground-water withdrawal site.

**9.** A storage and handling centre for road salt and abrasives must be laid out in compliance with the following:

- (1) the salt and abrasives storage, handling and loading areas must
  - (a) be impermeable;
  - (b) have a collection system for runoff water from outside the area, which is to be discharged into the environment or into a storm sewer; and
  - (c) have a system able to collect the water in contact with the salt, abrasives and the equipment used in the areas and which is to be discharged
    - i. to a municipal wastewater treatment works; or
    - ii. to a water treatment system;

- (2) the salt and abrasives must be sheltered from the weather. Despite the foregoing, that requirement may be waived between 15 October and 15 April for abrasives necessary to prepare mixtures of salt and abrasives and for vehicle loading.

## DIVISION II OPERATING STANDARDS

**10.** While in operation, a storage and handling centre for road salt and abrasives must comply with the following:

- (1) the water in contact with salt, abrasives and equipment must at all times respect the following values when discharged into the environment:

- (a) a concentration of suspended matter less than or equal to 50 mg/l;

- (b) a concentration of petroleum hydrocarbons ( $C_{10}$ - $C_{50}$ ) less than or equal to 2 mg/l;

- (2) a twice yearly grab sampling of the water described in paragraph 1 must be conducted in the course of the centre's operations to verify the concentration of chlorides, suspended matter and petroleum hydrocarbons ( $C_{10}$ - $C_{50}$ );

- (3) a daily visual inspection of the salt and abrasives storage, handling and loading areas must be made by the operator;

- (4) the storage, handling and loading areas must be cleaned so as to not contaminate rainwater;

- (5) the piles of snow in the loading area must be sent to a snow disposal site authorized under section 22 of the Act or be pushed to impermeable surfaces where the meltwater is collected before being disposed of;

- (6) the noise emitted during operation of the centre, represented by the reference noise level obtained at a dwelling or public institution, other than a dwelling belonging or leased to the owner or operator or educational institutions or tourist establishments when they are closed, must not exceed for any 1-hour interval the higher of

- (a) the residual noise; and

- (b) 40 dBA between 7:00 p.m. and 7:00 a.m. and 45 dBA between 7:00 a.m. and 7:00 p.m.

**11.** The operator of a storage and handling centre for road salt and abrasives must enter the following information in a register:

- (1) the results of the water sampling conducted in accordance with paragraph 2 of section 10;

- (2) the dates of the visual inspections of the storage, handling and loading areas carried out in accordance with paragraph 3 of section 10, the observations and, where applicable, the measures taken to maintain or repair the facilities.

The operator must retain the information entered in the register for a minimum 5-year period after the date on which it is entered. The information must be provided to the Minister on request.

**12.** The operator of a storage and handling centre for road salt and abrasives must inform the Minister at least 30 days before ceasing activities.

#### CHAPTER IV MONETARY ADMINISTRATIVE PENALTIES

**13.** A monetary administrative penalty of \$250 in the case of a natural person or \$1,000 in any other case may be imposed on every person who fails

(1) to keep the register referred to in the first paragraph of section 11;

(2) to keep the information entered in the register for the period set out in the second paragraph of section 11 or to provide that information to the Minister as required by that paragraph; or

(3) to inform the Minister as required by section 12 before ceasing activities.

**14.** A monetary administrative penalty of \$550 in the case of a natural person or \$2,500 in any other case may be imposed on every person who,

(1) deposits snow that has been removed within the same parking area and transported for disposal at a site that does not meet the requirements of section 6; or

(2) operates a storage and handling centre for road salt and abrasives that does not comply with the operating standards set out in section 10.

**15.** A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in any other case may be imposed on every person who,

(1) deposits snow that has been removed and transported for disposal at a site that is not authorized for that purpose, in contravention of the first and second paragraph of section 5; or

(2) fails to take the necessary measures so that snow removed, transported and deposited at an unauthorized site or at a site that does not meet the requirements of section 6 is disposed of in accordance with this Regulation, contrary to the third paragraph of section 5.

#### CHAPTER V OFFENCES

**16.** Every person who contravenes section 11 or 12 commits an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person, or \$3,000 to \$600,000 in any other case.

**17.** Every person who contravenes section 6 or 10 commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person, or \$7,500 to \$1,500,000 in any other case.

**18.** Every person who

(1) fails to comply with section 5; or

(2) makes a declaration, communicates information or files a document that is false or misleading,

commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or in any other case, to a fine of \$15,000 to \$3,000,000.

#### CHAPTER VI TRANSITIONAL AND FINAL

**19.** Chapter III does not apply to a storage and handling centre for road salt and abrasives in operation on (*insert the date of publication of this Regulation in the Gazette officielle du Québec*).

**20.** This Regulation replaces the Regulation respecting snow elimination sites (chapter Q-2, r. 31).

**21.** This Regulation comes into force on 31 December 2020.

### Regulation to amend the Regulation respecting industrial depollution attestations

Environment Quality Act  
(chapter Q-2, ss. 31.0.5, 31.15, 31.16, 31.18, 31.20, 31.22, 31.24, 31.26, 31.29, 95.1, 115.27 and 115.34)

**1.** The Regulation respecting industrial depollution attestations (chapter Q-2, r. 5) is amended by replacing the title by the following:

“**Regulation respecting the operation of industrial establishments**”.

**2.** Section 0.1 is amended by replacing “Subdivision 1 of Division IV.2 of Chapter I” in the portion before subparagraph 1 of the first paragraph by “Division III of Chapter IV of Title I”.

**3.** Chapters I and II are revoked.

**4.** The Regulation is amended by replacing the heading of Chapter III by the following:

“ANNUAL DUTIES”.

**5.** Chapter III is amended by revoking everything that precedes section 11.1.

**6.** Section 12 is amended

(1) by replacing “a depollution attestation” in the portion before subparagraph 1 of the first paragraph by “an authorization to operate an industrial establishment”;

(2) by replacing “depollution attestation” in subparagraphs *a* and *b* of subparagraph 2 of the first paragraph by “authorization”.

**7.** Section 14 is amended

(1) by replacing “a depollution attestation” and “31.15” in the first paragraph respectively by “an authorization to operate an industrial establishment” and “26”;

(2) by replacing “a depollution attestation” in the third paragraph by “an authorization”.

**8.** Section 14.1 is amended by replacing “a depollution attestation” in the first paragraph by “an authorization to operate an industrial establishment”.

**9.** Section 15 is amended

(1) by replacing “a depollution attestation” in the portion before paragraph 1 by “an authorization to operate an industrial establishment”;

(2) by replacing “depollution attestation” in paragraph 1 by “authorization”;

(3) by replacing paragraph 2 by the following:

“(2) any amendments to the following information, furnished in accordance with the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*) for the issue or renewal of an authorization;”;

(4) by replacing “depollution attestation under the second paragraph of section 31.15” in paragraph 3 by “authorization under the second paragraph of section 26”;

(5) by replacing “under section 31.15.1 of the Act at the time of issue of the depollution attestation” in paragraph 4 by “under section 31.27 of the Act at the time of issue of the authorization”;

(6) by replacing paragraph 5 by the following:

“(5) information on progress made in the studies required under section 31.12 of the Act.”.

**10.** Section 16 is revoked.

**11.** Section 17 is replaced by the following:

“**17.** For the purposes of section 31.16 of the Act, within 30 days after becoming aware of any event or incident, other than an accidental release referred to in section 21 of the Act or that an infringement of a standard was entered in the record in accordance with section 14 of this Regulation, resulting in derogation from the provisions of the holder’s authorization, the holder must so inform the Minister by sending a notice explaining the reasons for the derogation and indicating the measures that have been taken to reduce or eliminate the effects of that event or incident and to eliminate or prevent the causes, and specifying, if applicable, the implementation timetable.”.

**12.** Section 18 is revoked.

**13.** Division III of Chapter IV is revoked.

**14.** The heading of Division IV of Chapter IV is amended by replacing “ARRÊT” in the French text by “CESSATION”.

**15.** Section 20 is replaced by the following:

“**20.** A holder of an authorization to operate an industrial establishment must, as required by section 31.24 of the Act, give the Minister notice of any partial or total cessation of operation of the industrial establishment covered by the authorization within 60 days after the date of the cessation.

The notice must contain the following information and documents:

(1) the number and issue date of the authorization pertaining to the activity that has ceased;

(2) the location and description of the activity that has ceased and the prerequisite cessation measures to be implemented;

(3) the monitoring measures the holder intends to implement to prevent the release of contaminants into the environment and to ensure, among other things, site cleaning and decontamination, and equipment and facility dismantling;

(4) the date of cessation of the activity;



- (5) the reason for cessation of the activity; and
- (6) a declaration from the holder certifying that

(a) any cessation measures prescribed by the Minister in the authorization are complied with; and

(b) all the information and documents furnished are complete and accurate.”

**16.** Section 20.1 is amended

- (1) by striking out paragraph 1;
- (2) by replacing paragraph 3 by the following:

“(3) keep up-to-date a record containing the information prescribed by section 14, send the Minister a copy of the information entered in that record during the previous month within the time prescribed by that section or keep the information entered in that record for the period of time indicated therein;

(3.1) keep up-to-date a record containing the information prescribed by section 14.1 or keep the information entered in that record for the period of time indicated therein;”;

- (3) by striking out paragraph 5;

- (4) by replacing paragraph 6 by the following:

“(6) comply with the time limit prescribed by the first paragraph of section 20 to give the Minister notice of the partial or total cessation of operation of the industrial establishment covered by the authorization or send the Minister a notice containing the information and documents prescribed by the second paragraph of that section.”

**17.** Section 20.4 is amended by striking out “section 5;”.

**18.** Schedule I is amended

- (1) in Table I,

(a) by replacing “totales” in the French text of the first column of the line beginning by “Dioxines et furanes – totales (PCDD-PCDF)” by “totaux”;

(b) by replacing the line beginning by “Radium (Ra) 200” by the following:

“		
	Radium (Ra)226	226
		”.

(2) in Table II, by replacing “totales” in the French text of the first column of the line beginning by “Dioxines et furanes – totales (PCDD-PCDF)” by “totaux”.

**19.** This Regulation comes into force on 31 December 2020.

**Regulation to amend the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin**

Environment Quality Act  
(chapter Q-2, s. 95.1)

**1.** The Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin (chapter Q-2, r. 5.1) is amended by revoking Division II.

**2.** This Regulation comes into force on 31 December 2020.

**Regulation to amend the Regulation respecting sand pits and quarries**

Environment Quality Act  
(chapter Q-2, ss. 95.1, 115.27 and 115.34)

**1.** The Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1) is amended in section 2 by inserting “; is considered to be a professional a person authorized by a professional order to carry out an activity carried out by a professional who is a member of the order;” at the end of the definition of “professional”.

**2.** Chapters II and III are revoked.

**3.** Section 20 is amended by adding the following paragraph at the end:

“The first and second paragraphs do not apply in the case of an operation carried out in accordance with the conditions set out in section 343 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the compilation of Québec Laws and Regulations*).”

**4.** Section 21 is amended by replacing “section 9” in the fourth paragraph by “section 117 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the compilation of Québec Laws and Regulations*)”.



**5.** Section 33 is amended by striking out “section 74 of” in the fourth paragraph.

**6.** Section 42 is amended

(1) by replacing “of the quarry or sand pit or sedimentation basins used in the transformation processes of dimension stone and cutting slurry generated by the” in subparagraph *c* of subparagraph 3 of the first paragraph by “of a quarry or sand pit or sedimentation basins used in a transformation process of dimension stone and cutting slurry generated by a”;

(2) by replacing “section 9” in the second paragraph by “section 117 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the compilation of Québec Laws and Regulations*)”.

**7.** Section 43 is amended

(1) by replacing “section 3 or an amendment of the authorization in accordance with paragraph 2 of section 4” in the second paragraph by “section 113 or an amendment of the authorization in accordance with paragraph 2 of section 114 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the compilation of Québec Laws and Regulations*)”;

(2) by replacing “section 3” in the third paragraph by “section 113 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact”.

**8.** Section 48 is amended by striking out subparagraphs 1 and 2 in the first paragraph.

**9.** Section 50 is amended by striking out subparagraphs 1 and 2.

**10.** Section 53 is amended by striking out “the second paragraph of section 11, section 12,”.

**11.** Section 55 is amended by striking out “3, 4 or” in subparagraph 1.

**12.** This Regulation comes into force on 31 December 2020.

## **Regulation to amend the Regulation respecting compensation for adverse effects on wetlands and bodies of water**

Environment Quality Act  
(chapter Q-2, s. 31.0.11)

**1.** The Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) is amended in subparagraph 13 of the first paragraph of section 5

(1) by replacing “section 1 of the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3)” in the portion before subparagraph *a* by “section 50 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*)”;

(2) by striking out “referred to in subparagraphs *a* to *e* of paragraph 2 of section 3 of the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3)”.

**2.** This Regulation comes into force on 31 December 2020.

## **Regulation to amend the Regulation respecting biomedical waste**

Environment Quality Act  
(chapter Q-2, ss. 70, 95.1, 115.27 and 115.34)

**1.** The Regulation respecting biomedical waste (chapter Q-2, r. 12) is amended in paragraph 3 of section 1

(1) by inserting “hereinafter called “sharp medical object” in subparagraph *a* after “thanatopraxy”;

(2) by inserting the following after subparagraph *a*:

“(a.1) a sharp object having been in contact with blood or with a biological liquid or tissue from a person or an animal, from household activities or non-medical beauty care, such as an injection, provision of care, tattooing, piercing or electrolysis, “hereinafter called “sharp household object”.”.

**2.** Section 2 is amended

(1) by inserting the following after paragraph 1:

“1.1 the carcass of a companion animal within the meaning of subparagraph 2 of the second paragraph of section 1 of the Animal Welfare and Safety Act (chapter B-3.1) that is in the possession of its owner;”;

(2) by inserting the following after paragraph 3:

“3.1 animal anatomical waste from biology laboratories in educational institutions, provided that the carcasses or animal parts were not inoculated or preserved in preserving agents;

(3) by adding “, other than the waste referred to in subparagraph a.1 of paragraph 3 of section 1” in paragraph 5 at the end”.

**3.** Section 3 is amended by replacing the first paragraph by the following:

“Section 14, the second paragraph of section 15, sections 37 to 39 and section 45 do not apply to the operator of a system that transports biomedical waste who is exempted from the application of section 22 of the Environment Quality Act (chapter Q-2) under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).”.

**4.** Section 3 is amended by inserting the following:

“**3.1.** Only sections 10, 11, 21, 24 and 25 apply to any person having generated sharp household objects.

**3.2.** Only sections 10, 11, 21 and 22, the first paragraph of section 23, section 34 and paragraph 2 of section 36, with the necessary modifications, apply to an operator who recovers and stores sharp household objects for non-profit purposes to be shipped to a facility that may legally accept them.

**3.3.** Only section 13, the first paragraph of section 15, sections 16 and 32, and paragraph 2 of section 36, with the necessary modifications, apply to an operator who treats sharp household products by disinfection with an autoclave in a biomedical waste generation site.”.

**5.** Section 6 is amended by adding the following paragraph:

“Where non-anatomical biomedical waste from outside Québec is treated by disinfection, the treatment shall be carried out under the following conditions:

(1) the treated biomedical waste is not landfilled in Québec; and

(2) a label conforming to section 23 and indicating that the biomedical waste is from outside Québec is placed on each biomedical waste container by the operator of the treatment or storage facility.”.

**6.** Section 7 is revoked.

**7.** Section 13 is amended by adding the following paragraph:

“Where the biomedical waste is from outside Québec, the operator shall indicate separately in the register the information provided for in the first paragraph and indicate the address of the recipient where the biomedical waste is to be shipped.”.

**8.** Section 18 is revoked.

**9.** Section 20 is replaced by the following:

“**20.** Section 66 of the Environment Quality Act (chapter Q-2) does not apply to biomedical waste stored on its generation site.”.

**10.** Section 22 is amended

(1) by replacing “biomedical waste referred to in subparagraph a of paragraph 3 of section 1” in the first paragraph by “sharp medical objects or sharp household objects”;

(2) by replacing “The biomedical waste” in the second paragraph by “The biomedical waste, other than sharp medical objects or sharp household objects,”.

**11.** Section 24 is amended

(1) by replacing “a holder of an authorization for the operation of a facility that treats biomedical waste by incineration or that stores biomedical waste” in the first paragraph by “an operator of a facility that treats biomedical waste by incineration or of a facility that stores biomedical waste, in accordance with the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).”.

(2) by replacing “a holder of an authorization for the operation of a facility that treats biomedical waste by disinfection or incineration or that stores biomedical waste” in the second paragraph by “an operator of a facility that treats biomedical waste by disinfection or incineration or of a facility that stores biomedical waste, in accordance with the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).”.

**12.** Section 25 is replaced by the following:

“**25.** Biomedical waste shall be consigned only to an operator of a system that transports biomedical waste, in accordance with the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).”

**13.** The following is inserted after section 27:

“**27.1.** Only sections 32 to 34 and paragraph 2 of section 36 apply to a public health and social services institution that stores or treats biomedical waste with an autoclave, where that waste is exclusively from such institutions, in a quantity of less than 100 kg each per month.”

**14.** Section 33 is amended by inserting “, other than sharp medical objects or sharp household objects,” after “biomedical waste”.

**15.** Section 36 is amended by replacing “sections 24 and 25 of the” in paragraph 2 by “sections 24 and 25 of this Regulation, the”.

**16.** Section 39 is amended by replacing paragraph 1 by the following:

“(1) a refrigeration system capable of keeping the biomedical waste, other than sharp medical objects or sharp household objects, contained in the vehicle at less than 4 °C at all times;

**17.** Section 40 is amended by replacing the third paragraph by the following:

“The compartment containing the biomedical waste shall be padlocked or bolted and the biomedical waste, other than sharp medical objects or sharp household objects, shall be kept refrigerated at less than 4 °C until unloaded.”

**18.** Division III is revoked.

**19.** Section 64 is replaced by the following:

“**64.** Within 30 days following any change in the guarantee required under sections 57 to 61, an operator shall notify the Minister in writing of that change.”

**20.** Section 64.2 is amended by striking out paragraph 4.

**21.** Section 64.6 is amended by replacing “a holder of an authorization referred to therein” in subparagraph 2 of the first paragraph by “an operator referred to in one of those sections”.

**22.** Section 66 is amended by replacing “to 18” by “to 17”.

**23.** This Regulation comes into force on 31 December 2020.

### **Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries**

Environment Quality Act  
(chapter Q-2, s. 95.1)

**1.** The Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16) is amended by revoking Division II, which includes sections 2 and 3.

**2.** Section 4 is amended by striking out “pursuant to section 3, 23, or 24”.

**3.** Section 6 is amended by striking out “to the Minister pursuant to sections 22 to 24”.

**4.** Section 23 is amended by replacing “the declaration submitted pursuant to section 3, 22 or 24” by “his refining capacity declaration”.

**5.** Section 24 is amended by replacing “the declaration submitted pursuant to section 3, 22 or 23” in the first paragraph by “his refining capacity declaration”.

**6.** This Regulation comes into force on 31 December 2020.

### **Regulation to amend the Regulation respecting the burial of contaminated soils**

Environment Quality Act  
(chapter Q-2, ss. 95.1)

**1.** The Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18) is amended in section 15 by striking out “To that end, a sampling and analysis program including the collection method and the number of samples required per volume unit shall accompany the application for an authorization.” in the third paragraph.

**2.** The Regulation is amended by replacing the heading of Chapter IV by the following:

“OWNERSHIP OF LAND”.

**3.** This Regulation comes into force on 31 December 2020.

## Regulation to amend the Regulation respecting used tire storage

Environment Quality Act  
(chapter Q-2, ss. 53.30 and 95.1)

**1.** The Regulation respecting used tire storage (chapter Q-2, r. 20) is amended in section 1.1 by replacing “136 m<sup>3</sup>” by “135 m<sup>3</sup>”.

**2.** Section 1.2 is replaced by the following:

“**1.2.** No person may store used tires, except in the case of a used tire reclamation business.”

**3.** This Regulation comes into force on 31 December 2020.

## Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects

Environment Quality Act  
(chapter Q-2, ss. 31.1 and 31.9)

**1.** The Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) is amended in section 30 of Part II of Schedule 1 by replacing “section 42 of the Agricultural Operations Regulation” in the fourth paragraph by “section 148 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*)”.

**2.** This Regulation comes into force on 31 December 2020.

## Regulation to amend the Agricultural Operations Regulation

Environment Quality Act  
(chapter Q-2, ss. 95.1, 115.27 and 115.34)

**1.** The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended in section 19 by replacing “person authorized” in the second paragraph by “person who may engage in those activities”.

**2.** Section 33 is amended by replacing “authorized” in the first paragraph by “that may receive livestock waste”.

**3.** Section 34 is amended by replacing “authorized” in the first paragraph by “that may receive livestock waste”.

**4.** Chapter IV is revoked.

**5.** Section 43.1 is amended by striking out paragraphs 14 and 15.

**6.** Section 43.5 is amended by striking out paragraphs 7 and 8.

**7.** Section 44 is amended by replacing “, section 35.2 or 36, the fifth paragraph of section 39 or the third paragraph of section 40” by “or section 35.2 or 36”.

**8.** Section 44.4 is amended by replacing paragraph 1 by the following:

“(1) contravenes the second paragraph of section 4, the first paragraph of section 9, section 9.1, 9.3, 14 or 22, the first paragraph of section 50.3 or section 50.4.”

**9.** Section 50.01 is amended by replacing “, 28, 28.1, 39, 42 and 48.4” in the first paragraph by “and 28.1”.

**10.** This Regulation comes into force on 31 December 2020.

## Regulation to amend the Regulation respecting pulp and paper mills

Environment Quality Act  
(chapter Q-2, s. 95.1)

**1.** The Regulation respecting pulp and paper mills (chapter Q-2, r. 27) is amended by revoking Division V of Chapter VI.

**2.** This Regulation comes into force on 31 December 2020.

## Regulation to amend the Regulation respecting hazardous materials

Environment Quality Act  
(chapter Q-2, ss. 46, 70.6, 70.7, 70.8, 70.9, 70.18, 70.19, 95.1, 115.27 and 115.34)

**1.** The Regulation respecting hazardous materials (chapter Q-2, r. 32) is amended in section 5 is amended

(1) by striking out the definition of “residual hazardous materials”;

(2) by replacing the definition of “hazardous materials disposal site” by the following:

“hazardous materials disposal site” means any site for the final disposal of hazardous materials as well as any site for incineration, gasification, pyrolysis or plasma treatment or other thermal treatments, the main result of which is to transform residual hazardous materials into gas, ash, pyrolytic coal or pyrolytic oil;

**2.** Section 6 is amended by replacing the portion before subparagraph 1 of the first paragraph by the following:

“The list of the following materials is established for the purposes of subparagraph 4 of the first paragraph of section 70.6 of the Environment Quality Act (chapter Q-2), to the extent that the materials are hazardous within the meaning of the first paragraph of section 1 of the Act.”

**3.** Section 8 is replaced by the following:

“No one may release a hazardous material into the environment or into a sewage system, or allow such release, unless the operation is made in accordance with the Environment Quality Act (chapter Q-2).”

**4.** Section 9 is revoked.

**5.** Section 11 is amended

(1) by replacing “authorized” in the first paragraph by “empowered”;

(2) by replacing “that meets the conditions mentioned in subparagraph 4 of the first paragraph of section 118 of this Regulation” in the third paragraph by “that was the subject of a declaration of compliance or exempt from an authorization under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).”

**6.** Section 12 is amended by replacing the first paragraph by the following:

“Every person who ships residual hazardous materials to a hazardous materials disposal site shall entrust them to a carrier who is an authorization holder under section 229 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).”

**7.** Section 13 is amended

(1) by replacing “a permit holder” in the first paragraph by “an authorization holder”;

(2) by adding “and all the residual hazardous materials stored in the course of those activities shall be shipped to a site that may lawfully receive them” at the end of the second paragraph.

**8.** Section 23 is amended by striking out “, a permit application”.

**9.** Section 32 is amended by replacing “a certificate of authorization issued” in subparagraphs 1 and 2 of the first paragraph by “an authorization issued”.

**10.** Section 39 is amended by replacing “a permit holder carrying on one of the activities referred to in paragraphs 1, 2 and 3” in the second paragraph by “an authorization holder carrying on one of the activities referred to in subparagraphs 1, 2 and 3 of the first paragraph”.

**11.** Section 70 is amended

(1) by inserting “and independent” in the first paragraph after both occurrences of “qualified”;

(2) by replacing the second paragraph by the following:

“The owner or operator shall send to the Minister of Sustainable Development, Environment and Parks, once the installation is completed, an attestation prepared and signed by the professional referred to in the first paragraph to the effect that that the installation complies with the applicable standards or indicating that those standards have not been complied with.”

**12.** Section 74 is replaced by the following:

“**74.** The operator shall submit to the Minister of Sustainable Development, Environment and Parks, once the layout is completed, an attestation prepared and signed by a qualified and independent professional to the effect that the installation, including the network of wells monitoring the quality of underground water, complies with the applicable standards. If the installation does not comply, the professional shall indicate the correctional measures to be taken.”

**13.** Section 75 is amended by replacing the third paragraph by the following:

“As soon as the operator notices that groundwater has been contaminated, the operator shall take all the correctional measures required to stop the contamination of that water.

The operator shall inform the Minister of Sustainable Development, Environment and Parks at once of that contamination and the measures taken to stop it.”



**14.** Section 81 is amended by replacing “a permit holder carrying on an activity under” in paragraph 1 by “an authorization holder carrying on an activity referred to in the first paragraph of”.

**15.** Section 85 is amended

(1) by replacing “permit holder carrying on an activity under” in the portion before subparagraph 1 of the first paragraph by “authorization holder carrying on an activity referred to in the first paragraph of”;

(2) by replacing “permit” in the second paragraph by “authorization”;

**16.** Section 86 is amended by replacing “permit holder” by “authorization holder carrying on an activity referred to in the first paragraph of section 70.9 of the Environment Quality Act (chapter Q-2)”.

**17.** Section 93 is amended by replacing “

(1) by replacing “the permit referred to in” in the first paragraph by “an authorization carrying on an activity referred to in the first paragraph of”;

(2) by replacing “referred to in section 144 of this Regulation” in the second paragraph by “closed before 1 December 1997”;

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

“Sections 95 and 96 do not apply to final disposal sites in operation on 1 December 1997.”.

**18.** Section 103 is amended by replacing “the permit” in subparagraph 2 of the second paragraph and in the third paragraph by “the authorization”.

**19.** Section 104 is amended

(1) by replacing the portion before subparagraph 1 of the first paragraph by the following:

“The requirement to keep a register in respect of the residual hazardous materials referred to in the second paragraph of section 70.6 of the Environment Quality Act (chapter Q-2) applies.”;

(2) by replacing “a certificate of authorization” in subparagraph 1 of the second paragraph by “an authorization”.

**20.** The heading of Chapter VII is replaced by the following:

#### “HAZARDOUS MATERIALS MANAGEMENT PLAN”

**21.** Sections 112 and 113 are revoked.

**22.** Section 114 is replaced by the following:

“**114.** The hazardous materials management plan referred to in the second paragraph of section 70.8 of the Environment Quality Act (chapter Q-2) shall contain the following information and documents:

(1) a characterization of the hazardous material in question that includes

(a) a sampling schedule;

(b) the name and address of the laboratory that did the analysis and that is accredited by the Minister under section 118.6 of the Environment Quality Act;

(c) the properties referred to in section 3 and the results of the chemical analyses;

(d) in the case of a hazardous material referred to in section 4, the results of the chemical analyses and the characteristics of the material; and

(e) where applicable, the grounds for which a chemical analysis or test has not been done in respect of the hazardous material;

(2) where the residual hazardous materials are stored outdoors, a characterization of the portion of land for the storage and on the periphery of that portion of land conducted in accordance with the guide referred to in section 31.66 of the Environment Quality Act by a professional with the required qualifications in the field, as well as the decontamination or alleviation measures that have been taken or that are envisaged;

(3) the final destination of the hazardous material or, if that destination is not known, a description of the steps taken or envisaged, including, where applicable, research projects and experiments, to remove the hazardous material from the storage site and, in the latter case, the quantity of residual hazardous materials used in those projects;

(4) the steps and schedules for carrying out the management plan and the measures that will be taken to inform the Minister.

**23.** The heading of Chapter VIII is amended by replacing “IN SECTION” by “IN THE FIRST Paragraph OF SECTION”.



**24.** Section 115 is replaced by the following:

“**115.** This Chapter does not apply to activities relating to the treatment of residual hazardous materials referred to in paragraphs 1 and 2 of section 230 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).”

**25.** Sections 116 to 118 are revoked.

**26.** The heading of Division 2 of Chapter VIII is replaced by the following:

“FINANCIAL GUARANTEE”.

**27.** Section 119 is replaced by the following:

“**119.** The holder of an authorization for an activity referred to in subparagraphs 1 to 4 of the first paragraph of section 70.9 of the Environment Quality Act (chapter Q-2) and the holder of an authorization for the transportation of hazardous materials shall have a financial guarantee of \$100,000 in accordance with this Division.

The first paragraph does not apply to the holder of an authorization relating to the use of used oil for energy generation where the nominal capacity is less than 1 ton or 1 kl per hour.”

**28.** Section 120 is replaced by the following:

“**120.** Any guarantee required under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*) or this Regulation to carry on an activity related to the management of hazardous materials is intended to ensure, while the activity is carried on and upon cessation of the activity, the performance of the obligations incumbent on the operator under the Environment Quality Act (chapter Q-2), its regulations, an order or an authorization. Should the operator fail to do so, that guarantee is to be used to pay the expenses incurred by the Ministère du Développement durable, de l'Environnement et des Parcs under sections 113, 114, 114.1, 114.3, 115, 115.0.1 and 115.1 of that Act.”

**29.** Section 122 is amended by replacing “permit” by “authorization”.

**30.** Section 124 is replaced by the following:

“**124.** The issuance of an authorization for an activity referred to in subparagraphs 1 to 4 of the first paragraph of section 70.9 of the Environment Quality Act

(chapter Q-2) or for the transportation of hazardous materials is conditional upon the applicant holding civil liability insurance, the amount of which is determined in accordance with Schedule 11 to this Regulation.

Notwithstanding the foregoing, the applicant for an authorization to transport residual hazardous materials to a hazardous material disposal site shall hold civil liability insurance of \$1,000,000.

The operator shall keep his civil liability insurance contract in force for as long as the activity is carried on. To that end, the operator shall send to the Minister of Sustainable Development, Environment and Parks, 15 days before that insurance contract expires, an attestation signed by the insurer confirming that the civil liability insurance contract has been renewed and that it complies with section 125.

The first paragraph does not apply to an applicant for an authorization relating to the use of used oil for energy generation where the nominal capacity is less than 1 ton or 1 kl per hour.

This section does not apply to the Government or to its departments and bodies.”

**31.** Section 125 is amended by replacing “permit” in subparagraph 1 of the first paragraph by “authorization”.

**32.** Sections 127 to 129 are revoked.

**33.** The heading of Division 3 of Chapter VIII is amended by striking out “KEPT OR DRAWN UP BY A PERMIT HOLDER”.

**34.** Section 130 is amended by replacing “permit holder carrying on an activity referred to in” by “authorization holder carrying on an activity referred to in the first paragraph of”.

**35.** Section 132 is amended by replacing “the permit holder” in the portion before paragraph 1 of the first paragraph by “the holder of an authorization carrying on an activity referred to in the first paragraph of section 70.9 of the Environment Quality Act (chapter Q-2)”.

**36.** Section 133 is amended by replacing “the permit holder” by “the holder of an authorization carrying on an activity referred to in the first paragraph of section 70.9 of the Environment Quality Act (chapter Q-2)”.

**37.** Section 134 is amended by replacing “permit holder” by “holder of an authorization carrying on an activity referred to in the first paragraph of section 70.9 of the Environment Quality Act (chapter Q-2)”.

**38.** Section 135 is amended in paragraph 2 of the second hyphen

(1) by replacing “Column III of List II of Schedule II to the Transportation of Dangerous Goods Regulations (SOR/85-77)” in the second hyphen by “Column 1 of Schedule 1 to the Transportation of Dangerous Goods Regulations (SOR/2001-286)”;

(2) by replacing “Column II of Parts I, II, III or IV of Schedule 3 to the Export and Import of Hazardous Waste Regulations (SOR/92-637)” in the third hyphen by “Column 1 of Schedule 3 or according to Column 1 of Parts 1 and 2 of Schedule 4 to the Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations (SOR/2005/149)”.

**39.** Section 137 is amended

(1) by inserting “residual” after “transportation of” in the portion before paragraph 1;

(2) by replacing “columns I and III of List II of Schedule II” in paragraph 1 by “Column I of Schedule I”.

**40.** Section 138.2 is amended

(1) by replacing “the report referred to” in paragraph 5 by “the attestation referred to”.

(2) by striking out paragraph 9.

**41.** Section 138.3 is amended

(1) in the first paragraph,

(a) by adding “or piping” at the end of subparagraph 10;

(b) by inserting “and independent” after “qualified” in subparagraph 13;

(c) by inserting “civil” before “liability insurance” in subparagraph 23;

(2) by replacing “provided for in section 123 or in” in subparagraph 2 of the second paragraph by “, in contravention of section 123 or”.

**42.** Section 138.5 is amended

(1) in paragraph 1,

(a) by striking out subparagraph *a*;

(b) by replacing “third” in subparagraph *c* by “fourth”;

(2) by replacing “an authorized site materials” in paragraph 2 by “that may lawfully receive the materials or residual hazardous materials”;

(3) by striking out paragraph 6.

**43.** Section 138.6 is amended

(1) by replacing “autorisé” in paragraph 1 of the French text by “habilité”;

(2) by replacing paragraph 2 by the following:

“(2) entrusts residual hazardous materials to a carrier who is not authorized in accordance with section 229 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*), in contravention of the first paragraph of section 12;”.

**44.** Section 138.7 is amended

(1) by replacing paragraph 1 by the following:

“(1) releases or allows the release of a hazardous material into the environment or into a sewage system, in contravention of the requirements of section 8;”

(2) by striking out paragraph 2;

(3) by inserting the following after paragraph 6:

“6.1 fails to stop the contamination of ground water, in contravention of the third paragraph of section 75;”.

**45.** Section 140 is amended by replacing “, section 108 or 111, the second or third paragraph of section 118, or section 130, 133, 134 or 138” by “or section 108, 111, 130, 133, 134 or 138”.

**46.** Section 143 is amended by replacing paragraph 1 by the following:

“(1) contravenes section 13, any of sections 24 to 27, the first paragraph of section 71, the fourth paragraph of section 75 or the first paragraph of section 103;”.

**47.** Section 143.2 is amended by replacing “subparagraph 3 of the first paragraph of section 9, section 10, the second paragraph of section 71, paragraph 1 or 2 of section 72” by “section 10, the second paragraph of section 71, paragraph 1 or 2 of section 72, the third paragraph of section 75”.

**48.** Section 143.3 is amended by replacing “, subparagraph 1 of the first paragraph of section 9 or section” by “or”.

**49.** Section 1 of Schedule 4 is amended by replacing “permit holders referred to in” in the headings preceding categories N and O of hazardous materials by “authorization holders who carry on an activity referred to in the first paragraph of”.

**50.** Schedule 5 is amended by striking out the line “Maximum water content\*\*” and its corresponding footnote.

**51.** Schedule 6 is amended by striking out the line “Water\*\*\*” and its corresponding footnote.

**52.** Schedule 10 is amended

(1) by replacing the heading by the following:

“FINANCIAL GUARANTEE”;

(2) by striking out “by the permit application” in the note under the table.

**53.** Schedule 11 is amended by striking out “by the permit application” in the note under the table.

**54.** This Regulation comes into force on 31 December 2020.

## Regulation to amend the Water Withdrawal and Protection Regulation

Environment Quality Act  
(chapter Q-2, ss. 46, 95.1, 115.27 and 115.34)

**1.** The Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) is amended by striking out “to set the terms and conditions for authorizations for the withdrawal of water, as provided for in subparagraph 2 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2), and” in the first paragraph of section 1.

**2.** Section 2 is amended by replacing “Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2)” in the definition of “temporary industrial camp” by “Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (insert the reference to the Compilation of Québec Laws and Regulations)”.

**3.** Section 4 and Chapter II are revoked.

**4.** The title of Chapter III is amended by replacing “WATER” by “GROUNDWATER” at the beginning.

**5.** Section 11 is replaced by the following:

“**11.** The object of this Chapter is to prescribe the standards applicable to facilities for the following groundwater withdrawals:

(1) a water withdrawal for human consumption supplying a maximum of 20 persons or, in the case of a temporary or industrial camp, a maximum of 80 persons;

(2) a water withdrawal of less than 75,000 litres per day for any other purpose.

It does not apply to a facility that is the subject of an authorization pursuant to section 22 of the Environment Quality Act (chapter Q-2).

Neither does it apply to facilities at which water withdrawals are exempted pursuant to the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).”.

**6.** The following is struck out after section 14:

### “DIVISION II GROUNDWATER WITHDRAWAL FACILITIES

§1. *General*”.

**7.** Section 15 is replaced by the following:

“**15.** A groundwater withdrawal facility may not be installed in a floodplain having a flood recurrence interval of 20 years, or in the identified floodplain of a lake or watercourse unless the 20-year and 100-year flood recurrence intervals have been distinguished.

Where no other location may be chosen because of the configuration of the land, the prohibition provided for in the first paragraph does not apply to the following installations:

(1) the installation of a facility further to the termination of a water supply from a water withdrawal facility located on a neighbouring immovable that is owned by someone other than the owner of the immovable on which the facility must be installed;

(2) the replacement of a facility for the same use.”.

**8.** Section 17 is amended

(1) by replacing “, excavated or driven well must rise at least 30 cm above the ground level existing before the work begins” in subparagraph 4 of the first paragraph by “or excavated well must rise at least 30 cm above the ground level existing after earth-moving operations are completed”;

(2) by replacing the second paragraph by the following:

“The distances provided for in subparagraphs 1, 2 and 3 of the first paragraph do not apply to the following constructions if the person responsible for the facility obtains a hydrogeological notice signed by a professional justifying:

(1) the construction of a facility subsequent to the cessation of the supplying of water from a water withdrawal facility located on a neighbouring immovable having a different owner than the owner of the immovable on which the facility is to be constructed;

(2) the replacement of a facility for the same use.

Such a hydrogeological notice must contain

(1) a demonstration that it is impossible to comply with the distances provided for in subparagraphs 1, 2 and 3 of the first paragraph because of the dimensions of the land or obstacles present on the land, such as the presence of a residence authorized by a municipality;

(2) a justification of the choice of the location and the measures adopted for the design of the facility based on the local context, which may take into account in particular the nature of the geological materials and the presence of activities likely to alter the groundwater or the direction of water flow; and

(3) a diagram of the layout of the proposed water withdrawal facility.

The hydrogeological notice must demonstrate that the location selected and the layout of the facility minimize risks that could affect the quality of the groundwater withdrawn.

The hydrogeological notice must be sent by the professional to the person responsible for the facility and to the municipality concerned within 30 days following completion of the work. The information it contains is public. It must be kept by the person responsible for the facility for the duration of water withdrawal operations.

A professional must supervise the construction of the facility for which a hydrogeological notice has been produced.”.

**9.** *The Regulation is amended by replacing “§ 2. — Specific provisions for certain categories of facilities” following section 21 by the following:*

**“DIVISION II  
SPECIFIC PROVISIONS FOR CERTAIN  
CATEGORIES OF FACILITIES”.**

**10.** Section 23 is amended by replacing “ASTM A-409” in subparagraph 1 of the first paragraph by “ASTM A-312”.

**11.** Division III of Chapter III is revoked.

**12.** The following is inserted before section 28:

**“27.1.** The object of this Chapter is to prescribe the standards applicable to geothermal systems.

It does not apply to a system that is authorized pursuant to section 22 of the Environment Quality Act (chapter Q-2). Neither does it apply to facilities for which water withdrawals are exempted pursuant to the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*).”.

**13.** Division II of Chapter V is revoked.

**14.** Section 38 is amended by striking out the second paragraph.

**15.** Section 39 is replaced by the following:

**“39.** The person responsible for the drilling site must construct, at a distance of not more than 30 m from the drilling well, three observation wells for taking water samples. One of the wells must be located hydraulically upgradient from the drilling site while the other two must be located hydraulically downgradient.

The water samples taken must make it possible to assess the quality of the groundwater withdrawn or likely to be withdrawn, as well as groundwater that may affect aquatic ecosystems associated with a lake or watercourse.

**39.1.** The person responsible for the drilling site must take water samples in each of the observation wells before the beginning of operations or, if the project has already begun, as soon as possible before the next phase of operations. The samples must be analyzed in terms of the parameters and substances referred to in Schedule II.

Water samples must also be taken in each of the observation wells for the purposes of monitoring groundwater quality, according to the requirements of Division V of this Chapter.

**39.2.** All the samples must be analyzed by laboratories accredited pursuant to section 118.6 of the Environment Quality Act (chapter Q-2) or, if no laboratory is accredited for the analysis of a given substance, by a laboratory that meets ISO/CEI 17025, General requirements for the competence of testing and calibration laboratories, which is published jointly by the International Organization for Standardization and the International Electrotechnical Commission.

The analysis results must be sent to the person responsible for the drilling site, and that person must keep them in accordance with the rules of section 49.”

**16.** Section 43 is revoked.

**17.** Section 45 is replaced by the following:

“**45.** The person responsible for a well must immediately notify the Minister where any of the following events occur in the course of a fracturing operation or its monitoring:

- (1) damage to the well;
- (2) an unexpected drop of the pressure generated by the fluids injected;
- (3) an accidental spill at the drilling site;
- (4) any other incident for which parameters have been determined under the fracturing program.

The notice must indicate the measures taken or planned by the person responsible to mitigate or eliminate the risks to health and the environment caused by the event, if any.

The person responsible for a well must also notify the Minister as soon as possible of any change made to the fracturing program and the reason justifying the change.”

**18.** Section 47 is replaced by the following:

“**47.** The person responsible for the drilling site must take water samples 3 times a year from the observation wells constructed in accordance with section 39. Samples must also be taken 90 days after every repair to a well.

The person must also take samples 3 times a year during any drilling site closure period and for 10 years after its permanent closure.

Every sampling campaign executed during a year must be spaced at an interval of at least 3 months from any other such campaign.

The samples that are taken must be analyzed in accordance with Schedule III by a laboratory referred to in section 39.2.”.

**19.** Section 49 is amended by striking out subparagraph 2 of the first paragraph.

**20.** Section 68 is amended

(1) by striking out “signed by a professional” in the portion before subparagraph 1 of the first paragraph;

(2) by replacing subparagraph 3 of the first paragraph by the following:

“(3) the water vulnerability rating assessed in accordance with section 53 for each protection zone;”;

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

“The report must be signed by a professional, a representative of the watershed organization or a representative of the organization mandated to coordinate the regional advisory panel concerned, duly mandated by the person responsible for water withdrawal.”.

**21.** Section 75 is amended

(1) by striking out “, every 5 years,” and “signed by a professional” in the portion before subparagraph 1 of the first paragraph;

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

“The report must be signed by a professional, a representative of the watershed organization or a representative of the organization mandated to coordinate the regional advisory panel concerned, duly mandated by the person responsible for water withdrawal. The first report must be sent to the Minister 6 years after water withdrawal operations begin. The subsequent reports must then be sent every 5 years.”.

**22.** Section 84 is amended

(1) by replacing “or the survey hole in accordance with section 20 or 35” in paragraph 3 by “in accordance with section 20”;

(2) by replacing paragraph 5 by the following:

“(5) fails to conduct a fracturing operation or its monitoring under the supervision of a professional in accordance with section 44.”.



**23.** Section 85 is amended by striking out “34,” in paragraph 1.

**24.** Section 91 is amended

(1) by replacing “or the survey hole in accordance with section 20 or 35” in paragraph 3 by “in accordance with section 20”;

(2) by replacing paragraph 5 by the following:

“(5) fails to conduct a fracturing operation or its monitoring under the supervision of a professional in accordance with section 44.”

**25.** Section 92 is amended by striking out “34,” in paragraph 2.

**26.** Section 95 is replaced by the following:

“**95.** The distance provided for in subparagraph 2 of the first paragraph of section 17 does not apply to the substantial modification of a groundwater withdrawal facility constructed between 15 June 2003 and 2 March 2015 if its annular space has been sealed in accordance with section 10 of the Groundwater Catchment Regulation (chapter Q-2, r. 6). The applicable distance is then 15 m or more from a non-watertight waste water treatment system.

**95.1.** Every person who fails to comply with the requirements of section 95

(1) may have a monetary administrative penalty imposed in the amount of \$750 for a natural person and \$3,500 in other cases;

(2) commits an offence and is liable to a fine of \$4,000 to \$250,000 in the case of a natural person and \$12,000 to \$1,500,000 in other cases.”

**27.** Sections 101 to 103 are revoked.

**28.** Schedule II is amended

(1) by replacing subparagraph *aa* of paragraph 2 of section 2 by the following:

“(aa) radium (Ra) 226;”

(2) by revoking sections 3 and 4.

**29.** Schedule III is amended by revoking sections 1, 4 and 5.

**30.** This Regulation comes into force on 31 December 2020, except sections 20 and 21, which come into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## Regulation to amend the Land Protection and Rehabilitation Regulation

Environment Quality Act  
(chapter Q-2, ss. 31.69, 95.1, 115.27 and 115.34)

**1.** The Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) is amended in section 1 by replacing “31.52, 31.54” in the first paragraph, subparagraph 1 of the second paragraph and the third paragraph by “31.51.1, 31.52, 31.54, 31.54.1”.

**2.** Division I of Chapter II, including sections 2.1 to 2.3, is revoked.

**3.** The following is inserted after section 2.5:

“**2.5.1.** Every person or municipality that sends a declaration of compliance to the Minister under this section must use the appropriate forms available on the Minister’s department’s website and submit it electronically.

The declarant must keep the information and documents sent to the Minister, as well as all the information and documents necessary for their production, while the activity is carried on and for at least 5 years after the end of the activity. The information and documents must be provided to the Minister within 20 days after the Minister requests them.”

**4.** Section 2.7 is revoked.

**5.** Section 2.8 is amended by replacing “this Chapter” by “the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*)”.

**6.** Section 10 is revoked.

**7.** Section 11 is amended by replacing “10” by “21 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*)”.



**8.** Section 13 is amended by replacing “sections 10 and 11” in the first paragraph by “section 22 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (*insert the reference to the Compilation of Québec Laws and Regulations*)”.

**9.** Section 13.2 is amended by replacing paragraph 1 by the following:

“(1) to communicate to the Minister, as provided for in section 2.6, any change to the information sent pursuant to section 2.5, as soon as possible;

(1.1) to send a declaration of compliance to the Minister in the manner prescribed by the first paragraph of section 2.5.1.;

(1.2) to keep the information and documents for the period provided for in the second paragraph of section 2.5.1. or send them to the Minister in accordance with that paragraph;”.

**10.** Section 14.1 is amended by replacing “2.3” by “2.5.1”.

**11.** Schedule III is amended by replacing “Regulation respecting snow elimination sites (chapter Q-2, r. 31)” in the last line of the Table by “Snow, Road Salt and Abrasives Management Regulation (*insert the reference to the Compilation of Québec Laws and Regulations*)”.

**12.** This Regulation comes into force on 31 December 2020.

### **Regulation to amend the Regulation respecting water quality in swimming pools and other artificial pools**

Environment Quality Act  
(chapter Q-2, s. 31.0.11)

**1.** The Regulation respecting water quality in swimming pools and other artificial pools (chapter Q-2, r. 39) is amended by revoking section 29.

**2.** This Regulation comes into force on 31 December 2020.

### **Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations**

Environment Quality Act  
(chapter Q-2, ss. 95.1, 115.27 and 115.34)

**1.** The Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46) is amended by revoking section 12.

**2.** The heading of Division II of Chapter III is replaced by the following:

“OWNERSHIP OF LAND”.

**3.** Sections 33, 34, 36 and 37 are revoked.

**4.** Section 68.5 is amended by striking out subparagraph 2 of the first paragraph.

**5.** Section 73 is amended by replacing paragraph 1 by the following:

“(1) contravenes section 8, 9 or 10, the first paragraph of section 24, the first or third paragraph of section 27, section 45 or the first or third paragraph of section 62;”.

**6.** This Regulation comes into force on 31 December 2020.

### **Regulation to amend the Regulation respecting hot mix asphalt plants**

Environment Quality Act  
(chapter Q-2, ss. 95.1, 115.27 and 115.34)

**1.** The Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended by revoking Division II.

**2.** Section 6 is revoked.

**3.** Section 13 is amended by replacing “ponds” in the first paragraph by “basins”.

**4.** Section 25.4 is amended by striking out paragraph 1.

**5.** Section 25.10 is amended by striking out “4,” in paragraph 1.

**6.** This Regulation comes into force on 31 December 2020.

## Regulation to amend the Pesticides Management Code

Pesticides Act

(chapter P-9.3, ss. 101, 105 and 109)

**1.** The Pesticides Management Code (chapter P-9.3, r. 1) is amended in section 29

(1) by inserting “and around power plants” at the end of subparagraph 2 of the second paragraph;

(2) by replacing “on wooden telephone or hydro poles” in subparagraph 3 of the second paragraph by “on wooden poles used for the distribution or transmission of electric power or telecommunications”;

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

“(3.1) in a wooded peat bog or a swamp not on a lakeshore, riverbank or littoral zone, located north of the St. Lawrence River, in bioclimatic domains of balsam fir white birch or spruce-moss forests, when applying phytocides for the maintenance of a power line corridor;”;

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

“It is prohibited to apply a pesticide in the water, on the water or on an organism that is in the water during the applications described in subparagraphs 1 to 3.1 of the second paragraph.”

**2.** Section 59 is amended

(1) by adding the following after paragraph 6:

“(7) a phytocide in a wooded peat bog or a swamp not on a lakeshore, riverbank or littoral zone, located north of the St. Lawrence River, in bioclimatic domains of balsam fir white birch or spruce-moss forests, carried out for the maintenance of a power line corridor;”

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

“It is prohibited to apply a pesticide in the water, on the water or on an organism that is in the water during the application described in subparagraph 7 of the first paragraph.”

**3.** The following is inserted after section 74.4:

“1.1 - Land application or application by aircraft

### 1. Dikes, dams and around power plants

**74.5.** A person who intends to apply phytocides that tend to control the growth of vegetation on the structure of a dike or a dam or around a power plant must, at least 21 days before the work begins, notify the regional office of the Ministère du Développement durable, de l'Environnement et des Parcs and the municipality or, in the case of an unorganized territory, the regional county municipality.

The permit holder responsible for the work may not start the work until the expiry of the period following the sending of the notice provided for in the first paragraph.

**74.6.** When the application of a phytocide in accordance with section 74.5 is proposed in an area accessible to the public, before the work is carried out, a sign must be installed at the entrance of all points of access to that area for a minimum of 48 hours after the use of the phytocide. The sign must indicate the following information only, in this order:

(1) the words “TRAITEMENT AVEC PHYTOCIDES”;

(2) a pictogram showing the prohibition to gather plants for consumption in the treated area;

(3) information on the common name of the active ingredient of the pesticide used;

(4) the registration number of the pesticide;

(5) the contact information of the holder of the permit relating to pesticides issued under the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2);

(6) the certificate number of the person responsible for the work, and the name and initials of that person;

(7) the telephone number of the Centre antipoison du Québec; and

(8) the pesticide application date.

## 2. *Content of the notice*

**74.7.** The notice referred to in section 74.5 must contain the following information:

- (1) the contact information of the owner or operator of the territory where the work is to be carried out;
- (2) the name and permit number of the holder of the permit relating to pesticides issued under the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2);
- (3) the total area of the territory where each pesticide is to be applied;
- (4) the name and registration number of each pesticide to be applied;
- (5) the proposed quantity, dosage and number of applications of each pesticide and the type of equipment to be used;
- (6) the dates that the work will be carried out;
- (7) the contact information of any person responsible for providing information on the work.

The contact information of any person responsible for providing information on the work must also be included in the notice or provided as soon as that information is available.

The following documents must also be sent with the notice:

- (1) a map describing the pesticide application areas and the sections within those areas on which the application of pesticides is prohibited;
- (2) a copy of the label of each pesticide used.”.

**4.** Section 80 is amended by inserting “and around power plants” after “dams” in the first paragraph.

**5.** This Regulation comes into force on 31 December 2020.



## Draft Regulations

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### Draft Regulation

Environment Quality Act  
(chapter Q-2)

#### Quality of drinking water — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft Regulation to amend the Regulation respecting the quality of drinking water, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation to amend the Regulation respecting the quality of drinking water lowers the standard for the maximum concentration of lead in drinking water to 5 micrograms per litre in order to follow the recommendations of Health Canada.

The draft Regulation also amends the sampling protocol applicable for the control of the standard in determining the volume of water to be taken and in order to take into account a period of stagnation before sampling.

The draft Regulation provides for more transparency concerning the quality of the water supplied by requiring the persons in charge of residential distribution systems serving more than 20 persons, if the lead-related standard is exceeded, to establish an action plan including the measures that will be taken to remedy the situation and a detailed schedule of those measures and make the plan available to the users. It also requires municipalities in charge of such distribution systems to publish the action plan. In addition, the persons in charge of such distribution systems will have to add, in the annual report on the quality of water, the measures they have taken to protect the users against the risks involved when the standard was exceeded. When a municipality is in charge of such distribution system, it must also publish the report.

Lastly, the draft Regulation also makes adjustments to monetary administrative penalties and penal sanctions to take into account the amendments made to the remainder of the Regulation.

A study of the regulatory impact carried out for the purpose of the amendments shows that the draft Regulation will have an impact on enterprises in charge of a drinking water distribution system serving a residential population

and data processing and hosting enterprises. It is estimated that enterprises in charge of a drinking water distribution system serving a residential population are going to have a cost increase of \$129,737 during the first year of the Regulation and \$121,849 per year for the following years. As for data processing and hosting enterprises, they can expect their income to increase by \$32,100 annually.

Further information on the draft Regulation may be obtained by contacting Caroline Robert, Director, Direction de l'eau potable et des eaux souterraines, Direction générale des politiques de l'eau, Ministère de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 8<sup>e</sup> étage, boîte 42, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; email: caroline.robert@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 Caroline Robert at the above-mentioned contact information.

BENOIT CHARETTE,  
*Minister of the Environment and  
the Fight Against Climate Change*

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### Regulation to amend the Regulation respecting the quality of drinking water

Environment Quality Act  
(chapter Q-2, ss. 45, 45.5.2, 46, 95.1, 115.27 and 115.34)

**1.** The Regulation respecting the quality of drinking water (chapter Q-2, r. 40) is amended by inserting the following after section 36.1:

“**36.2.** If the water available to users that originates from a distribution system serving more than 20 persons and at least 1 residence does not comply with the lead-related standard set out in Schedule 1, the person in charge of the distribution system must, no later than 31 March of the following year, establish an action plan including a description of the measures to be taken to remedy the situation and a detailed schedule of those measures.

The person in charge of a distribution system updates the action plan no later than 31 March each year. When the lead-related standard is exceeded again, before the

completion of the measures provided for in the action plan, the update fulfills the requirement set out in the first paragraph.

The action plan must be kept by the person in charge of the distribution system for a minimum period of 5 years after the completion of the measures provided for in the action plan and a copy must be made available to the Minister. The person in charge of the distribution system must also provide a copy of the action plan to the user who requests it.

When the distribution system is under the responsibility of a municipality, a copy of the action plan must also be published on its website or, if it does not have a website, by any other means it considers appropriate.”

**2.** Section 44.6 is amended

(1) by inserting the following after paragraph 8:

“(8.1) to provide a copy of the action plan referred to in the third paragraph of section 36.2 to the user who requests it, in accordance with that paragraph;

(8.2) to comply with the requirements provided for in the fourth paragraph of section 36.2 relating to the publishing of the action plan referred to therein;”;

(2) by replacing “the posting of the report or the notice referred to therein” in paragraph 17 by “the publishing of the report referred to therein.”

**3.** Section 44.7 is amended by inserting the following after paragraph 9:

“(9.1) to establish the action plan referred to in the first paragraph of section 36.2, in accordance with what is provided for therein, or to update it in accordance with the second paragraph of that section;

(9.2) to keep the action plan referred to in the third paragraph of section 36.2 or make it available to the Minister for a minimum period of 5 years after the completion of the measures provided therein;”.

**4.** Section 45 is amended by inserting the following after subparagraph 3:

“(3.1) to provide a copy of the action plan referred to in the third paragraph of section 36.2 to the user who requests it, in accordance with that paragraph;

(3.2) to comply with the requirements provided for in the fourth paragraph of section 36.2 relating to the publishing of the action plan referred to therein;”.

**5.** Section 46 is amended by inserting the following after subparagraph 5.1:

“(5.2) to establish the action plan referred to in the first paragraph of section 36.2, in accordance with what is provided for therein, or to update it in accordance with the second paragraph of that section;

(5.3) to keep the action plan referred to in the third paragraph of section 36.2 or make it available to the Minister for a minimum period of 5 years after the completion of the measures provided for therein;”.

**6.** Section 53.3 is amended

(1) by inserting “and protect users from any risks involved” at the end of the first paragraph and after “the measures taken by the person in charge to remedy the situation”;

(2) by replacing the third paragraph by the following:

“When the distribution system or tank truck is under the responsibility of a municipality, a copy of the report must also be published on its website or, if it does not have a website, by any other means it considers appropriate.”

**7.** Schedule 1 is amended in section 2 by replacing the concentration “0,010” in the Lead line of the table by “0,005”.

**8.** Schedule 4 is amended:

(1) by inserting the following before section 3:

“(2.1) Every sample collector who, for the purposes of this Regulation, collects water samples intended for the analysis of lead or copper must, after letting the tap run in the manner provided for in subparagraph 8 of the first paragraph of section 1 to this Schedule:

(1) let the water stagnate for 30 minutes in the piping, taking the necessary precautions to prevent the water from being used elsewhere in the building;

(2) collect the first 250 ml of water from the tap after the 30 minutes of stagnation.

The following precautions must be taken during sampling:

—if a tap has a vent, screen or rose head, it should not be removed;



—if possible, the samples must be collected from the cold water tap in the kitchen or the cold water tap most frequently used to supply drinking water.”;

(2) by striking out the second paragraph of section 4.

#### TRANSITIONAL AND FINAL

**9.** Section 36.2, introduced by section 1 of this Regulation, applies to the exceedances of the lead-related standard established in Schedule 1 to the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) in distribution systems serving more than 20 persons and at least 1 residence that are noticed as of 1 July 2020 and for which there is no return to compliance under section 40 of the Regulation before (*insert the date of coming into force of this Regulation*).

**10.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104593



## Index

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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