



---

## Part 2

# LAWS AND REGULATIONS

---

22 February 2023 / Volume 155

### Summary

Table of Contents  
Coming into force of Acts  
Draft Regulations  
Treasury Board  
Notices

Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
© Éditeur officiel du Québec, 2023

All rights reserved in all countries. No part of this publication may be translated, used or reproduced for commercial purposes by any means, whether electronic or mechanical, including micro-reproduction, without the written authorization of the Québec Official Publisher.

# NOTICE TO USERS

---

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) and the Regulation respecting the *Gazette officielle du Québec* (chapter M-15.001, r. 0.1).

Partie 1, entitled "Avis juridiques", is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday.

Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

## Part 2 – LAWS AND REGULATIONS

### Internet

The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

[www.publicationsduquebec.gouv.qc.ca](http://www.publicationsduquebec.gouv.qc.ca)

### Contents

Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

### Rates\*

1. Annual subscription to the printed version

Partie 1 «Avis juridiques»:	\$572
Partie 2 «Lois et règlements»:	\$784
Part 2 «Laws and Regulations»:	\$784

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: \$12.24 per copy.

3. Publication of a document in Partie 1:  
\$1.97 per agate line.

4. Publication of a document in Part 2:  
\$1.31 per agate line.

A minimum rate of \$286 is applied, however, in the case of a publication of fewer than 220 agate lines.

\* **Taxes not included.**

### General conditions

The electronic files of the document to be published — a Word version and a PDF with the signature of a person in authority — must be sent by email ([gazette.officielle@servicesquebec.gouv.qc.ca](mailto:gazette.officielle@servicesquebec.gouv.qc.ca)) and received **no later than 11:00 a.m. on the Monday** preceding the week of publication. Documents received after the deadline are published in the following edition.

The editorial calendar listing publication deadlines is available on the website of the Publications du Québec.

In the email, please clearly identify the contact information of the person to whom the invoice must be sent (name, address, telephone and email).

For information, please contact us:

#### **Gazette officielle du Québec**

Email: [gazette.officielle@servicesquebec.gouv.qc.ca](mailto:gazette.officielle@servicesquebec.gouv.qc.ca)  
425, rue Jacques-Parizeau, 5<sup>e</sup> étage  
Québec (Québec) G1R 4Z1

### Subscriptions

For a subscription to the printed version of the *Gazette officielle du Québec*, please contact:

#### **Les Publications du Québec**

Customer service – Subscriptions  
425, rue Jacques-Parizeau, 5<sup>e</sup> étage  
Québec (Québec) G1R 4Z1  
Telephone: 418 643-5150  
Toll free: 1 800 463-2100  
Fax: 418 643-6177  
Toll free: 1 800 561-3479

**All claims must be reported to us within 20 days of the shipping date.**

## Table of Contents

Page

---

### Coming into force of Acts

---

155-2023	Occupational health and safety, Act respecting... — Coming into force of certain provisions . . .	155
----------	---	-----

### Draft Regulations

---

	Activities in wetlands, bodies of water and sensitive areas — Regulatory scheme applying to activities on the basis of their environmental impact — Environmental impact assessment and review of certain projects — Snow, road salt and abrasives management — Temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks. . .	157
	Agricultural operations . . . . .	164
	Clean air — Halocarbons — Environmental standards for heavy vehicles — Quality of the atmosphere . . . .	170
	Liquid effluents of petroleum refineries — Pulp and paper mills — Quality of drinking water — Hot mix asphalt plants. . . . .	177
	Sand pits and quarries — Biomedical waste — Operation of industrial establishments — Land Protection and Rehabilitation — Contaminated soil storage and contaminated soil transfer stations — Traceability of excavated contaminated soils. . . . .	188
	Threatened or vulnerable plant species and their habitats — Pesticides Management Code — Permits and certificates for the sale and use of pesticides — Dam Safety Regulation . . . . .	202
	Training prior to adopting a child domiciled outside Québec. . . . .	239

### Treasury Board

---

227642	Government and Public Employees Retirement Plan, Act respecting the... — Schedules I and II.1 (Amend.) — Pension Plan of Management Personnel, Act respecting the... — Schedule II (Amend.). . . . .	241
--------	--	-----

### Notices

---

	Dune-du-Nord Plant Species Habitat — Amendment. . . . .	243
--	---	-----



## Coming into force of Acts

---

Gouvernement du Québec

### **O.C. 155-2023, 15 February 2023**

COMING INTO FORCE of certain provisions of the Act respecting occupational health and safety

WHEREAS the Act respecting occupational health and safety (1979, chapter 63) was assented to on 21 December 1979;

WHEREAS section 337 of the Act, as amended by section 241 of the Act to modernize the occupational health and safety regime (2021, chapter 27), provides that the Act respecting occupational health and safety comes into force on the date fixed by proclamation of the Government, except the sections excluded by such proclamation, which come into force, in whole or in part, on any later date that may be fixed by proclamation of the Government, and Division III of Chapter XI, comprising sections 204 to 208, the heading of Division IV of Chapter XI and sections 212 to 215, which come into force on 1 January 2023, and section 211, which comes into force on 1 January 2024;

WHEREAS it is expedient to fix 15 February 2023 as the date of coming into force of sections 209 and 210 of the Act respecting occupational health and safety;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT 15 February 2023 be fixed as the date of coming into force of sections 209 and 210 of the Act respecting occupational health and safety (1979, chapter 63).

YVES OUELLET  
*Clerk of the Conseil exécutif*

106135



## Draft Regulations

### Draft Regulations

Environment Quality Act  
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6)

#### Activities in wetlands, bodies of water and sensitive areas

#### Regulatory scheme applying to activities on the basis of their environmental impact

#### Environmental impact assessment and review of certain projects

#### Snow, road salt and abrasives management

#### Temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks

#### —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas, the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, the Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects, the Regulation to amend the Snow, road salt and abrasives management Regulation and the Regulation to amend the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulations make various amendments to the regulatory scheme applying to activities subject to a government or ministerial authorization, eligible for a declaration of compliance or exempted from a ministerial authorization. Amendments are also made to the exempted activities subject to a municipal authorization.

The Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1) is amended to make various adjustments to the conditions for carrying out work requiring the removal and

trimming of vegetation in the environments concerned by the Regulation and those concerning the laying out or widening of a road. Amendments also provide for adjustments to certain activities on a lakeshore or riverbank as well as a few additions to the provision giving municipalities the responsibility for the application of some provisions of the Regulation.

The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended to require applicants for authorization and authorization holders having conditions for the monitoring, supervision or control of activities prescribed by the Minister to use an appropriate data collection tool available on the department's website. Backfilling activities in a quarry with certain materials are also added as requiring an authorization under the Environment Quality Act (chapter Q-2). The provisions of the Regulation concerning the storage and handling of road salt and abrasives are also revised. Various amendments are made to the provisions of the Regulation concerning activities in wetlands and bodies of water, in particular with respect to exemptions for work related to a residential building carried out on a lakeshore or riverbank or a flood zone. An adjustment is made to the designation of the hydrogen production process is adjusted to take into consideration greenhouse gas emissions when analyzing the application for authorization for that activity. Lastly, various amendments are made to the Regulation for clarification purposes.

The Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) is amended to revise the application of the environmental impact assessment and review procedure with respect to the manufacturing of motorized vehicles and to add certain activities related to the manufacturing of batteries.

The Snow, road salt and abrasives management Regulation (chapter Q-2, r. 28.2) is amended to specify certain layout and operation standards applicable to storage and handling centres for road salt and abrasives.

The Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2) is adjusted to clarify activities related to a residential building that are subject to a municipal authorization and the content of such an application for

authorization. The Regulation is also amended to specify the provisions to be complied with so that a municipality may issue such an authorization and to specify the monitoring requirement applicable to that municipality after the issue of the authorization. Lastly, the Regulation is amended to extend the power of municipalities to regulate certain matters related to bodies of water without being subject to section 118.3.3 of the Environment Quality Act, which power extends to measures to control erosion, the management of sediments, techniques for carrying out stabilization work and quays.

The amendments to those Regulations consist mainly in regulatory clarifications, which have no impact on enterprises. As for the amendments to the Snow, road salt and abrasives management Regulation, some savings are anticipated for operators of storage and handling centres for road salt and abrasives eligible to a declaration of compliance due to the reduction in the frequency of certain required inspections.

Further information on the draft Regulations may be obtained by contacting Maude Durand, Acting Director, Bureau de stratégie législative et réglementaire, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 900, boulevard René-Lévesque Est, bureau 800, Québec (Québec) G1R 2B5; telephone: 418 521-3861, extension 4466; email: question.bslr@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Maude Durand at the above contact information.

BENOIT CHARETTE

*Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks*

## **Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas**

Environment Quality Act  
(chapter Q-2, s. 46.0.22, pars. 10 to 12, s. 95.1, 1st par., subpars. 7 and 8, and s. 118.3.5)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6, s. 30)

**1.** The Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), as amended by section 1 of the Regulation to amend the Regulation respecting activities in wetlands,

bodies of water and sensitive areas, enacted by Order in Council 1461-2022 dated 3 August 2022, is amended in section 2 by striking out “35.1,” in the first paragraph.

**2.** Section 18.1, as replaced by section 7 of the Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas, enacted by Order in Council 1461-2022 dated 3 August 2022, is replaced by the following:

“**18.1.** Work requiring the removal and trimming of vegetation in the littoral zone or a lakeshore or riverbank must be carried out without stump removal, unless the nature of the work entails stump removal.”

**3.** Section 20, as replaced by section 8 of the Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas, enacted by Order in Council 1461-2022 dated 3 August 2022, is amended by replacing “Construction of a road in a lakeshore or riverbank” in the first paragraph by “Laying out of a road in a lakeshore or riverbank or extension of such a road causing additional encroachment into the lakeshore or riverbank”.

**4.** Section 35.1 is amended by replacing the first paragraph by the following:

“Construction work on a main residential building and its accessory buildings and works, including the necessary access, is prohibited on a lakeshore or riverbank if it is carried out in compliance with section 340.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).”

**5.** Section 51 is amended by striking out “or impermeabilizes the ground” in paragraph 14.

**6.** Section 59.1 is replaced by the following:

“**59.1.** Municipalities are responsible for the application of sections 7 to 11, 15 to 17, 18.1, 20, 21, 33.3 to 33.7, 35.1, 35.2, 38 to 38.11 and 43.1 with regard to the following activities carried out in their territory:

(1) activities requiring municipal authorization under sections 6, 7 and 8 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2);

(2) activities pertaining to any of the matters listed in section 117 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks.



For the purposes of such responsibility, municipalities apply the penal sanctions provided for in Chapter IX but may not apply the monetary administrative penalties provided for in Chapter VIII.”

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

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

Environment Quality Act  
(chapter Q-2, s. 22, 1st par., subpar. 10, s. 23, 2nd par., s. 24, 1st par., subpar. 5, ss. 28, 31.0.6, 31.0.11, 31.22, and 95.1, 1st par., subpar. 25.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6, ss. 30 and 45)

**1.** The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended in section 10 by replacing “appropriate forms” in the first paragraph by “forms, templates, spreadsheets or any other data collecting tool that are appropriate and that are”.

**2.** The following is inserted after section 10:

“**10.1.** The holder of an authorization in which the Minister has prescribed in accordance with the Act conditions on the monitoring, supervision and control of activities must file with the Minister electronically, at the frequency provided for in the authorization or on the Minister’s request, the information or documents required using the forms, templates, spreadsheets or any other data collection tool appropriate to the requirements where they are available on the website of the Minister’s department.

The requirement provided for in the first paragraph applies to an authorization holder as of 1 January each year for any data collection tool made available on the website not later than 30 September of the preceding year.

This section also applies to an authorization issued before (*insert the date of coming into force of this section*), despite any inconsistent provision.”

**3.** Section 14 is amended by adding “referred to in Chapter IV of Title IV of Part I” at the end of subparagraph 4 of the first paragraph.

**4.** Section 35 is amended by replacing “the first paragraph” in the second paragraph by “this Regulation”.

**5.** Section 113 is amended by inserting the following after subparagraph i of subparagraph b of paragraph 3:

“i.1. the backfilling of the quarry with concrete from demolition work in accordance with section 42 of the Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1);

i.2. the backfilling of the quarry with slurry referred to in subparagraph b of subparagraph 2 of the first paragraph of section 23 of the Regulation respecting sand pits and quarries;

i.3. the backfilling of the quarry with dust referred to in the second paragraph of section 23 of the Regulation respecting sand pits and quarries;”

**6.** Section 252, as amended by section 37 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, made by Order in Council 1461-2022 dated 3 August 2022, is amended by striking out subparagraph 1 of the first paragraph.

**7.** Section 254 is replaced by the following:

“**254.** The declarant of an activity referred to in section 252 must hold a dismembering plant permit in the “composting” category referred to in the Regulation respecting food (chapter P-29, r. 1) for operating a composting facility.

During operation, the declarant must also measure the internal temperature of the materials being composted in the facility at intervals of not more than 72 hours.”

**8.** Section 284, as amended by section 40 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, made by Order in Council 1461-2022 dated 3 August 2022, is amended by adding “or, if the user is the producer, the user holds the information and documents allowing to demonstrate the category of the material” at the end of paragraph 3.

**9.** The heading of Division II of Chapter IV of Title III of Part II is replaced by the following:

“**DIVISION II**  
**STORAGE AND HANDLING OF ROAD SALT**  
**AND ABRASIVES”.**

**10.** Section 292 is replaced by the following:

“**292.** The establishment and operation of a storage and handling centre for road salt and abrasives used for winter road maintenance and the storage of brine in an aboveground tank in such a centre are subject to an authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.”

**11.** Section 293 is amended

- (1) by replacing “subject to” by “where they meet”;
- (2) by inserting “sections 8 and 9 of” after “provided for in”.

**12.** Section 294 is amended by replacing “maximum” by “annual”.

**13.** The following is inserted after section 294:

“§3. *Exempted activities*

**294.1.** Storage of brine in an aboveground tank in a storage and handling centre for road salt and abrasives is exempted from authorization pursuant to this Division on the following conditions:

- (1) the centre meets the conditions for location and layout provided for in sections 8 and 9 of the Snow, road salt and abrasives management Regulation (chapter Q-2, r. 28.2);
- (2) the total capacity of the tanks is less than or equal to 50,000 litres;
- (3) the loading or unloading areas of the tanks is water-proof and designed to retain brine that could be discharged and facilitate its recovery;
- (4) the tanks are double-walled tanks equipped with an interstitial automatic leak detection system or an impermeable basin able to contain 110% of the tank’s capacity or, where there are several tanks, 125% of the capacity of the largest tank;
- (5) the tanks are protected by barriers at places liable to be struck by vehicles.

For the purpose of this section, despite subparagraph 1 of the first paragraph, a storage and handling centre for road salt and abrasives in operation on 2 September 2020 may be sited at a distance of 30 m or more but less than 60 m from a watercourse or a lake on (*insert the date of coming into force of this section*) if the operator holds an

opinion from a professional qualified in the field demonstrating that the activity performed at that distance is not likely to constitute a source of contamination.

**DIVISION II.1**  
**STORAGE OF TREATED WOOD**

§1. *Activity subject to authorization*

**294.2.** The storage of treated wood is subject to an authorization under subparagraph 10 of the first paragraph of section 22 of the Act.”

**14.** The heading of subdivision 3 of Division II of Chapter IV of Title III of Part II is amended by replacing “3” by “2”.

**15.** Section 328 is amended by adding the following paragraph at the end:

“The conditions set out in this section do not apply to the dismantling of a building.”

**16.** Section 340.2 is replaced by the following:

“**340.2.** The construction of a main residential building, except its initial siting, and the construction of its accessory buildings and works and necessary access are exempted from authorization pursuant to this Division when carried out on a lakeshore or riverbank, on the following conditions:

- (1) except if the initial encroachment does not allow it, a vegetation strip at least 5 m wide, measured from the boundary of the littoral zone, must be preserved in a natural or restored state in order to re-establish at least 2 strata of herbaceous, arbustive or arborescent vegetation;
- (2) the work cannot be carried out elsewhere on the lot without encroaching into the lakeshore or riverbank;
- (3) the lot was created before 18 May 2005.

Where the work involves the enlargement or any other substantial modification of a main residential building, the work must not bring the building closer to the littoral zone or create an encroachment exceeding the encroachment created by the existing building.

Where the work involves the relocation of a main residential building, the relocation must be further away from the littoral zone than the initial location and, despite subparagraph 3 of the first paragraph, the relocation may take place regardless of the date of the subdivision of the land.

Where the work involves the reconstruction of a main residential building, the area of the encroachment of the reconstructed main building into the lakeshore or riverbank is equal to or lesser than the area of the encroachment of the initial building.

Where the work involves accessory buildings and works for a main residential building, the following conditions must be met:

(1) the area of the total encroachment of the accessory buildings and works into the lakeshore or riverbank is not more than 30 m<sup>2</sup>;

(2) the work does not require backfilling or excavation.

Where the work involves dismantling, the conditions set out in this section do not apply.

For the purposes of this section, reconstruction covers a main residential building that has sustained damage, with the exception of damage connected with flooding or submersion, when the value of the damage sustained exceeds one half of the new-build cost for the building, excluding accessory buildings and works, established in accordance with Part 3E of the Manuel d'évaluation foncière du Québec and adjusted on 1 July of the year preceding the year in which the building was affected by the flood or submersion.”

**17.** The following is inserted after section 340.2:

“**340.3.** The dismantling in a littoral zone of a main residential building and its accessory buildings and works and necessary access is exempted from authorization pursuant to this Division.”

**18.** Section 341 is amended by replacing paragraph 5 by the following:

“(5) work to construct a main residential building and its accessory buildings and works and necessary access, and landscaping work necessary during and after the work if, in the latter case, the work proposed allows to comply with the original topography of the land;”

**19.** Section 345 is amended by replacing subparagraphs 2 and 3 of the first paragraph by the following:

“(2) the dismantling of a main residential building, its accessory buildings and works and necessary access;

(3) in a wooded wetland situated in the bioclimatic domains of balsam fir stands with paper birch and black spruce stands with moss, in the case of a main residential

building not connected to a waterworks system or a sewer system authorized under the Act, the siting, reconstruction, relocation, enlargement or other substantial modification to such a building, its accessory buildings and works and necessary access, on an area of not more than 3,000 m<sup>2</sup>;”

**20.** Section 347 is amended by replacing “white” by “paper”.

**21.** Section 364 is amended by replacing “a depollution attestation, until the renewal date for the attestation” in subparagraph 1 of the first paragraph by “ministerial authorization related to the operation of an industrial establishment referred to in Division III of Chapter IV of Title I of the Act, until the renewal date for the authorization”.

**22.** Schedule I is amended by replacing paragraph 6 by the following:

“(6) a hydrogen production process, except a water electrolysis process supplied in electricity by hydroelectric, solar or wind energy sources;”

**23.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 5 to 7, 9 to 14 and 22, which come into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

## 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, 1st par., subpar. a).

**1.** The Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) is amended in Part II of Schedule 1

(1) by adding the following paragraph at the end of section 20:

“This section does not apply to the activities referred to in section 39 of Part II of this Schedule.”;

(2) by striking out section 26;

(3) by inserting the following after section 38:

**“39. ENERGY STORAGE EQUIPMENT**

The following projects are subject to the procedure:

“(1) the construction of a plant whose maximum annual production capacity would be equal to or greater than 60,000 metric tons by performing any of the following activities for the purpose of manufacturing cells, electrochemical accumulators or batteries:

- (a) the manufacturing of active materials for electrodes;
- (b) the manufacturing of separators;
- (c) the assembly of electrodes;

(2) the construction of an electrode, cell, electrochemical accumulator or battery assembly plant whose maximum annual production capacity would be equal to or greater than 30 GWh;

(3) an increase of the maximum annual production capacity of a plant referred to in subparagraph 1 or 2 that would reach or exceed a capacity referred to in either of those subparagraphs;

(4) in the case of a plant whose maximum annual production capacity is equal to or greater than a capacity referred to in subparagraph 1 or 2:

- (a) any increase of 50% or more of that capacity;
- (b) any increase of that capacity that results in an expansion of 25% or more of the plant operation area.

Subparagraph 3 of the first paragraph does not apply to a plant existing on (*insert the date of coming into force of this Regulation*). For those plants, any project to increase the maximum annual production capacity by 50% or more, that would reach or exceed a capacity referred to in subparagraph 1 or 2 of the first paragraph, is subject to the procedure.”.

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

**Regulation to amend the Snow, road salt and abrasives management Regulation**

Environment Quality Act  
(chapter Q-2, ss. 31.0.6, 31.0.11 and 95.1, 1st par.,  
subpars. 3 and 5)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6, ss. 30 and 45)

**1.** The Snow, road salt and abrasives management Regulation (chapter Q-2, r. 28.2) is amended in section 1 by adding “used for winter road maintenance to the extent provided for in Chapter III” at the end of the first paragraph.

**2.** Section 7 is amended

(1) by inserting “section 293 of” after “under”;

(2) by adding “Sections 8 and 9 also apply to activities exempted from an authorization under section 294.1 of that Regulation.” at the end.

**3.** Section 9 is amended in paragraph 1

(1) by replacing subparagraph *b* by the following:

“(b) be laid out so that the runoff water from outside the areas cannot flow into the areas, in particular by the use of perimeter trenches or any other collection system;”;

(2) by inserting “watertight collection” before “system” in subparagraph *c*;

(3) by replacing subparagraph ii of subparagraph *c* by the following:

“ii. to a water treatment system or to a watertight basin or reservoir which is to be discharged elsewhere than in a lake or a wetland in order to reduce the discharge of contaminants such as chlorides;”.

**4.** Section 10 is amended

(1) by inserting “the electrical conductivity and” after “verify” in paragraph 2;

(2) in paragraph 3

(a) by replacing “daily” by “weekly”;

(b) by adding “to make sure they are in good order” at the end;

(3) by replacing paragraph 4 by the following:

“(4) the handling and loading areas must be cleaned so as to remove any deposit of salt and abrasives resulting from handling and loading operations;”.

**5.** Section 13 is amended by striking out paragraph 3.

**6.** Section 14 is amended

(1) by replacing “\$550” in the portion before paragraph 1 by “\$500”;

(2) by inserting “paragraph 2, 3 or 4 of” after “set out in” in paragraph 2.

**7.** Section 15 is amended by adding the following:

“(3) operates a storage and handling centre for road salt and abrasives that does not comply with the operating standards set out in paragraph 5 of section 10;

(4) fails to first notify the Minister on ceasing activities in accordance with section 12.”.

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

“**15.1.** A monetary administrative penalty of \$2,000 in the case of a natural person or \$10,000 in any other case may be imposed on every person who operates a storage and handling centre for road salt and abrasives that does not comply with the operating standards set out in paragraph 1 or 6 of section 10.”.

**9.** Section 17 is amended by replacing “10” by “paragraph 2, 3 or 4 of section 10”.

**10.** Section 18 is amended

(1) by adding “, paragraph 5 of section 10 or section 12” at the end of paragraph 1;

(2) by striking out paragraph 2.

**11.** The following is inserted after section 18:

“**18.1.** Every person who contravenes paragraph 1 or 6 of section 10 commits an offence and is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 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 \$30,000 to \$6,000,000.”.

**12.** Section 19 is amended by adding “, subject to the cases provided for in the second paragraph of section 359 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)” at the end.

**13.** This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

## **Regulation to amend the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks**

Environment Quality Act

(chapter Q-2, s. 46.0.22, par. 11, and s. 95.1, par. 1, subpar. 9)

**1.** The Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2) is amended in section 7 by replacing paragraphs 7, 8 and 9 by the following:

“(7) the construction of a main residential building, as well as that of its buildings, accessory works and the necessary access, on the conditions set out in section 340.2 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact;”.

**2.** Section 10 is amended by inserting “on a lot situated in an ice jam flood zone with or without ice movement listed in a metropolitan land use and development plan, a land use and development plan, any interim control measure or a by-law adopted by a regional county municipality pursuant to the Act respecting land use planning and development (chapter A-19.1)” after “building” in paragraph 1.

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

“**11.** A local municipality issues an authorisation pursuant to this Regulation

(1) where the activity meets the conditions applicable to it under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(2) where the activity meets the conditions applicable to it under the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), except those set out in sections 7, 11, 30, 33, 33.6 and 33.7 of that Regulation which need not be verified prior to issuance;

(3) for the construction of a boat shelter or quay referred to in subparagraph 4 of the first paragraph of section 6, when no shelter or quay is already present on the lot concerned by the application.

Subparagraph 2 does not apply when the activity is the subject of an authorization issued under section 22 or 31.5 of the Environment Quality Act (chapter Q-2) by reason of the fact that such an activity does not meet the conditions set out in section 9 or 20 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas.

After the issuance of the municipal authorization, the municipality must ensure compliance with the conditions set out in the Regulation respecting activities in wetlands, bodies of water and sensitive areas in accordance with section 59.1 of that Regulation except, in the case provided for in the second paragraph, the conditions set out in section 9 or 20 of that Regulation, as the case may be.”

#### **4.** Section 117 is amended in the first paragraph

(1) by striking out “referred to in sections 6 and 7” in subparagraph 1;

(2) by inserting the following after subparagraph 4:

“(5) the management of quays, in particular the number permitted per lot, the accepted materials, as well as cases that are prohibited and those for which prior municipal authorization is required;

(6) the control measures to be implemented when work is carried out to limit erosion and sediments;

(7) the management of work to stabilize an embankment, in particular the techniques to be used and the conditions to be met.”

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

106130

## **Draft Regulation**

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6)

Environment Quality Act (chapter Q-2)

### **Agricultural operations —Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Agricultural Operations Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation prohibits the spreading on any parcel of land of sludge from a municipal or industrial wastewater treatment plant or any other wastewater treatment or collection system, as well as de-inking sludge from pulp and paper mills, where the sludge originates from outside Canada.

The draft Regulation also allows restoring to cultivation certain parcels subject to a prohibition, and establishes the conditions for doing so.

The draft Regulation also adjusts the monetary administrative penalties and penal provisions to review the seriousness of certain failures and offences.

The new prohibition of spreading sludge from outside Canada proposed in the draft Regulation could have a financial impact on importing businesses, which will have to find other markets for the reclamation of such sludge. It will be noted, however, that certain markets already exist. Moreover, the possibility of restoring certain parcels to cultivation represents an economic opportunity for those operators.

Further information on the draft Regulation may be obtained by contacting Maude Durand, Acting Director, Bureau de stratégie législative et réglementaire, Ministère de l’Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 900, boulevard René-Lévesque Est, bureau 800, Québec (Québec) G1R 2B5; telephone: 418 521-3861, extension 4466; email: question.bslr@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Maude Durand at the above contact information.

BENOIT CHARETTE

*Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks*

## Regulation to amend the Agricultural Operations Regulation

Environment Quality Act  
(chapter Q-2, s. 53.30, 1st par., subpars. 2 and 3,  
s. 70, par. 2, and s. 95.1, 1st par., subpar. 3)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6, ss. 30 and 45)

**1.** The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended by inserting the following after section 29.1:

“**29.2.** The spreading on any parcel of land of sludge from a municipal or industrial wastewater treatment plant or any other wastewater treatment or collection system, as well as de-inking sludge from pulp and paper mills, where the sludge originates from outside Canada, or any product containing such sludge, is prohibited.”

**2.** Section 43.1 is amended by replacing paragraph 14 by the following:

“(14) to send a notice or to provide information or a document required under 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;”

**3.** Section 43.5 is amended by replacing paragraph 9 by the following:

“(9) to comply with the conditions set out in the third or fourth paragraph of section 50.3 for crop cultivation on a portion of land referred to in subparagraph 5 of the second paragraph of that section;

(9.1) to comply with the conditions set in section 50.3.2 for crop cultivation in the sites referred to in that section;

(9.2) to implement the mitigation measures referred to in section 50.3.3 where required under that section;”

**4.** Section 43.6 is amended

(1) by inserting the following after paragraph 4:

“(4.1) to comply with the prohibition of using spreading equipment designed to project livestock waste at a distance of more than 25 m, as provided for in the first paragraph of section 32;”;

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

“(6) to comply with the prohibition of cultivation provided for in the first paragraph of section 50.3.”

**5.** Section 43.7 is amended by inserting the following after paragraph 4:

“(4.1) to comply with the prohibition of spreading on any parcel of land sludge from a municipal or industrial wastewater treatment plant or any other wastewater treatment or collection system, as well as de-inking sludge from pulp and paper mills, where the sludge originates from outside Canada, or any product containing such sludge, in accordance with section 29.2;”

**6.** Section 44 is amended by adding the following sentence at the end: “Every person who refuses or neglects to send a notice or to provide information or a document required under this Regulation or to comply with the time limits and procedure for filing, if no other penalty is provided for such a case, also commits an offence and is liable to the same fine.”

**7.** Section 44.3 is amended by replacing “section 32” by “the second, third or fourth paragraph of section 32”.

**8.** Section 44.4 is replaced by the following:

“**44.4.** Every person who contravenes the second paragraph of section 4, the first paragraph of section 9, section 9.1, 9.3, 14 or 22, the third or fourth paragraph of section 50.3, section 50.3.2 or 50.4 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.”

**9.** Section 44.5 is amended by replacing “or section 50” by “, the first paragraph of section 32, section 50 or the first paragraph of section 50.3”.

**10.** Section 44.6 is amended by replacing “or 29.1” by “, 29.1 or 29.2”.

**11.** Section 50.3, as amended by section 9 of the Regulation to amend the Agricultural Operations Regulation, made by Order in Council 1460-2022 dated 3 August 2022, is amended

(1) by inserting the following after subparagraph 4 of the second paragraph:

“(5) on a portion of land situated within the right of way of a Hydro-Québec power transmission line.”;

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

“Where a portion of land referred to in subparagraph 5 of the second paragraph is added to the parcels cultivated by an operator, the operator must, at least 30 days before the beginning of the required work, send a notice to the Minister to inform the Minister that the portion of land will be cultivated. The requirement to notify the Minister also applies to a portion of land already used for crop cultivation authorized under the first paragraph of this section before (*insert the date of coming into force of this section*) if that crop is changed for one that was prohibited before that date.

The notice referred to in the third paragraph must include the type of crop grown and, where the operator is not the owner of the parcel, an attestation that a lease was granted by the owner. The notice is also accompanied by a location certificate identifying the right of way of the power transmission line and the portion of cultivated land within that right of way.”.

**12.** The following is inserted after section 50.3.1:

“**50.3.2.** Despite the first paragraph of section 50.3, crop cultivation to which the prohibition applies is permitted on part of a lot situated in a watershed referred to in Schedule V.1 with regard to the territory of a municipality identified therein, regardless of whether that part of a lot has ever been cultivated or has been used to cultivate the crops referred to in the first paragraph of section 50.3, on the following conditions:

(1) the part of a lot to be cultivated must include a parcel that has been used to cultivate the crops to which the prohibition applies at least once in the 6 growing seasons preceding 1 January 2022;

(2) the operator sends a notice to the Minister at least 30 days before the beginning of the required work to inform the Minister that the portion of land will be cultivated or that the crop grown on it will be changed if, in the latter case, the new crop was prohibited under section 50.3 before (*insert the date of coming into force of this section*);

(3) the operator certifies to the Minister that the mitigation measures provided for in section 50.3.3 will be implemented and complied with;

(4) a land surveyor certifies to the Minister that the parcel is situated in a watershed referred to in Schedule V.1 and specifies, in particular, the name of the watershed concerned and, where the parcel is situated in more than one watershed, the identification of the limits of the parcel on a location certificate;

(5) the parcel is identified on a georeferenced plan sent to the Minister, which includes the number of the lot on which the parcel is situated, the name of the cadastre in which the lot is situated and, where the parcel is situated in more than one watershed, the limits of the watersheds concerned.

Where a lot is situated partially in a watershed listed in Schedule V.1 and partially in a watershed that is not listed, crop cultivation is permitted only on the portion situated in the watershed listed in Schedule V.1.

**50.3.3.** Where a portion of land referred to in subparagraph 5 of the second paragraph of section 50.3 or section 50.3.2 is added to the parcels cultivated by an operator or there is a change in the crop grown on it, the operator of a raising site or spreading site must implement the following mitigation measures, in addition to any condition provided for in the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) and the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1):

(1) with regard to all parcels cultivated by the operator:

(a) despite sections 22 and 35, all spreading must be carried out in compliance with an agroenvironmental fertilization plan and a phosphorous report, drawn up in accordance with this Regulation, which spreading must be supported in the data obtained from a characterization of livestock waste carried out by an agrologist in accordance with section 28.1, even in the case of a raising site with solid manure management whose annual phosphorus ( $P_2O_5$ ) production is 1,600 kg or less;

(b) on 1 December of each year, the soil of 20% of the total areas cultivated by the operator must be entirely covered by rooted vegetation, with an annual incrementation of 10% until 50% has been reached;

(c) where the operator stores solid manure piles, in addition to the conditions provided for in section 9.1, the operator must do so more than 30 m away from any watercourse, ditch, lake or wetland, and outside of flood zones;



(2) with regard to the new parcel under cultivation or the parcel undergoing a change of crop:

(a) a vegetation strip at least 5 m wide, measured from the boundary of the littoral zone or the top of the embankment, if such an embankment is present, must be preserved in a natural or restored state, on either side of a watercourse;

(b) a vegetation strip at least 3 m wide, measured from the boundary of the ditch or the top of the embankment, if such an embankment is present, must be preserved in a natural or restored state, on either side of a ditch.”

#### “SCHEDULE V.1

(s. 50.3.2)

#### IDENTIFICATION OF WATERSHEDS EXCLUDED FROM THE PROHIBITION PROVIDED FOR IN SECTION 50.3 BY MUNICIPALITY

Municipality No.	Name of municipality	Type of municipality	Concerned Schedule to this Regulation	Excluded watershed
14005	Mont-Carmel	M	III	Rivière Saint-Jean – 01EX0000 – (level 1) Rivière Ouelle – 02270000 – (level 1)
14070	Saint-Pacôme	M	II	Rivière Ouelle – 02270000 – (level 1)
14075	Saint-Gabriel-Lalemant	M	III	Rivière Ouelle – 02270000 – (level 1)
19005	Saint-Philémon	P	III	Rivière du SUD – 02310000 – (level 1) Rivière Saint-Jean – 01EX0000 – (level 1)
19010	Notre-Dame-Auxiliatrice-de-Buckland	P	III	Rivière du SUD – 02310000 – (level 1)
19030	Saint-Damien-de-Buckland	P	III	Rivière du SUD – 02310000 – (level 1)
19037	Armagh	M	II	Rivière du SUD – 02310000 – (level 1)
19045	Saint-Nérée-de-Bellechasse	M	II	Rivière du SUD – 02310000 – (level 1)
19050	Saint-Lazare-de-Bellechasse	M	II	Rivière du SUD – 02310000 – (level 1)
19082	Saint-Raphaël	M	II	Rivière du SUD – 02310000 – (level 1)
22020	Shannon	V	III	Rivière Jacques-Cartier – 05080000 – (level 1)
22025	Saint-Gabriel-de-Valcartier	M	III	Rivière Jacques-Cartier – 05080000 – (level 1) Rivière Sainte-Anne – 05040000 – (level 1)
22035	Stoneham-et-Tewkesbury	CU	III	Rivière Jacques-Cartier – 05080000 – (level 1) Rivière Sainte-Anne – 05040000 – (level 1) Rivière Montmorency – 05100000 – (level 1)
22040	Lac-Beauport	M	III	Rivière Montmorency – 05100000 – (level 1)
22045	Sainte-Brigitte-de-Laval	V	III	Rivière Montmorency – 05100000 – (level 1)
23027	Québec	V	III	Rivière Jacques-Cartier – 05080000 – (level 1) Rivière Montmorency – 05100000 – (level 1)

#### 13. Section 50.5 is amended

(1) by replacing “registered mail or by any other” by “any”;

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

“Despite the first paragraph, the notices and documents referred to in sections 50.3 and 50.3.2 to be sent to the Minister must be sent electronically using the form available on the website of the Minister’s department.”

#### 14. The following is inserted after Schedule V:

<b>Municipality No.</b>	<b>Name of municipality</b>	<b>Type of municipality</b>	<b>Concerned Schedule to this Regulation</b>	<b>Excluded watershed</b>
28005	Saint-Zacharie	M	II	Rivière Saint-Jean – 01EX0000 – (level 1)
28015	Sainte-Aurélie	M	III	Rivière Saint-Jean – 01EX0000 – (level 1)
28035	Saint-Louis-de-Gonzague	M	V	Rivière Saint-Jean – 01EX0000 – (level 1)
28040	Saint-Cyprien	P	III	Rivière Saint-Jean – 01EX0000 – (level 1)
28045	Sainte-Justine	M	III	Rivière Saint-Jean – 01EX0000 – (level 1)
28053	Lac-Etchemin	M	II	Rivière Saint-Jean – 01EX0000 – (level 1)
28060	Saint-Luc-de-Bellechasse	M	III	Rivière du SUD – 02310000 – (level 1) Rivière Saint-Jean – 01EX0000 – (level 1)
28065	Sainte-Sabine	P	III	Rivière Saint-Jean – 01EX0000 – (level 1)
28075	Saint-Magloire	M	III	Rivière du SUD – 02310000 – (level 1) Rivière Saint-Jean – 01EX0000 – (level 1)
51065	Saint-Alexis-des-Monts	P	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint-Maurice)
51070	Saint-Mathieu-du-Parc	M	III	Rivière à la Pêche – 05010009 – (level 2 of rivière Saint-Maurice)
62060	Saint-Donat	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
62080	Saint-Zénon	M	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint-Maurice)
62085	Saint-Michel-des-Saints	M	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint-Maurice)
62902	Lac-Minaki	NO	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint-Maurice)
62906	Baie-de-la-Bouteille	NO	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint-Maurice)
62910	Lac-Legendre	NO	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint-Maurice) Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
62912	Saint-Guillaume-Nord	NO	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint-Maurice)
62914	Lac-des-Dix-Milles	NO	III	Rivière Matawin – 05011000 – (level 2 of rivière Saint-Maurice) Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
76035	Wentworth	CT	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
76043	Brownsburg-Chatham	V	III	Rivière du Calumet – 04350000 – (level 2 of rivière des Outaouais)

Municipality No.	Name of municipality	Type of municipality	Concerned Schedule to this Regulation	Excluded watershed
76052	Grenville-sur-la-Rouge	M	III	Rivière du Calumet – 04350000 – (level 2 of rivière des Outaouais) Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais) Rivière Saumon – 04030000 – (level 2 of rivière des Outaouais) Petite rivière Saumon – 04680000 – (level 2 of rivière des Outaouais) Crique de Pointe-au-Chêne – 04710000 – (level 2 of rivière des Outaouais)
77060	Wentworth-Nord	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
77065	Saint-Adolphe-d'Howard	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
78047	Mont-Blanc	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
78055	Montcalm	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
78095	Lac-Supérieur	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
78100	Val-des-Lacs	M	III	Rivière Rouge – 04020000 – (level 2 of rivière des Outaouais)
92045	Saint-Thomas-Didyme	M	III	Rivière Mistassini – 06210000 – (level 2 of rivière Saguenay) Rivière Ashuapmushuan – 06190000 – (level 2 of rivière Saguenay)
92050	Saint-Edmond-les-Plaines	M	III	Rivière Mistassini – 06210000 – (level 2 of rivière Saguenay)
92055	Girardville	M	III	Rivière Mistassini – 06210000 – (level 2 of rivière Saguenay)
93020	Hébertville	M	III	Rivière Chicoutimi – 06100000 – (level 2 of rivière Saguenay)
94265	Larouche	M	III	Rivière Chicoutimi – 06100000 – (level 2 of rivière Saguenay) Rivière Dorval – 06110000 – (level 2 of rivière Saguenay)

**15.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 2 to 4, 6 to 9 and 11 to 14, which come into force on (insert the date that is 180 days after the date of publication of this Regulation in the *Gazette officielle du Québec*).

106129

## Draft Regulations

Environment Quality Act  
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6)

**Clean air**

**Halocarbons**

**Environmental standards for heavy vehicles**

**Quality of the atmosphere**

— **Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Clean Air Regulation, the Regulation to amend the Regulation respecting halocarbons, the Regulation to amend the Regulation respecting environmental standards for heavy vehicles and the Regulation to amend the Regulation respecting the quality of the atmosphere, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulations make various amendments concerning atmospheric emission standards.

The draft Regulation to amend the Clean Air Regulation (chapter Q-2, r. 4.1) provides for the possibility for the Minister that any data entered into a register or other document, recorded by a continuous emission measurement and recording system, collected, measured, calculated, used or provided in accordance with the Regulation be provided to the Minister at the Minister's request. The draft Regulation also provides for an exception to the standard for the emission of particles for the harvesting of horticultural peat, subject to the compliance with a number of requirements. The scope of the Regulation is clarified and certain definitions are added or clarified. The method for the calculation of the contaminant concentration is also adjusted, in particular to specify that all the sources must be included in order to reflect the cumulative effect. Various consequential adjustments depending on the objective seriousness of the failures to comply with the Regulation are made to the monetary administrative penalties and the penal sanctions. Lastly, an exception to the application of a standard for above-ground tanks for the storage of volatile organic compounds is provided for tanks in the territory of Municipalité de l'Île-d'Anticosti.

The draft Regulation to amend the Regulation respecting halocarbons (chapter Q-2, r. 29) specifies certain terms defined in the Regulation. The draft Regulation provides for a prohibition concerning sulphur hexafluoride emissions resulting from the use of a magnesium alloy production process. It adjusts the requirements concerning the detection of halocarbon leaks and the recovery of halocarbons in various equipment. The prohibitions related to the repair, transformation or modification of equipment operating with certain types of halocarbons are adjusted on the basis of different situations, particularly to prohibit the transformation or modification of units to allow their operation with halocarbons having a high global warming potential. Amendments are also made to various provisions concerning the keeping of registers and the sending of reports. Lastly, a number of provisions related to the monetary administrative penalties and the penal sanctions are adjusted according to the objective seriousness of the failures to comply with the Regulation.

The Regulation respecting environmental standards for heavy vehicles (chapter Q-2, r. 33) is also adjusted so that a heavy vehicle may be modified to allow the use of electricity. The Regulation respecting the quality of the atmosphere (chapter Q-2, r. 38) is also amended to that end with respect to light vehicles.

The amendments to the Regulation respecting halocarbons would result in certain costs for enterprises attributable mainly to the tightening of the scheme applicable to certain halocarbons having a high global warming potential and follow amendments made to that Regulation in 2020. The amendments to the other draft Regulations should not have an economic impact on enterprises.

Further information on the draft Regulations may be obtained by contacting Maude Durand, Acting Director, Bureau de stratégie législative et réglementaire, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 900, boulevard René-Lévesque Est, bureau 800, Québec (Québec) G1R 2B5; telephone: 418 521-3861, extension 4466; email: [question.bslr@environnement.gouv.qc.ca](mailto:question.bslr@environnement.gouv.qc.ca).

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Maude Durand at the above contact information.

BENOIT CHARETTE

*Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks*

---

## Regulation to amend the Clean Air Regulation

Environment Quality Act

(chapter Q-2, s. 95.1, 1st par., subpars. 3, 20, 21 and 24)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, ss. 30 and 45)

**1.** The Clean Air Regulation (chapter Q-2, r. 4.1) is amended in paragraph 1 of section 3

(1) by inserting the following definition after the definition of “particle”:

““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*)”;

(2) by inserting the following definition before the definition of “emission limit”:

““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*)”.

**2.** Section 5 is amended by adding “and must be sent to the Minister at the Minister’s request, within the time indicated by the Minister” at the end.

**3.** The following is inserted after section 12:

“**12.1.** Section 12 does not apply to the harvesting of horticultural peat where a producer has submitted a particle emission management plan to the Minister and complies with the following requirements:

(1) the producer uses equipment designed or certified to measure wind speed and direction on the site where the harvesting is carried out or has access to data from such equipment installed on the site in conditions comparable to the harvesting site;

(2) while harvesting peat, the speed and direction of the wind are measured at least

(a) every 2 hours where wind speed is less than 25 km/h; and

(b) every 30 minutes where wind speed is equal to or greater than 25 km/h but less than 50 km/h;

(3) where wind speed equal to or greater than 45 km/h is measured, all vacuum harvesting and harrowing operations are suspended until wind speed is less than 35 km/h;

(4) where wind speed equal to or greater than 50 km/h is measured, loading and transportation operations are also suspended until wind speed is less than 35 km/h.

The producer must maintain in a record

(1) the dates and times of the beginning and end of the horticultural peat harvesting activities on the site;

(2) wind speeds and directions measured during harvesting and the date and time of each measurement; and

(3) the dates and times of the suspension of activities due to wind gusts or speed reaching or exceeding the speeds referred to in subparagraphs 3 and 4 of the first paragraph.

Where dwellings or public institutions are present less than 1 km from the site where horticultural peat is harvested, the producer must, each year, first inform the persons concerned of the period of the harvesting and the procedure established to collect and process complaints in case of nuisance. The procedure must provide for the keeping of a complaints register including in particular the information concerning the complainant, the reasons of the complaint, the date of the event covered by the complaint if available and the corrective measures put in place.”.

**4.** Section 101 is amended by inserting “in order to eliminate all or part of the residual materials” after “residual materials” in the definition of “incinerator”.

**5.** Section 197 is amended by striking out “stationary” after “alteration of a” in the first paragraph.

**6.** Section 202 is replaced by the following:

“**202.** For the purposes of sections 75, 77, 91, 92, 97, 153 and 197, the concentration of contaminants must be calculated for all the sources of contamination for a point off the limits of the property occupied by those sources and off a sector zoned for industrial purposes as established by the competent municipal authorities. If the limits of the property occupied by the sources of contamination or the territory thus zoned includes a dwelling or a public institution, the concentration of contaminants must also be calculated for a point within the limits of each of the locations.

A contaminant concentration in the atmosphere includes its initial concentration, the latter being calculated on the basis of the results of sampling carried out or validated for all or part of the 3 preceding years and taken on the sites of all the sources of contamination or in a comparable environment, and that corresponds to the following, according to the period applicable for the limit value concerned:

(1) for a period less than or equal to 1 hour, the 99th percentile of the data measured during that period;

(2) for a period greater than 1 hour but less than or equal to 24 hours, the 98th percentile of the data measured during that period;

(3) for a period greater than 24 hours but less than or equal to 1 year, the average of the hourly or daily data.

If sampling results are not available for the 3 preceding years, the initial concentration is the concentration referred to for that contaminant appearing in column 2 of Schedule G or K, as the case may be.”.

**7.** Section 202.1 is amended by adding “or to send the data to the Minister at the Minister’s request, within the time indicated by the Minister” at the end.

**8.** Section 202.2 is amended by inserting the following after paragraph 1:

“(1.1) to submit to the Minister a particle emission management plan in accordance with the portion before subparagraph 1 of the first paragraph of section 12.1;

(1.2) to enter in a register the information prescribed by the second paragraph of section 12.1;”.

**9.** Section 202.3 is amended in the first paragraph

(1) by inserting the following before subparagraph 1:

“(0.1) to inform the persons concerned of a horticultural peat harvesting period and the procedure put in place to collect and process complaints in case of nuisance, in accordance with the third paragraph of section 12.1;”;

(2) by replacing “to ensure that emissions from a kiln or facility referred to in the first paragraph of section 155 are” at the beginning of subparagraph 9 by “to use a kiln referred to in the first paragraph of section 155 the emissions of which are”;

(3) by replacing “section 201” at the end of subparagraph 10 by “the first paragraph of section 201 or, if there is no such laboratory, by a laboratory that meets the standard provided for in the second paragraph of that section”.

**10.** Section 202.4 is amended

(1) in the first paragraph

(a) by inserting the following after subparagraph 1:

“(1.1) to use equipment designed or certified to measure wind speed and direction on the site where the horticultural peat harvesting is carried out or have access to data from such equipment installed on the site in conditions comparable to the harvesting site, in accordance with subparagraph 1 of the first paragraph of section 12.1;

(1.2) to measure wind speed and direction in accordance with subparagraph 2 of the first paragraph of section 12.1;”;

(b) by inserting the following after subparagraph 5:

“(5.1) to comply with the rated heat capacity required for fuel burning equipment or an industrial furnace referred to in section 81, in the cases and on the conditions provided for therein;”;

(c) by inserting “an industrial furnace,” after “fuel burning equipment,” in subparagraph 8;

(d) by inserting the following after subparagraph 11:

“(11.1) to measure the contaminants emitted into the atmosphere by potlines, in the cases and at the frequencies provided for in section 141.1;”;

(2) by inserting “or third” after “second” in subparagraph 2 of the second paragraph.

**11.** Section 202.6 is amended

(1) by inserting the following after paragraph 1:

“(1.1) fails to suspend an operation referred to in subparagraph 3 or 4 of the first paragraph of section 12.1, in the cases provided for therein;”;

(2) by striking out “stationary” in paragraph 12.

**12.** Section 202.7 is amended

(1) in paragraph 1

(a) by replacing “, fourth or fifth” in subparagraph *a* by “or fourth”;

(b) by replacing “the first paragraph of section 80 or” in subparagraph *a* by “section 80, the first paragraph of section”;

(c) by replacing “, 189 or 190” in subparagraph *c* by “or 189 or paragraph 1 of section 190”;

(d) by inserting “, the second paragraph of section 148” after “section 103” in subparagraph *e*;

(e) by inserting “the fifth paragraph of section 75 or” after “in accordance with” in subparagraph *l*;

(2) by replacing paragraphs 2 and 3 by the following:

“(2) emits particles that are visible at more than 2 m from the emission point, in contravention of section 12 or 14;

(3) fails to comply with the opacity standards of grey or black emissions from a source of contamination prescribed by section 16;”;

(3) by replacing paragraph 6 by the following:

“(6) fails to use fuel burning equipment or an industrial furnace having a destruction and removal efficiency complying with section 81 where it uses fuels referred to in that section;”.

(4) by replacing “emission limits or standards” in paragraph 7 by “emission limit values or other standards”;

(5) by replacing “to ensure that an incinerator has” in paragraph 8 by “to use an incinerator having”;

(6) by adding “or paragraph 2 of section 190” at the end of paragraph 10.

**13.** Section 204 is amended

(1) by inserting “the portion before subparagraph 1 of the first paragraph or the second paragraph of section 12.1, section” after “section 4, ”;

(2) by replacing “or 121, the second paragraph of section” by “, 121 or”.

**14.** Section 205 is amended by inserting “the third paragraph of section 12.1,” after “contravenes”.

**15.** Section 206 is amended

(1) in paragraph 1

(a) by inserting “subparagraph 1 or 2 of the first paragraph of section 12.1,” after “section 6, ”;

(b) by replacing “or second paragraph of section 57, the fourth paragraph of section 75, paragraph 1 or 3 of section 90” by “, second or third paragraph of section 57”;

(c) by replacing “141” by “141.1”;

(2) by inserting the following after paragraph 2:

“(2.1) uses fuels containing total halogens that do not meet the limit provided for in the fourth paragraph of section 75;”;

(3) by inserting the following after paragraph 4:

“(4.1) fails to comply with the rated heat capacity required for fuel burning equipment or an industrial furnace referred to in section 81, in the cases and on the conditions provided for therein;

(4.2) fails to comply with the standards for fuel burning equipment provided for in subparagraph 1 or 3 of the first paragraph of section 90;”

**16.** Section 206.1 is amended by striking out paragraph 2.

**17.** Section 206.2 is amended by replacing “or 85” by “, subparagraph 3 or 4 of the first paragraph of section 12.1, section 85”.

**18.** Section 206.3 is amended

(1) in paragraph 1

(a) by replacing “70, the first, fourth” by “70, the first”;

(b) by striking out “or 77”;

(c) by striking out “section 81,”;

(d) by replacing “to 150” by “and 149”;

(2) by inserting “or fourth” after “second” in subparagraph 2;

(3) by inserting the following after paragraph 2:

“(2.1) fails to comply with the emission limit values prescribed by paragraph 1 or 2 of section 75;

(2.2) fails to use a unit having a destruction and removal efficiency compliant with section 81;

(2.3) fails to comply with the emission limit values or other standards prescribed by subparagraph 2, 4 or 5 of the first paragraph of section 90;”

**19.** Section 209.1 is amended by inserting “in the territory of Municipalité de l’Île-d’Anticosti,” after “above-ground tanks”.

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

## Regulation to amend the Regulation respecting halocarbons

Environment Quality Act

(chapter Q-2, s. 53.30, 1st par., subpar. 3, s. 70.19, 1st par., subpars. 6, 16, 18 and 19, and s. 95.1, 1st par., subpars. 3, 4, 5, 6, 20 and 21)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, ss. 30 and 45)

**1.** The Regulation respecting halocarbons (chapter Q-2, r. 29) is amended in section 1 by striking out “15,” in the fourth paragraph.

**2.** Section 3 is amended

(1) in the first paragraph

(a) by striking out “and, unless the context indicates otherwise, the compressor, pipes, tubes, hoses, valves or other components necessary for their operation” in the definition of “refrigeration or air conditioning unit”;

(b) by replacing the definition of “power rating” by the following:

““power rating” means the maximum useful power of a unit as specified by the manufacturer;”

(2) by replacing “For the purposes of the” in the second paragraph by “For the purposes of section 4.”

**3.** Section 5 is amended in the third paragraph

(1) by inserting the following after subparagraph 3:

“(3.1) the use of a process to produce magnesium alloys, subject to sulphur hexafluoride (SF<sub>6</sub>) emissions which are prohibited as of (*insert the date that is one year after the date of coming into force of this Regulation*);”

(2) by inserting the following after subparagraph 7:

“(8) the calibration of leak detectors where it is conducted using equipment specially designed for that purpose and in accordance with the manufacturer’s instructions;

(9) the connection or disconnection of pipes less than 1 m long used to recover a halocarbon from a unit, equipment or system or to fill them with a halocarbon.”



**4.** Section 11 is amended

(1) by striking out “having a power rating equal to or greater than 20 kW” in the portion before subparagraph 1 of the first paragraph;

(2) by replacing “The owner” in the second paragraph by “Where the unit has a power rating equal to or greater than 20 kW, the owner”.

**5.** Section 14 is amended

(1) in the first paragraph

(a) by replacing “or municipality that picks up a refrigeration or air conditioning unit in connection with a residual materials collection service must” by “who is in possession of a refrigeration or air conditioning unit to reclaim it or dispose of all or part of it must”;

(b) by inserting “or in its components” after “of the unit” in the first sentence;

(2) by adding “or each of its components” before “so emptied” in the second paragraph;

(3) by adding “or, in the case of a vehicle’s air conditioning unit, one of the standards referred to in section 31” at the end of the third paragraph.

**6.** Section 15 is revoked.

**7.** Section 16 is amended by replacing “15, 31, 32” by “31”.

**8.** Section 17.1 is amended by replacing “on which the information is up-to-date” at the end of subparagraph 3 of the first paragraph by “of the last modification made as regards the content in halocarbon”.

**9.** Section 19 is amended by replacing the second paragraph by the following:

“No person may transform or modify such a unit to enable it to operate with a CFC or an HCFC.”

**10.** Section 20 is amended by striking out the second paragraph.

**11.** Section 21.1 is amended by adding the following paragraphs at the end:

“No person may transform or modify a unit referred to in the first paragraph to enable it to operate with a halocarbon having a global warming potential (GWP) of more than 150.

This section does not apply to a unit used as part of a food transformation process.”

**12.** Section 21.2 is amended

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

“No person may transform or modify a unit referred to in the first paragraph to enable it to operate with a halocarbon having a global warming potential (GWP) greater than those indicated in subparagraphs 1 to 3 of the first paragraph.”;

(2) by replacing “The prohibition in the first paragraph does not apply” in the portion before subparagraph 1 of the second paragraph by “The prohibitions in the first and second paragraphs do not apply”.

**13.** Section 22 is amended

(1) by replacing “leak tested once a year” at the end of the first paragraph by “leak tested at least once a year, with not more than 15 months between each leak test”;

(2) in the third paragraph

(a) by inserting “referred to in the first paragraph” before “that has been repaired”;

(b) by replacing “one month” by “between the 30th and 60th day”.

**14.** Section 31 is amended by replacing “J2788 HFC-134a (R-134a) Recovery/Recycling Equipment and Recovery/Recycling/Recharging for Mobile Air-Conditioning Systems, published” in paragraph 3 by “J2210 or J2788 HFC-134a (R-134a) Recovery/Recycling Equipment and Recovery/Recycling/Recharging for Mobile Air-Conditioning Systems, published”.

**15.** Section 32 is revoked.

**16.** Section 37 is revoked.

**17.** Section 49 is amended by replacing “3” in the second paragraph by “5”.

**18.** Section 59 is amended by replacing “added” in subparagraph 3 of the first paragraph by “loaded”.

**19.** Section 61 is amended in the first paragraph

(1) by replacing “a supplier or enterprise that takes back used halocarbons, or any other person who recovers such halocarbons to be treated or eliminated by it or by

another person” in the portion before subparagraph 1 by “a person who recovers used halocarbons to be treated or eliminated by it or by another person outside Québec”;

(2) by striking out “taken back by the supplier or enterprise or, as applicable,” in the portion before subparagraph 1;

(3) by striking out “enterprise, supplier or any other” in subparagraph 3.

**20.** Section 61.1 is amended

(1) by adding “, the second or third paragraph of section 13 or section 57, 57.1 or 61” at the end of paragraph 0.1;

(2) by striking out “, 15 or 32” in paragraph 1;

(3) by striking out paragraph 3.

**21.** Section 61.2 is amended

(1) by replacing “in accordance with the conditions set out in that paragraph” in paragraph 1 by “the second or third paragraph of section 13 or section 57, 57.1 or 61, in accordance with the conditions set out therein”;

(2) by adding the following at the end:

“(3) to keep a log containing the information prescribed by section 59 or to give a copy of the information to the owner, in accordance with the second paragraph of that section.”

**22.** Section 61.4 is amended in the first paragraph,

(1) in subparagraph 1,

(a) by striking out “or 15”;

(b) by striking out “32 or”;

(2) by replacing “15, 31, 32” in subparagraph 2 by “31”.

**23.** Section 61.5 is amended

(1) by inserting the following before paragraph 1:

“(0.1) fails to notify the Minister of a halocarbon leak in accordance with the first paragraph of section 12;”;

(2) by striking out paragraph 2.

**24.** Section 61.6 is amended in the first paragraph

(1) by replacing “section 19 or 21.2” in subparagraph 3 by “the first paragraph of section 19”;

(2) by inserting the following after subparagraph 3:

“(3.1) transforms or modifies a unit referred to in section 18, in contravention of the second paragraph of section 19;”;

(3) by striking out “the first paragraph of” in subparagraph 4;

(4) by inserting the following after subparagraph 4:

“(4.0.1) installs, transforms or modifies a unit referred to in the first paragraph of section 21.1, in contravention of that section;

(4.0.2) sells, distributes, installs, transforms or modifies a unit referred to in the first paragraph of section 21.2, in contravention of that section;”;

(5) by striking out “the second paragraph of section 20 or” in subparagraph 4.1.

**25.** Section 61.7 is amended by replacing “sections 15, 31, 32” in paragraph 2 by “section 31”.

**26.** Section 62 is amended by striking out “, 15 or 32” and “59 or”

**27.** Section 63 is amended

(1) by inserting “or third” after “the second”;

(2) by striking out “37”;

(3) by inserting “, 59” after “57.1”.

**28.** Section 65 is amended

(1) by replacing “or 15, or the first paragraph of section 32” in paragraph 1 by “, the first paragraph of section 31”;

(2) by inserting the following after paragraph 1:

“(1.1) fails to identify the nature of a halocarbon in accordance with the first paragraph of section 31, in the case that is provided for therein;”

**29.** Section 66 is amended

(1) by inserting the following before paragraph 1:

“(0.1) fails to notify the Minister in the case of a halo-carbon leak in accordance with the first paragraph of section 12.”;

(2) by striking out “or section 21.1” in paragraph 1;

(3) by striking out paragraph 2.

**30.** Section 67 is amended by inserting “21.1,” after “20.”**31.** Section 67.1 is amended by replacing paragraphs 1 and 2 by the following:

“(1) fails to recover halocarbons in the situations referred to in the first or second paragraph of section 10, subparagraph 2 of the first paragraph or the second paragraph of section 11, the first paragraph of section 14 or section 31 or 36;

(2) fails to stop a leak in the case provided for in subparagraph 1 of the first paragraph of section 11;

(3) contravenes the second paragraph of section 12 or 27.”.

**32.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.**Regulation to amend the Regulation respecting environmental standards for heavy vehicles**

Environment Quality Act  
(chapter Q-2, s. 53, par. c, and s. 95.1, 1st. par., subpar. 5)

**1.** The Regulation respecting environmental standards for heavy vehicles (chapter Q-2, r. 33) is amended in section 9 by adding “or to allow for the use of electricity” at the end.

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

**Regulation to amend the Regulation respecting the quality of the atmosphere**

Environment Quality Act  
(chapter Q-2, s. 53, par. c and s. 95.1, 1st par., subpar. 5)

**1.** The Regulation respecting the quality of the atmosphere (chapter Q-2, r. 38) is amended in section 96.3 by inserting “or to allow the use of electricity” after “fuel”.

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

106132

**Draft Regulations**

Environment Quality Act  
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6)

**Liquid effluents of petroleum refineries****Pulp and paper mills****Quality of drinking water****Hot mix asphalt plants****— Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries, the Regulation to amend the Regulation respecting pulp and paper mills, the Regulation to amend the Regulation respecting the quality of drinking water and the Regulation to amend the Regulation respecting hot mix asphalt plants, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Various amendments are made to the Regulations with respect mainly to wastewater discharge standards and drinking water quality standards.

The Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16) is amended to replace references to oil and grease contained in liquid effluents by a reference to petroleum hydrocarbons C<sub>10</sub>-C<sub>50</sub>, which are the relevant element to monitor in the field. The period for which any data pertaining to contaminant measurements must be kept is also increased

to 5 years, to ensure consistency with the other regulations made under the Environment Quality Act (chapter Q-2). Lastly, clarifications are made with regard to changing a refining capacity declaration.

The Regulation respecting pulp and paper mills (chapter Q-2, r. 27) is amended to clarify the terms “complex” and “mill” defined therein and clarify TSS and BOD<sub>5</sub> requirements in case of a total production stoppage. Amendments are made to the provisions concerning the measurements that must be taken at sampling stations, to clarify their application and remove the monitoring of certain parameters. The period for which a log, data or results must be kept is also increased to 5 years, to ensure consistency with the other Regulations made under the Environment Quality Act. Specifications are also made to the requirement to install a collection and treatment system for water from a landfill site for mill residual materials that flow on the surface or those that resurface. In addition, many provisions concerning monetary administrative penalties and penal sanctions are harmonized according to the objective seriousness of the failures to comply with the Regulation. Lastly, two schedules concerning monthly reports on effluents are replaced.

The Regulation respecting the quality of drinking water (chapter Q-2, r. 40) is amended to add a manganese-related standard.

Lastly, the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended to replace references to oil and grease contained in discharged water by a reference to petroleum hydrocarbons C<sub>10</sub>-C<sub>50</sub>, which are the relevant element to monitor in the field. The standard respecting that element, as well as the standards respecting suspended matter and pH, are also amended.

The amendments to the Regulation respecting hot mix asphalt plants will result in annual savings for operating pulp and paper mills. The addition of a manganese-related standard to the Regulation respecting the quality of drinking water, applicable to drinking water distribution systems, could potentially require the implementation of treatment whose cost varies based on the size of the network served. The amendments provided by the other draft Regulations will have no economic impact on enterprises.

Further information on the draft Regulations may be obtained by contacting Maude Durand, Acting Director, Bureau de stratégie législative et réglementaire, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 900, boulevard René-Lévesque Est, bureau 800, Québec (Québec) G1R 2B5; telephone: 418 521-3861, extension 4466; email: question.bslr@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to Maude Durand at the above contact information.

BENOIT CHARETTE

*Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks*

## Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries

Environment Quality Act

(chapter Q-2, s. 95.1, 1st. par, subpars. 3, 4, 20 and 24)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, ss. 30 and 45)

**1.** The Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16) is amended in section 4

(1) by replacing “oil and grease” in the portion before the table by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”;

(2) by replacing “Oil and grease” in the table by “Petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”.

**2.** Section 6 is amended

(1) by replacing “oil and grease” in the portion before the table by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”;

(2) by replacing “Oil and grease” in the table by “Petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”.

**3.** Section 7 is amended by replacing the words “oil and grease” wherever they appear by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”.

**4.** Section 9 is amended

(1) by replacing “oil and grease” in the portion before the table by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”;

(2) by replacing “Oil and grease” in the table by “Petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”.

**5.** Section 15 is amended

(1) by replacing “oil and grease” in the first paragraph by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”;

(2) by replacing “2” in the second paragraph by “at least 5”;

(3) in the third paragraph

(a) by replacing “oil and grease” by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”;

(b) by inserting “a” after “such”.

**6.** Section 23 is amended

(1) by striking out “as often as he wishes” after “capacity declaration”;

(2) by replacing “during 7 consecutive days” by “, over a period of 1 month, by 15% or more as compared to the refining capacity previously declared”;

(3) by striking out “The new daily refining capacity thus declared becomes effective on the first day of the month in which it has been declared.” at the end;

(4) by adding the following paragraph:

“This new daily refining capacity applies as of the first day of the following month.”.

**7.** Section 24 is replaced by the following:

“**24.** The person responsible for a petroleum refinery must change his or her refining capacity declaration in cases where a decrease of 15% or more has occurred in the average daily amount of crude oil actually refined, over a period of 1 month, as compared to the refining capacity previously declared, excluding the days where the decrease in refining is attributable to the maintenance of the petroleum refinery.

This new daily refining capacity applies as of the first day of the following month.”.

**8.** Section 25 is amended by replacing “2” in paragraph 1 by “5”.

**9.** Section 30 is amended by replacing “2” in paragraph 1 by “5”.

**10.** Section 33 is amended by striking out paragraph 2.

**II.** Schedule A is replaced by the following:

**“SCHEDULE A**  
(s. 17)

MONTHLY REPORT ON THE WASTE WATER FROM A PETROLEUM REFINERY

Petroleum refinery operated by \_\_\_\_\_  
 and located in \_\_\_\_\_  
 Month of \_\_\_\_\_ 20 \_\_\_\_  
 Declared refining capacity: \_\_\_\_\_ TB\*/day  
 Date of the declaration concerning the refining capacity: \_\_\_\_\_ 20 \_\_\_\_  
 Amount of crude oil refined:  
 Current month: \_\_\_\_\_ TB\*  
 Days of production: \_\_\_\_\_  
 Average for current month: \_\_\_\_\_ TB\*/dp\*\*

**TABLE OF ACTUAL DEPOSITS**

Date	Flow measurement (m <sup>3</sup> /day)		Suspended matter in water supply	Deposits measured (kg/day)					pH		
	Liquid effluent	Storm water		Petroleum hydrocarbons (C <sub>10</sub> -C <sub>50</sub> )	Phenols	Sulfides	NH <sub>3</sub> -N	Suspended matter	Measurement		Duration of overage (minutes)
									min	max	
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
13											
14											
15											
16											
17											
18											
19											
20											
21											
22											

23											
24											
25											
26											
27											
28											
29											
30											
31											
Average											

**TABLE OF AUTHORIZED DEPOSITS PURSUANT TO THIS REGULATION**

	Petroleum hydrocarbons (C <sub>10</sub> -C <sub>50</sub> )	Phenols	Sulfides	NH <sub>3</sub> -N	Suspended matter	pH
Average monthly amount (kg)						≥6.0 and ≤9.5
One day amount (kg)						
Maximum daily amount (kg)						

**TABLE OF COMPLIANCE OF STORM WATER**

Date	Storm water	Petroleum hydrocarbons (C <sub>10</sub> -C <sub>50</sub> )		Phenols		Volatile suspended matter	
	Flow measurement (m <sup>3</sup> /day)	(mg/l)	(kg/day)	(mg/l)	(kg/day)	(mg/l)	(kg/day)
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
Amount of monthly deposit (kg)							
Authorized total monthly amount (kg)							
Authorized daily concentration (mg/l)	10		1		30		

\*TB: thousand barrels

\*\*dp: days of production

I certify that this declaration is true and accurate.

\_\_\_\_\_  
(name of refinery)

Signature:

Title: \_\_\_\_\_

”.

**12.** This Regulation comes into force on (*insert the first day of the month that is 180 days after the date of its publication in the Gazette officielle du Québec*).

## Regulation to amend the Regulation respecting pulp and paper mills

Environment Quality Act  
(chapter Q-2, s. 95.1, 1st par., subpars. 3, 4, 20, 21, 24 and 25)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6, ss. 30 and 45)

**1.** The Regulation respecting pulp and paper mills (chapter Q-2, r. 27) is amended in the first paragraph of section 1

(1) by replacing “owner” and “person” in the definition of “complex” by “operator”;

(2) by striking out “intended for sale” at the end of the definition of “mill”.

**2.** Sections 24 and 25 are replaced by the following:

**24.** If a total production stoppage of 10 consecutive days or less occurs, the total daily TSS or BOD<sub>5</sub> loss may not exceed the daily discharge limit calculated under sections 29 and 31 or sections 37 and 39, as the case may be.

**25.** If a total production stoppage of more than 10 consecutive days occurs, the total daily TSS or BOD<sub>5</sub> loss may not exceed 25% of the daily discharge limit calculated under sections 29 and 31 or sections 37 and 39, as the case may be.”.



**3.** Section 62 is amended

(1) by replacing “2” at the end of the fourth paragraph by “5”;

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

“The log provided for in the fourth paragraph must be provided to the Minister at the Minister’s request within the time indicated.”

**4.** Section 64 is amended

(1) by replacing “2” by “5”;

(2) by adding the following paragraph:

“The log provided for in the first paragraph must be provided to the Minister at the Minister’s request within the time indicated.”

**5.** Section 70 is amended in the first paragraph

(1) by replacing subparagraph 1 by the following:

“(1) TSS:

(a) on each production day if an effluent is discharged into the environment, into a storm sewer or into a sewer system if, in the latter case, an effluent is also discharged into the environment or into a storm sewer;

(b) 3 times a week, on non-consecutive production days, if effluents are discharged into a sewer system;

(c) on each day or 3 times a week, as the case may be, for the first 10 days following a total production stoppage and throughout the duration of equipment maintenance work performed during the total production stoppage if such work continues for more than 10 days; and

(d) once a week for the remainder of the stoppage if wastewater from a storage area, leachate, municipal or industrial wastewater or septic tank sludge is discharged into the process water collection or treatment system or if cooking liquor or chemicals are stored in tanks of more than 1,000 litres;

(1.1) BOD<sub>5</sub>:

(a) 3 times a week, on non-consecutive production days;

(b) 3 times a week for the first 10 days following a total production stoppage and throughout the duration of equipment maintenance work performed during the total production stoppage if such work continues for more than 10 days; and

(c) once a week for the remainder of the stoppage if wastewater from a storage area, leachate, municipal or industrial wastewater or septic tank sludge is discharged into the process water collection or treatment system or if cooking liquor or chemicals are stored in tanks of more than 1,000 litres;”;

(2) by striking out subparagraph 4;

(3) by inserting “except if an effluent is discharged into a sewer system,” at the beginning of subparagraph 6;

(4) by striking out subparagraph 7;

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

“In the case of a total production stoppage, the requirements of subparagraphs 2 and 3 of the first paragraph no longer apply from the 60th day that follows the day on which the stoppage occurs if the standard provided for in subparagraph 2 of the first paragraph is complied with. The requirements continue to apply in the cases referred to in subparagraph *d* of subparagraph 1 and subparagraph *c* of subparagraph 1.1 of the first paragraph.”

**6.** Section 71 is amended

(1) in the first paragraph

(a) by striking out subparagraph 2;

(b) by inserting “except if an effluent is discharged into a sewer system,” at the beginning of subparagraph 3;

(c) by striking out subparagraph 4;

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

“Subparagraph 3 of the first paragraph does not apply in respect of an effluent that has not undergone treatment.”;

(3) in the third paragraph

(a) by replacing “the requirements in subparagraphs 1 and 2 of the first paragraph no longer apply from the 60th day that follows the day on which the stoppage occurs if all the standards are complied with. The requirements continue” by “the requirement in subparagraph 1 of the first paragraph no longer applies from the 60th day that follows the day on which the stoppage occurs if the standard is complied with. The requirement continues”;

(b) by adding “and subparagraph *c* of paragraph 1.1” before “of the first paragraph”.

**7.** Section 72 is amended by replacing “the BOD<sub>5</sub> each day at the sampling stations referred to in section 48” by “the BOD<sub>5</sub> 3 times a week at the sampling stations referred to in section 48, on the same non-consecutive production days”.

**8.** Section 80 is amended

(1) by striking out “and polychlorinated biphenyl” in the first paragraph;

(2) by replacing “2” in the third paragraph by “5”.

**9.** Section 86 is amended by replacing “2” by “5”.

**10.** Section 98 is amended by replacing “2” in the third paragraph by “5”.

**11.** Section 102 is replaced by the following:

“**102.** If the hydrogeological conditions are such that the water from a landfill site flows on the surface or resurfaces before 2 years and does not comply with the standards prescribed in section 104, a collection system must be installed and maintained so that the water is treated so as to comply with the standards, unless it is treated with the mill’s process water or discharged into a sewer system.”.

**12.** Section 105 is amended by replacing “2” in the sixth paragraph by “5”.

**13.** Section 112 is amended

(1) by replacing “In June and October” in the first paragraph by “In spring and fall”;

(2) by replacing “2” in the third paragraph by “5”.

**14.** Section 137.3 is amended

(1) by inserting “, log” after “report” in subparagraph *d* of paragraph 1;

(2) by striking out “or second” in paragraph 6;

(3) by striking out paragraphs 8 and 9.

**15.** Section 137.4 is amended

(1) by inserting the following after paragraph 8:

“(8.1) to install, calibrate or maintain in working order a system or device referred to in section 81, in the cases and on the conditions provided for in that section;”;

(2) by inserting the following after paragraph 9:

“(9.1) to install, maintain in working order, inspect or test a measurement and recording system in accordance with the second paragraph of section 105;”;

(3) by inserting “the second paragraph of” after “provided for in” in paragraph 13;

(4) by inserting the following after paragraph 14:

“(14.1) to install biogas measurement stations in accordance with the third paragraph of section 122, within the time and on the conditions provided for in that section;”.

**16.** Section 140 is replaced by the following:

“**140.** Every person who

(1) contravenes section 2 or 3, the second paragraph of section 7, section 9 or 11, the third or fifth paragraph of section 62, section 63, the second paragraph of section 64, section 66, any of sections 68 to 79, the first or second paragraph of section 80, any of sections 82 to 85, section 87, the first or second paragraph of section 98, the first, third, fourth or fifth paragraph of section 105, the first or second paragraph of section 112, the second paragraph of section 113 or the fourth or fifth paragraph of section 122;

(2) fails to inspect a flow measurement system in accordance with the first paragraph of section 64; or

(3) fails to continuously measure and record the flow of the leachate in accordance with the second paragraph of section 105 or to provide the Minister with the information referred to in that section, on the conditions provided for in that section;

commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 or, in other cases, to a fine of \$7,500 to \$1,500,000.”.

**17.** Section 141 is amended

(1) by inserting “, 81” after “section 67” in paragraph 1;

(2) by adding the following paragraph:

“(3) fails to install and maintain in working order a continuous measurement and recording system, to inspect that system on a monthly basis or to test its accuracy on an annual basis in accordance with the second paragraph of section 105;”.

**18.** Section 141.1 is amended by striking out paragraph 2.

**19.** Schedule VI is replaced by the following:

**“SCHEDULE VI**

(s. 70, 1st par., subpars. 2, 3 and 6, s. 71 and s. 80, 2nd par.)

**MONTHLY REPORT ON EFFLUENT CHARACTERISTICS**

NAME OF OPERATOR: \_\_\_\_\_

LOCATION OF MILL: \_\_\_\_\_

IDENTIFICATION OF EFFLUENT: \_\_\_\_\_

MONTH: \_\_\_\_\_ YEAR: \_\_\_\_\_

		(A)	(B)	(C)
Parameters	Date of sampling or date of flow measurement	Treated effluent (2)(4)	Untreated effluent (3)(4)	Final effluent (5)
Flow (m <sup>3</sup> /day) (1)				
Chemical oxygen demand (mg/l)				
Aluminium (mg/l)				
Copper (mg/l)				
Nickel (mg/l)				
Lead (mg/l)				
Zinc (mg/l)				

Toxicity (T.U.a) (rainbow trout)				
Chlorinated dioxins and furans (pg <sub>eq</sub> /s)				



Do not write in this space.

- (1) For each day on which an effluent is sampled, there must be a corresponding flow measurement for that effluent on that date.
- (2) This may refer to an effluent treated by primary treatment only, by biological treatment or by treatment of another type.
- (3) This refers to untreated effluent that is added to treated effluent.
- (4) If there is only 1 effluent, the data prescribed for columns A and B must be entered in Column C.
- (5) This refers to effluent discharged into the environment, into a storm sewer or into a sewer system.

Reasons for not sending:

---



---



---

”.

**20.** Schedule IX is replaced by the following:

**“SCHEDULE IX**

(s. 80, 2nd par.)

MONTHLY REPORT ON COMPLIANCE OF EFFLUENTS

NAME OF OPERATOR: \_\_\_\_\_

LOCATION OF MILL: \_\_\_\_\_

IDENTIFICATION OF EFFLUENT: \_\_\_\_\_

MONTH: \_\_\_\_\_ YEAR: \_\_\_\_\_

Parameters	Effluent treated biologically	Untreated effluent	Final effluent	Effluent treated other than biologically	Standards
Toxicity (rainbow trout)					<= 1 T.U.a or < 3 T.U.a
					<= 1 T.U.a
Chlorinated dioxins and furans					15 pg/l eq

Do not write in this space.

Reasons for excess or for not sending: \_\_\_\_\_

\_\_\_\_\_

Remedial measures implemented or planned: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

”.

**21.** This Regulation comes into force on (*insert the first day of the month that is 180 days after the date of its publication in the Gazette officielle du Québec*).

**Regulation to amend the Regulation respecting the quality of drinking water**

Environment Quality Act  
(chapter Q-2, s. 45 and s. 46, par. 2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6, s. 45)

**1.** The Regulation respecting the quality of drinking water (chapter Q-2, r. 40) is amended in section 14

(1) by inserting “manganese,” after “chlorates,” in the part before the table;

(2) by inserting “manganese,” after “chlorates,” in the table.

**2.** Section 49 is replaced by the following:

“**49.** Every person who contravenes section 17.1, the second or fourth paragraph of section 35, section 35.1, the first or fourth paragraph of section 36, the fifth paragraph of section 39, section 39.1, the second paragraph of section 44.2 or section 44.5 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.”

**3.** Schedule 1 is amended by inserting the following after the line beginning with “Lead” in the table in section 2:

“

Manganese	0.12	”
-----------	------	---

**4.** Schedule 4 is amended by inserting the following after the line beginning with “Lead” in the table on Preservation standards of inorganic substances in section 12 of Title II:

“

Manganese	AN	P or V	180 days	”
-----------	----	--------	----------	---

**5.** This Regulation comes into force on (*insert the date that is 1 year after the date of its publication in the Gazette officielle du Québec*).

## Regulation to amend the Regulation respecting hot mix asphalt plants

Environment Quality Act  
(chapter Q-2, s. 95.1, 1st. par., subpar. 4)

**1.** The Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended in section 15

(1) by replacing paragraph *a* by the following:

“(a) 2 mg/L of petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>);”;

(2) by replacing “25” in paragraph *b* by “50”.

**2.** Section 16 is amended by replacing “5.5” by “6”.

**3.** This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

106133

## Draft Regulations

Environment Quality Act  
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6)

### Sand pits and quarries

#### Biomedical waste

#### Operation of industrial establishments

#### Land Protection and Rehabilitation

#### Contaminated soil storage and contaminated soil transfer stations

#### Traceability of excavated contaminated soils

#### —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting sand pits and quarries, the Regulation to amend the Regulation respecting biomedical waste, the Regulation to amend the Regulation respecting the operation of industrial establishments, the Regulation to amend the Land Protection and Rehabilitation Regulation, the Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations and the Regulation to amend the Regulation respecting the traceability of excavated contaminated soils, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulations make various amendments to certain industrial activities and residual materials as well as contaminated soils.

The Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1) is amended to specify the requirement to identify the limits of a sand pit or quarry situated in the domain of the State. The draft Regulation respecting sand pits and quarries makes various amendments respecting the materials that may be stored and disposed of in a sand pit or quarry as well as their redevelopment options and related conditions. Lastly, some adjustments are made to the monetary administrative penalties and penal sanctions.

The Regulation respecting biomedical waste (chapter Q-2, r. 12) is amended to clarify certain materials that constitute non-anatomical waste within the meaning of the Regulation and certain waste not covered by the Regulation. The draft Regulation respecting biomedical waste determines how to treat cytotoxic medical waste. Amendments are also made to the provisions concerning the keeping of registers and the preparation of reports as well as the conservation and transportation of biomedical waste.

The Regulation respecting the operation of industrial establishments (chapter Q-2, r. 26.1) is amended to specify its scope for certain industrial sectors, particularly by harmonizing certain definitions with the Regulation respecting the environmental impact assessment and review of certain projects, including the definition of ore processing, and by determining capacity thresholds. Amendments are also made with respect to the calculation of the annual duties by providing for the increase of the basic unit rate, by revising certain weighting factors for arsenic and cadmium and by adding duties for the elimination of organic residual materials from pulp and paper mills in a landfill for such mills. Adjustments are also made to the terms of payment of such annual fees. The provisions concerning the keeping of records and the sending of annual reports are also adjusted.

The Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) is amended to provide that only one notice of cessation may be sent where an activity is also covered by the Regulation respecting the operation of industrial establishments that also includes such a requirement. The prohibition of disposal of contaminated soils in wetlands or bodies of water is also extended to anyone allowing such disposal.

The Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46) is amended to add the contaminated soil reclamation sites to locations where contaminated soils may be shipped.

The Regulation respecting the traceability of excavated contaminated soils (chapter Q-2, r. 47.01) is adjusted to amend the requirements that a person must meet to be qualified to give to the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks an attestation stating that all excavated contaminated soils transported during a project have been recorded on a tracking slip. The number of persons meeting the current requirements provided for in the Regulation is not sufficient for the needs of the system for the traceability of excavated contaminated soils. The amendments of those requirements will extend the pool of those persons to ensure a proper functioning of the system, while maintaining high qualification requirements.

The amendments to the Regulation respecting the operation of industrial establishments will result in additional costs for the industrial establishments covered by the Regulation due to the increase of the annual duties required for the discharge of certain contaminants. The regulatory streamlining proposed for the other Regulations will result in annual savings for the establishments covered by those Regulations and for certain enterprises generating biomedical waste.

Further information on the draft Regulations may be obtained by contacting Maude Durand, Acting Director, Bureau de stratégie législative et réglementaire, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 900, boulevard René-Lévesque Est, bureau 800, Québec (Québec) G1R 2B5; telephone: 418 521-3861, extension 4466; email: question.bslr@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to Maude Durand at the above contact information.

BENOIT CHARETTE

*Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks*

## **Regulation to amend the Regulation respecting sand pits and quarries**

Environment Quality Act

(chapter Q-2, s. 53.30, 1st par., subpar. 2, s. 70, par. 2, and s. 95.1, 1st par., subpars. 3, 5 and 28)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, ss. 30 and 45)

**1.** The Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1) is amended in section 21 by replacing “that is not located on lands in” in the portion before subparagraph 1 of the second paragraph by “and for which the surface mineral substance is not part of”.

**2.** Section 23 is amended

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

“The operator of a quarry or sand pit may store or eliminate particles or sludge or slurry in the quarry or sand pit only if they come,

(1) in the case of particles, from a catchment system used in the quarry or sand pit; and

(2) in the case of sludge or slurry, as the case may be,

(a) from sedimentation basins in the quarry or sand pit; or

(b) from cutting slurry generated by the dimension stone sector during a treatment of surface mineral substances.

Dust recovered from a dry dust collector system used by a hot mix asphalt plant may also be stored or eliminated in a quarry or a sand pit.”;

(2) by inserting “or second” after “the first” in the second paragraph.

**3.** Section 42 is amended in subparagraph 3 of the first paragraph,

(1) in subparagraph *a*,

(a) by inserting “de” in the French text before “la découverte”;

(b) by replacing “les” in the French text by “des”;

(2) by replacing subparagraph *c* by the following:

“(c) the sludge or slurry referred to in the first paragraph of section 23, insofar as their dryness, measured by a laboratory accredited by the Minister under section 118.6 of the Act, is equal to or greater than 15% and the sludge or slurry contains no free liquid;”;

(3) by replacing “recuperated by a catchment system installed in the quarry or sand pit and intended to prevent particle emissions into the atmosphere” in subparagraph *d* by “referred to in the first paragraph of section 23”;

(4) by inserting the following after subparagraph *e*:

“(f) in the case of a quarry only, concrete from category 1 demolition work as established in section 26 of the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49) and characterized according to the conditions set out in sections 20 and 26 of that Regulation, insofar as it is used as a draining layer or for a traffic area the design of which is covered in plans and specifications signed by an engineer.”.

**4.** Section 43 is amended by adding the following paragraph at the end:

“The time period provided for in the second paragraph for first obtaining an authorization or an amendment of an authorization does not apply to the operator who must

obtain the authorization to bury invasive exotic plant species as part of backfilling with soils referred to in subparagraphs *b* and *e* of subparagraph 3 of the first paragraph of section 42.”.

**5.** Section 44 is amended

(1) In the first paragraph

(a) by replacing “of the land” in subparagraph 1 by “of the disturbed sand”;

(b) by replacing “the land” in subparagraph 1 by “the sand”;

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

“In addition, where an invasive exotic plant species is buried as part of backfilling with soils referred to in subparagraphs *b* and *e* of subparagraph 3 of the first paragraph of section 42, the materials must be covered with at least 1 m of soil free of such species.

At all times, the storage or elimination in a sand pit of the materials referred to in section 23 or backfilling work in a sand pit carried out in accordance with section 42 must not give rise to the deposit of contaminants due to a human activity.”;

(3) by replacing “backfilling work in a quarry using the soils referred to in subparagraphs *b* and *e* of subparagraph 3 of the first paragraph of” in the fourth paragraph by “, the storage or elimination in a sand pit of the materials referred to in section 23 and backfilling in a quarry carried out in accordance with”.

**6.** Section 46 is amended by inserting the following paragraph after the first paragraph:

“For any backfilling under subparagraph *f* of subparagraph 3 of the first paragraph of section 42, the operator of a quarry must enter into a register

(1) the contact information of the concrete supplier and that of the carrier;

(2) the attestation filed by the supplier certifying the category of concrete or the results of chemical analyses conducted on the concrete;

(3) the identification of the concrete’s place of origin;

(4) the date on which the concrete is received; and

(5) the quantity of concrete received, in metric tons.”.



**7.** Section 48 is amended in the first paragraph

- (1) by inserting the following after subparagraph 20:

“(20.1) to provide a financial guarantee having a term of not less than 12 months, in contravention of the first paragraph of section 36;”;

- (2) by inserting the following after subparagraph 21:

“(21.1) to provide a guarantee complying with the second, third and fourth paragraphs of section 36;”.

- (3) in subparagraph 30

(a) by inserting “or second” after “first”;

(b) by replacing “second” by “third”;

(4) by replacing “particles or sludge that do not meet the conditions provided for in the first paragraph of” in the second paragraph by “materials that do not meet the conditions set out in”.

**8.** Section 53 is amended

(1) by replacing “or 22, the first paragraph of section 23, section” by “, 22,23 or”;

(2) by replacing “, 35 or 36, section” by “or 35, section 36.”.

**9.** Section 55 is amended by striking out paragraph 2.

**10.** This Regulation comes into force on (*insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec*).

## Regulation to amend the Regulation respecting biomedical waste

Environment Quality Act  
(chapter Q-2, s. 70, pars. 2, 5 and 8, and s. 95.1,  
1st par., subpars. 5 and 20)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6, ss. 30 and 45)

**1.** The Regulation respecting biomedical waste (chapter Q-2, r. 12) is amended in paragraph 3 of section 1

(1) by replacing “live vaccine” in subparagraph *c* by “live or attenuated vaccine from a medical or veterinary biology laboratory and the material that has come into contact with such vaccines”;

(2) in subparagraph *d*

(a) by replacing “medical care” by “medical, dental or veterinary care”;

(b) by inserting “or veterinary” after “in a medical”.

**2.** Section 2 is amended

(1) by replacing “that is in the possession of its owner” in paragraph 1.1 by “that is disposed of by its owner or sent to a cemetery, a crematorium or an alkaline hydrolysis establishment”;

(2) in paragraph 2

(a) by inserting “6.4.2.9,” after “6.4.1.16,”;

(b) by replacing “or 9.3.1.14” by “, 9.3.1.14, 10.3.1.15 or 10.3.1.18”.

**3.** Section 6 is amended by inserting the following after the first paragraph:

“Despite the first paragraph, non-anatomical biomedical waste contaminated by cytotoxic medications shall not be treated by incineration.

Treatment by disinfection shall reach a minimum level of efficiency of inactivation of *Geobacillus stearothermophilus* or *Bacillus atrophaeus* bacteria spores of 4 log 10 (or 99.99%) and a proven minimum efficiency rate of inactivation of mycobacteria of 6 log 10 (or 99.9999%).”.

**4.** Section 12 is replaced by the following:

“**12.** The operator of a biomedical waste generation site, a facility that treats biomedical waste by disinfection or incineration or that stores biomedical waste that ships biomedical waste shall keep a document demonstrating the shipment of the biomedical waste to a facility that may legally receive it and including the following information:

(1) the type of the biomedical waste shipped;

(2) the quantity;

(3) the information needed to identify the carrier and the recipient;

(4) the date of shipping.”.

**5.** Section 13 is amended in the first paragraph

(1) by inserting “off its generation site,” after “stores biomedical waste” in the portion before subparagraph 1;

(2) by adding “, if applicable” at the end of subparagraph 4.

**6.** Section 15 is amended by inserting “whose biomedical waste is treated on the premises” after “generation site” in the first paragraph.

**7.** Section 16 is amended

(1) by inserting “the documents or” after “prepare”;

(2) by replacing “3” by “5”;

(3) by adding “and send them to the Minister on request” at the end.

**8.** Section 22 is amended by adding “, except if they are preserved in preserving agents” at the end of the second paragraph.

**9.** Section 33 is amended by adding “, except if they are preserved in preserving agents” at the end.

**10.** Section 38 is revoked.

**11.** Section 39 is amended by replacing paragraph 1 by the following:

“(1) a refrigeration system capable of keeping the biomedical waste contained in the vehicle at less than 4 °C at all times, except the biomedical waste preserved in preserving agents, sharp medical objects and sharp household objects;”.

**12.** Section 40 is amended by inserting “biomedical waste preserved in preserving agents,” before “sharp medical objects” in the third paragraph.

**13.** Section 64.1 is amended by striking out paragraph 3.

**14.** Section 64.2 is amended

(1) in paragraph 1

(a) by adding “to keep the document prescribed by section 12 or” at the beginning;

(b) by striking out “12.”;

(2) by replacing “report or register” in paragraph 3 by “document, report or register”;

(3) by striking out paragraph 6.

**15.** Section 65 is amended by replacing “, paragraph 4 of section 36 or the second paragraph of section 38” by “or paragraph 4 of section 36”.

**16.** Section 66 is amended

(1) by replacing “17” by “16”;

(2) by striking out “or 38”.

**17.** Section 66.3 is amended by striking out paragraph 2.

**18.** Section 66.4 is amended by replacing “to 7” by “, 6”.

**19.** Schedule I is replaced by the following:

**“SCHEDULE**  
(Section 15)

ANNUAL REPORT ON BIOMEDICAL WASTE TREATMENT ON THE GENERATION SITE

**SCHEDULE I**

Annual report on biomedical waste  
treatment on the generation site

Section 15 of the Regulation respecting biomedical waste

REFERENCE YEAR: \_\_\_\_\_

GENERATOR	
Name of the establishment	
Address	
City or town	Postal code

PERSON IN CHARGE		
Surname	Given name	
Title		
Email address	Telephone number	Extension
Signature	Date	

TREATMENT EQUIPMENT ON SITE	
<input type="checkbox"/> Incineration treatment equipment	Treatment capacity _____ kg/h
<input type="checkbox"/> Disinfection treatment equipment	Treatment capacity _____ kg/h

CATEGORY 1- HUMAN ANATOMICAL WASTE			
Total quantity generated	_____ kg		
Total quantity incinerated on site	_____ kg		
Total quantity shipped out	Quantity (kg)	Name and address of carrier	Name and address of recipient
	_____ kg		
	_____ kg		
	_____ kg		

CATEGORY 2- ANIMAL ANATOMICAL WASTE			
Total quantity generated	_____ kg		
Total quantity incinerated on site	_____ kg		
Total quantity shipped out	Quantity (kg)	Name and address of carrier	Name and address of recipient
	_____ kg		
	_____ kg		
	_____ kg		

CATEGORY 3- NON-ANATOMICAL WASTE			
Total quantity generated	_____ kg		
Total quantity incinerated on site	_____ kg		
Total quantity disinfected on site	_____ kg		
Total quantity shipped out	Quantity (kg)	Name and address of carrier	Name and address of recipient
	_____ kg		
	_____ kg		
	_____ kg		

**20.** Schedule II is replaced by the following:

**“SCHEDULE**  
(Section 15)

**ANNUAL BIOMEDICAL WASTE MANAGEMENT REPORT**

**SCHEDULE II**

Annual biomedical waste management  
report

Section 15 of the Regulation respecting biomedical waste

REFERENCE YEAR: \_\_\_\_\_

ACTIVITIES			
Transport	Storage	Treatment by disinfection	Treatment by incineration

OPERATOR	
Name	
Address	
City or town	Postal code

PERSON IN CHARGE		
Surname	Given name	
Title		
Email address	Telephone number	Extension
Signature	Date	

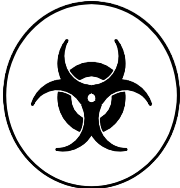
INFORMATION ON QUANTITIES RECEIVED AND SHIPPED OUT			
Name and address of generator	Total quantity (kg)	Name and address of carrier Same as above or:	Name and address of recipient
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		

INFORMATION ON QUANTITIES RECEIVED AND SHIPPED OUT			
Name and address of generator	Total quantity (kg)	Name and address of carrier Same as above or:	Name and address of recipient
	_____ kg		
	_____ kg		
	_____ kg		
	_____ kg		
	_____ kg		
	_____ kg		
	_____ kg		
	_____ kg		
	_____ kg		
	_____ kg		

**21.** Schedule III is replaced by the following:

“**SCHEDULE**  
(Section 23)

IDENTIFICATION LABEL FOR A GENERATOR OF BIOMEDICAL WASTE

	<h2 style="margin: 0;">BIOMEDICAL WASTE</h2>
<p><b><u>CATEGORY OF WASTE</u></b></p>	
<p>1- <input type="checkbox"/> HUMAN ANATOMICAL WASTE</p> <p>2- <input type="checkbox"/> ANIMAL ANATOMICAL WASTE</p> <p>3- <input type="checkbox"/> NON-ANATOMICAL WASTE</p> <p style="padding-left: 20px;"><input type="checkbox"/> SHARP OR BREAKABLE OBJECTS</p> <p style="padding-left: 20px;"><input type="checkbox"/> CONTAMINATED BY CYTOTOXIC MEDICATIONS</p>	
<p><b><u>GENERATOR</u></b></p>	
<p><b>NAME OF ESTABLISHMENT OR FIRM NAME:</b></p> <p>_____</p> <p>_____</p>	
<p><b>ADDRESS:</b></p> <p>_____</p> <p>_____</p> <p>_____</p>	
<p><b>NAME OF PERSON IN CHARGE:</b> _____</p>	
<p><b>TELEPHONE NUMBER OF PERSON IN CHARGE:</b> _____</p>	

**22.** Schedule IV is revoked.

**23.** This Regulation comes into force on *(insert the date that is 180 days after the date of its publication in the Gazette officielle du Québec)*.



## Regulation to amend the Regulation respecting the operation of industrial establishments

### Environment Quality Act

(chapter Q-2, s. 31.10, s. 31.29, pars. 2 and 3, s. 31.41, pars. 6.1 and 6.2, and s. 95.1, 1st par., subpars. 20 and 21)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, ss. 30 and 45)

**1.** The Regulation respecting the operation of industrial establishments (chapter Q-2, r. 26.1) is amended by replacing section 0.1 by the following:

“**0.1.** Division III of Chapter IV of Title I of the Environment Quality Act (chapter Q-2) and this Regulation apply to the following industrial establishments, on the basis of their primary activity and, where applicable, according to the North American Industry Classification System (NAICS) Canada 2022 Version 1.0:

(1) an establishment manufacturing pulp or a paper product within the meaning of section 1 of the Regulation respecting pulp and paper mills (chapter Q-2, r. 27), except an establishment of which the maximum annual production capacity is lower than 40,000 metric tons and whose process water is entirely discharged into system or recirculated;

(2) an establishment that operates a mine if the maximum annual ore mining capacity is equal to or greater than 2,000,000 metric tons;

(2.1) an establishment engaged in ore processing if the maximum annual processing capacity is equal to or greater than 50,000 metric tons;

(3) an establishment engaged in clay building material or refractory manufacturing (32712) if the maximum annual clay or refractory brick production capacity is equal to or greater than 20,000 metric tons;

(4) an establishment engaged in glass manufacturing (327214) if the maximum annual production capacity is equal to or greater than 50,000 metric tons;

(5) an establishment engaged in manufacturing Portland cement (32731);

(6) an establishment engaged in quicklime or hydrated lime manufacturing (32741);

(7) an establishment engaged in other non-metallic mineral products manufacturing if it manufactures silicon and if the maximum annual production capacity is equal to or greater than 20,000 metric tons of silicon;

(8) an establishment engaged in iron and steel mills and ferroalloy manufacturing (33111) if the maximum annual production capacity of one or more of the following materials is equal to or greater than 20,000 metric tons:

(a) pig iron;

(b) steel;

(c) stainless steel;

(d) ferroalloys;

(9) an establishment engaged in the primary production of alumina and aluminum (331313) if the maximum annual production capacity is equal to or greater than 20,000 metric tons;

(10) an establishment engaged in non-ferrous metal smelting and refining (33141) if the maximum annual production or refining capacity is equal to or greater than 20,000 metric tons.

For the purposes of subparagraph 2.1 of the first paragraph, “ore processing” means any activity for the beneficiation of an ore, a concentrate or mine tailings by a mineralurgical process that allows the separation of minerals. Agglomerate manufacturing operations are also included in ore processing activities.

For the purposes of this section, all activities carried on in the context of the operation of an industrial establishment are considered to form part of an industrial establishment referred to in the first paragraph.”

## **2.** Section 12 is amended

(1) by replacing the amount “\$1,000,000” wherever it appears by “\$2,000,000”;

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

“(3) for organic residual materials from pulp and paper mills disposed of in a landfill for pulp and paper mills, an amount corresponding, for each metric ton of materials,

(a) for the years 2024 and 2025, to \$10;

(b) for the years 2026 and 2027, to \$20;

(c) for the years 2028 and 2029, to \$30;

- (d) for the years 2030 and 2031, to \$40;
- (e) for the year 2032, to \$48 and, for each following year, to the amount of the previous year increased by \$2.”;
- (3) by replacing “and 2” in the second paragraph by “, 2 and 3”;
- (4) by replacing “cheque or money order, made out to the Minister of Finance, prior to 1 April” in the third paragraph by “electronic means prior to 1 June”;
- (5) by inserting the following after the third paragraph:
- “Despite the third paragraph, the payment of the annual duties exigible for the year 2023 may also be made by cheque or money order, made out to the Minister of Finance, prior to 1 June 2024.”;
- (6) by striking out the fourth paragraph.

**3.** Section 14 is amended by replacing “2” in the fourth paragraph by “5”.

**4.** Section 15 is amended

(1) by replacing “last holder of an authorization to operate an industrial establishment during a calendar year shall send to the Minister, prior to 1 April of the following year, an annual report updated to 31 December” in the portion before paragraph 1 by “holder of an authorization to operate an industrial establishment must send to the Minister, prior to 1 June of the following year, an annual report of the preceding calendar year, updated to 31 December.”;

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

“The report must also contain the detailed calculation of the annual duties exigible under section 12, including the method used to determine the annual tonnage, as the case may be,

- (1) of contaminants discharged, from among those listed in Schedule I;
- (2) of mine tailings deposited in an accumulation area;
- (3) of organic residual materials from pulp and paper mills in a landfill for pulp and paper mills.”.

**5.** Section 20 is amended in the second paragraph

- (1) by striking out the words “prerequisite” and “to be” in subparagraph 2;
- (2) by inserting “has implemented and” after “holder” in subparagraph 3.

**6.** Section 20.1 is amended

- (1) by striking out paragraph 2;
- (2) by striking out paragraph 6.

**7.** Section 20.3 is amended by inserting “or fourth” after “third”.

**8.** The following is added after section 20.3:

“**20.3.1.** A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in the other cases may be imposed on every person who fails to 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.”.

**9.** Section 20.4 is amended

- (1) by striking out the words “the fourth paragraph of section 12 or”;
- (2) by replacing “, 15, 19 or 20” by “or 15”.

**10.** Section 20.6 is amended by inserting by inserting “or fourth” after “third”.

**11.** Section 20.7 is amended by replacing “, pursuant to this Regulation, makes a declaration, communicates information or files a document that is false or misleading” by “contravenes section 20”.

**12.** Schedule I is amended

- (1) by replacing the amount “\$2.20” wherever it appears by “\$9.08”;
- (2) by replacing the line starting with “Arsenic (As)” in Table II by the following:

	50,000 (year 2024)
Arsenic (As)	75,000 (year 2025)
and cadmium (Cd)	100,000 (as of 2026)
Chromium (Cr) and lead (Pb)	200”.

”.

**13.** The authorizations issued under subparagraph 1 of the first paragraph of section 0.1 of the Regulation respecting the operation of industrial establishments

(chapter Q-2, r. 26.1) prior to 1 January 2024 for the operation of an establishment that will no longer be covered by that subparagraph as of that date for the purposes of this Regulation are deemed to be issued under the second paragraph of section 22 of the Environment Quality Act (chapter Q-2) and remain valid for an indeterminate term, and the conditions prescribed therein under section 31.12 of that Act are deemed to be prescribed under section 25 of that Act.

The holder of such an authorization is still required, for its activities in the year 2023, to pay the annual duties exigible under section 12 of the Regulation respecting the operation of industrial establishments, as it read prior to 1 January 2024, in accordance with that section, as well as to submit an annual report in accordance with section 15 of that Regulation, prior to 1 June 2024.

**14.** This Regulation comes into force on 1 January 2024.

## Regulation to amend the Land Protection and Rehabilitation Regulation

Environment Quality Act  
(chapter Q-2, s. 31.69, par. 2.1, and s. 95.1, 1st. par., subpar. 3)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6, ss. 30 and 45)

**1.** The Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) is amended in section 13.0.1 by adding the following paragraph at the end:

“Where the activity referred to in the first paragraph is also referred to in section 0.1 of the Regulation respecting the operation of industrial establishments (chapter Q-2, r. 26.1), only 1 notice of cessation of that activity may be sent, within 60 days after the cessation of the activity, provided that the notice contains the information and documents provided for in the second paragraph of section 20 of that Regulation, as well as those provided for in the first paragraph of this section.”

**2.** Section 13.0.3 is amended by inserting “nor allow them to be disposed of” after “soils”.

**3.** Section 13.2 is amended by striking out paragraph 5.

**4.** Section 13.5 is amended by inserting the following after paragraph 2:

“(2.1) to send to the Minister a notice containing the information and documents required by section 13.0.1, within the time prescribed therein;”.

**5.** Section 14.1 is amended by replacing “, the first paragraph of section 9 or section 13.0.1” by “or the first paragraph of section 9”.

**6.** Section 14.4 is amended

(1) by inserting “13.01,” after “section 8 or section” in paragraph 1;

(2) by striking out paragraph 2.

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

## Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations

Environment Quality Act  
(chapter Q-2, s. 31.69, par. 5)

**1.** The Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46) is amended in section 6 by inserting the following after subparagraph 4 of the second paragraph:

“(4.1) a contaminated soil reclamation site;”.

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

## Regulation to amend the Regulation respecting the traceability of excavated contaminated soils

Environment Quality Act  
(chapter Q-2, s. 95.1, 1st par., subpars. 3, 7 and 21)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(chapter M-11.6, ss. 30 and 45)

**1.** The Regulation respecting the traceability of excavated contaminated soils (chapter Q-2, r. 47.01) is amended in section 16

(1) by replacing “from a qualified person” in the first paragraph by “signed by a professional”;

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

“A professional referred to in the first paragraph refers to a professional within the meaning of section 1 of the Professional Code (chapter C-26). The following persons are also deemed to be a professional:

(1) a person authorized by a professional order to perform an activity reserved for the members of the order;

(2) a person licensed or certified in site characterization and site rehabilitation by a certification body accredited by the Standards Council of Canada under ISO Standard 17024.”

**2.** Section 26 is amended by replacing “given by a person” in paragraph 2 by “signed by a professional”.

**3.** Section 32 is amended by replacing “given by a person” in paragraph 2 by “signed by a professional”.

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

106134

## Draft Regulations

Act respecting threatened or vulnerable species  
(chapter E-12.01)

Act respecting certain measures enabling the enforcement  
of environmental and dam safety legislation  
(chapter M-11.6)

Pesticides Act  
(chapter P-9.3)

Dam Safety Act  
(chapter S-3.1.01)

### Threatened or vulnerable plant species and their habitats

#### Pesticides management

#### Permits and certificates for the sale and use of pesticides

#### Dam safety

#### — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting threatened or vulnerable plant species and their habitats,

the Regulation to amend the Pesticides Management Code, the Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides and the Regulation to amend the Dam Safety Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulations make amendments, in particular, to implement the provisions of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (chapter 8 of the Statutes of 2022). Various other amendments are also made to the Regulations.

The Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3) is amended to allow wild leek plants to be transplanted under certain conditions. Two plant habitats are removed from the Regulation, while eight new plant habitats are added and changes are made to the description of several plant habitats. Some servicing activities carried out by Hydro-Québec and the Minister responsible for the Act respecting roads (chapter V-9) are permitted under certain conditions. Lastly, monetary administrative penalties and penal sanctions are added to the Regulation for failures to comply with the new provisions.

The Pesticides Management Code (chapter P-9.3, r. 1) is amended, in particular, to restrict the use of pesticides in the urban environment, to strengthen, except in certain cases, the rules governing pesticides used to maintain green areas and indoor plants or for pest control, and to update the rules governing the pesticides whose use is authorized inside or outside day care centres and schools. Other amendments allow the application of pesticides along watercourses, in particular for research and experimental projects and to control certain plants which are toxic on contact, as well as certain invasive exotic plants. A prohibition on the possession of a pesticide containing a prohibited active ingredient is added to the Regulation. To better protect aquatic life and bees, seeds coated with insecticides of the diamide Class will be subject to the agronomic justification and prescription already required for seeds coated with neonicotinoids. The planting of seeds coated with fungicides (Class 3B) is regulated. Monetary administrative penalties are added to the Regulation and the penal sanctions are modified.

The Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2) is amended to separate work on green areas and work on golf courses into two separate subclasses. The holders of a Retail Permit will now be required to provide the same information with respect to Class 1 to 3B pesticides as

the holders of a Wholesale Permit, making it possible to obtain a regional overview of pesticide sales in Québec. Adjustments are made to the rules governing the conservation of documents, the filing of documents with the Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs and the use of online services, while monetary administrative penalties are added and the penal provisions are modified.

Lastly, the Dam Safety Regulation (chapter S-3.1.01, r. 1) is amended to simplify the application of certain sections, in particular concerning the process for filing emergency action plans and impounded water management plans and the process for declaring “low capacity” dams. A deposit will no longer be required for the fees payable for an application for authorization. Other amendments are made to

—adjust the contents, in a targeted manner, of dam safety reviews and applications for authorization to clarify their contents and simplify their application;

—streamline and detail some of the requirements for dam safety reviews and approvals of descriptions of remedial work, and for the resulting implementation schedules;

—adjust the requirements for applications for authorization for work on dams in the “low” or “very low” failure consequence category, for which a dam safety review will no longer be required;

—add the definitions of the terms “newly listed dam” and “dam newly classified as a high-capacity dam” to the Regulation to prescribe and clarify the provisions that apply to such dams;

—specify the situations in which the Minister may review a dam’s category or classification;

—add monetary administrative penalties and modify the penal provisions.

The amendments made to the Regulation respecting threatened or vulnerable plant species and their habitats are not expected to have any economic impact on enterprises. The amendments made by the other draft Regulations will involve costs for enterprises, mainly to ensure improved monitoring for pesticides. Some savings will be generated by the streamlining of the Pesticides Management Code, the Regulation respecting permits and certificates for the sale and use of pesticides and the Dam Safety Regulation.

Further information on the draft Regulations may be obtained by contacting Maude Durand, Acting Director, Bureau de stratégie législative et réglementaire, Ministère

de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 900, boulevard René-Lévesque Est, bureau 800, Québec (Québec) G1R 2B5; telephone: 418 521-3861, extension 4466; email: question.bslr@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to Maude Durand at the above contact information.

BENOIT CHARETTE

*Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks*

## **Regulation to amend the Regulation respecting threatened or vulnerable plant species and their habitats**

Act respecting threatened or vulnerable species (chapter E-12.01, s. 10, par. 2, s. 16, 2nd par., subpars. 1 and 2, s. 17, 2nd par., subpars. 1 and 2, and s. 39, 1st. par., subpars. 1, 3 and 7, and 2nd par.)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, ss. 30 and 45)

**1.** The Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3) is amended in section 4 by adding the following paragraph at the end:

“A person may also transplant wild leek plants (*Allium tricoccum* var. *tricoccum* and *Allium tricoccum* var. *burdickii*) under the following conditions:

(1) the plants would otherwise be destroyed because of an activity that will be carried out on the harvest site, in accordance with the Environment Quality Act (chapter Q-2);

(2) the transplantation is carried out between 15 May and 15 June;

(3) the transplantation is carried out manually;

(4) the transplantation site has features and conditions that are favourable to the survival of the plants to be transplanted;

(5) where 500 or more plants are to be transplanted, the transplantation work is supervised by a person with qualifications in biology, ecology, forestry, horticulture or landscaping; and

(6) an activity report is sent electronically to the Minister, using the forms or templates available on the website of the Minister's department, in the 30 days following the transplantation.”

**2.** Section 7 is amended

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

— Alvar-de Quyon (Outaouais);

The habitat corresponds to lot 5 815 691, in the territory of Municipalité de Pontiac, Municipalité régionale de comté Les Collines-de-l'Outaouais. The habitat is demarcated on a chart prepared by the Minister;

— Battures-de-l'Île-aux-Oies (Chaudière-Appalaches);

The habitat corresponds to the marsh on the shores of the St. Lawrence River, in a place known and designated as “Battures de l'Îles aux Oies”, the western boundary of which is situated opposite lot 3 688 071 and the eastern boundary of which is situated opposite lot 3 474 982, in the territory of Municipalité de la paroisse de Saint-Antoine-de-l'Île-aux-Grues, Municipalité régionale de comté de Montmagny. The habitat is demarcated on a chart prepared by the Minister;

— Fief-de-Vitré (Chaudière-Appalaches);

The habitat corresponds to the intertidal zone, up to the boundary of the littoral zone, on the shores of the St. Lawrence River, from L'anse de Vincennes heading west up to lot 3 020 323, in the territories of Ville de Lévis and Municipalité de Beaumont, Municipalité régionale de comté de Bellechasse. The habitat is demarcated on a chart prepared by the Minister;

— Joannès (Abitibi-Témiscamingue);

The habitat corresponds to a group of springs situated approximately 2 kilometres to the north of Joannès lake, on the north side of Highway 117, in the territory of Ville de Rouyn-Noranda. The habitat is demarcated on a chart prepared by the Minister;

— Lac-Berry (Abitibi-Témiscamingue);

The habitat corresponds to the periphery of a spring and its effluents, including a part of lot 4 880 291, situated northwest of Berry lake, in the territory of Municipalité de Berry, Municipalité régionale de comté d'Abitibi. The habitat is demarcated on a chart prepared by the Minister;

— Marais-de-Saint-Jean-Port-Joli (Chaudière-Appalaches);

The habitat corresponds to the intertidal zone on the shores of the St. Lawrence River, up to the boundary of the littoral zone, up to Municipalité de Saint-Jean-Port-Joli, Municipalité régionale de comté de L'Islet, the western boundary of which is situated opposite lot 3 873 822 and the eastern boundary of which is situated opposite lot 6 369 963. The habitat is demarcated on a chart prepared by the Minister;

— Marais-Léon-Provancher (Capitale-Nationale);

The habitat corresponds to the intertidal zone, up to the boundary of the littoral zone, bounded on the shoreline by the Marais-Léon-Provancher nature reserve and to the east by the Battures-de-Saint-Augustin-de-Desmaures nature reserve, on the St. Lawrence River, in the territories of Ville de Neuville, Municipalité régionale de comté de Portneuf and Ville de Saint-Augustin-de-Desmaures. The habitat is demarcated on a chart prepared by the Minister;

— Ruisseau-des-Pères (Mauricie);

The habitat corresponds to an intertidal zone, up to the boundary of the littoral zone, to the east of the mouth of the Batiscan river, in the territory of Municipalité de Batiscan, Municipalité régionale de comté Les Chenaux. The habitat is demarcated on a chart prepared by the Minister;”;

(2) by replacing the description of the habitat of Baie-des-Anglais (Montérégie) by the following:

“The habitat corresponds to a zone situated northwest of the Marcel-Raymond ecological reserve, on the shores of the Richelieu river, to the west of Rang Mélaven road, in the territory of Municipalité d'Henryville, Municipalité régionale de comté du Haut-Richelieu. The habitat is demarcated on a chart prepared by the Minister;”;

(3) by replacing the description of the Boisé-de-Marly (Capitale-Nationale) habitat by the following:

“The habitat corresponds to lots 1 406 540, 1 660 355 and 1 660 358 situated in the Marly wooded area, in the territory of Ville de Québec (Sainte-Foy). The habitat is demarcated on a chart prepared by the Minister;”;

(4) by replacing “49-P, 51-P and 52-P of the third range of the cadastre of the parish of Saint-Grégoire” in the description of the Grand-Bois-de-Saint-Grégoire habitat by “4 160 249, 4 160 250 and 6 269 778”;

(5) by striking out the Hêtraie-du-Calvaire-d'Oka (Laurentides) habitat and its description;

(6) by replacing the description of the Île-Beaugard (Montérégie) habitat by the following:

“The habitat corresponds to the southern tier of lot 5 216 554 situated on Beauregard island, in the Beauregard island nature reserve, forming part of the îles de Verchères archipelago, in the territory of Municipalité de Verchères, Municipalité régionale de comté de Marguerite-d'Youville. The habitat is demarcated on a chart prepared by the Minister;”;

(7) by adding “The habitat is demarcated on a chart prepared by the Minister;” at the end of the description of the Île-Brisseau (Abitibi-Témiscamingue) habitat;

(8) by replacing the description of the Île-Rock (Montréal) habitat by the following:

“The habitat corresponds to a rocky island, named “île Rock”, and its littoral, situated in the Lachine Rapids, between Des Soeurs and Aux Chèvres islands, in the territory of Ville de Montréal (LaSalle). The habitat is demarcated on a chart prepared by the Minister;”;

(9) by replacing the Marais-de-la-Pointe-de-La Durantaye (Chaudière-Appalaches) habitat and its description by the following:

“—Marais-de-Saint-Michel-de-Bellechasse (Chaudière-Appalaches);

The habitat corresponds to the intertidal zone, up to the boundary of the littoral zone, to the west of the pier of Municipalité de Saint-Michel-de-Bellechasse, on the shores of the St. Lawrence River, in the Municipalité régionale de comté de Bellechasse. The habitat is demarcated on a chart prepared by the Minister;”;

(10) by replacing the description of the Marécage-de-la-Grande-Île (Lanaudière) habitat by the following:

“The habitat corresponds to the south-west part of lot 4 506 263 in the Grande-Île wildlife sanctuary, in the Îles de Sorel archipelago, in the territory of Municipalité de Saint-Ignace-de-Loyola, Municipalité régionale de comté de D'Autray. The habitat is demarcated on a chart prepared by the Minister;”;

(11) by replacing the description of the Marécage-de-l'Île-Bouchard (Lanaudière) habitat by the following:

“The habitat corresponds to a wetland complex, including a part of lot 3 731 028 on Bouchard island, forming part of the Îles de Verchères archipelago, in the

territory of Municipalité de la paroisse de Saint-Sulpice, Municipalité régionale de comté de L'Assomption. The habitat is demarcated on a chart prepared by the Minister;”;

(12) by replacing the description of the Marécage-de-l'Île-Marie (Montérégie) habitat by the following:

“The habitat corresponds to the channel between À Chalut and Marie islands, as well as to a strip of marshes and swamps situated on either side including a part of lots 5 216 557, 5 216 558 and 5 216 559, forming part of the Îles de Verchères archipelago, in the territory of Municipalité de Verchères, Municipalité régionale de comté de Marguerite-d'Youville. The habitat is demarcated on a chart prepared by the Minister;”;

(13) by replacing “194 of the 1st concession of the cadastre of the township of Chatham,” in the description of the Ormes-Lièges-du-Canton-de-Chatham (Laurentides) habitat by “4 422 524 at its southwestern extremity, a part of lot 4 423 878 at its western extremity and part of lot 4 424 034”;

(14) by replacing the description of the Parc-de-la-Plage-Jacques-Cartier (Capitale-Nationale) habitat by the following:

“The habitat corresponds to a section of the rocky cliffs of the promontory of Québec, in the territory of Ville de Québec (Sainte-Foy), bounded to the north by land owned by the Canadian National Railway Company and to the south by a drop-off. The habitat is demarcated on a chart prepared by the Minister;”;

(15) by replacing the description of the Parc-du-Mont-Royal (Montréal) habitat by the following:

“The habitat corresponds to a part of lot 1 354 904, situated in the north-east sector of Parc du Mont-Royal, in the territory of Ville de Montréal. The habitat is demarcated on a chart prepared by the Minister;”;

(16) by striking out the Vallée-du-Cor (Gaspésie-Îles-de-la-Madeleine) habitat and its description”.

**3.** Section 8 is replaced by the following:

“**8.** The prohibitions referred to in section 16 of the Act respecting threatened or vulnerable species (chapter E-12.01) do not apply to servicing activities of Hydro-Québec's power line network or of road infrastructures by the Minister responsible for the administration of the Act respecting roads (chapter V-9).

In addition, the prohibitions referred to in section 17 of the Act respecting threatened or vulnerable species do not apply to servicing activities of Hydro-Québec's power

line network carried out in a plant habitat to the extent that they are carried on without jeopardizing the viability of the threatened or vulnerable species and the components of the surroundings that ensure their survival.

For the purposes of this section, servicing activities include inspections, reconstruction, repairs and control of vegetation, and are carried out on the infrastructure concerned or in its right of way, without further impact on the natural environment.

Access to infrastructures concerned by servicing carried on in accordance with this section must be by existing roads, where they exist.”

**4.** Section 9 is amended by striking out “overhead”.

**5.** The following is inserted after section 9:

#### “DIVISION V.1

##### MONETARY ADMINISTRATIVE PENALTIES

**9.1.** A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on anyone who violates a condition provided for in any of subparagraphs 1, 5 or 6 of the second paragraph of section 4 for the transplantation of wild leek plants.

**9.2.** A monetary administrative penalty of \$750 in the case of a natural person and \$3,500 in any other case may be imposed on anyone who

(1) violates a condition provided for in any of subparagraphs 2, 3 or 4 of the second paragraph of section 4 for the transplantation of wild leek plants;

(2) does not use an existing road, where one exists, to access infrastructures concerned by servicing carried on in accordance with the first or second paragraph of section 8, in contravention of the fourth paragraph of this section.

#### DIVISION V.2

##### PENAL SANCTIONS

**9.3.** Anyone who contravenes any of subparagraphs 1, 5 or 6 of the second paragraph of section 4 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.

**9.4.** Anyone who contravenes any of subparagraphs 2, 3 or 4 of the second paragraph of section 4 or the fourth paragraph of section 8 commits an offence and is liable to a fine of \$4,000 to \$250,000 in the case of a natural person or \$12,000 to \$1,500,000 in any other case.”

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

## Regulation to amend the Pesticides Management Code

### Pesticides Act

(chapter P-9.3, ss. 101, 105, 105.1, 106, 107 and 109, 1st par., subpars. 10, 11, 11.2, 12 and 13)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, ss. 30 and 45)

**1.** The Pesticides Management Code (chapter P-9.3, r. 1) is amended by replacing “INTERPRETATION AND SCOPE” in the heading of Chapter I by “GENERAL”.

**2.** Section 1.1 is amended by inserting the following after subparagraph 5 of the first paragraph:

“(6) bioclimatic domains are those referred to in Schedule III of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).”

**3.** The following is inserted after section 1.1:

“**1.2.** For the purposes of this Code, any provision that applies to a pesticide also applies to each active ingredient it contains.”

**4.** Section 4 is amended by replacing “and 29 to 33” in the first paragraph by “, 29 to 33, 35, 38, 48.1 to 48.4, 50, 59, 60, 68, 76, 80, 86, 86.3 and 86.3”.

**5.** The following is inserted after 4:

“**4.1.** Any person who sends a notice to the Minister or any other information or document required under this Code must use the appropriate forms available on the website of the Minister’s department and file them electronically.”

**6.** Section 6 is amended by striking out “pesticide”.

**7.** Section 18 is amended by replacing “Holders of a Class A or Subclass B1, C4, C5 or D4 permit who store” by “A person who, as part of an activity described in permit Class A or permit Subclass B1, C4, C5 or D4, who stores”.



**8.** Section 19 is amended

(1) by replacing “Holders of a Class A or Subclass B1 permit who load or unload Class 1, Class 2 or Class 3” by “A person who, as part of an activity described in permit Class A or permit Subclass B1, loads or unloads”;

(2) by inserting “dans un lieu d’entreposage,” after “décharge,” in the French text.

**9.** Section 25 is replaced by the following:

“**25.** It is forbidden to sell or offer for sale Class 4 or 5 pesticides that contain

(1) one of the active ingredients listed in Schedule I and are intended to be applied on lawns, inert materials or decorative or ornamental plants;

(2) one of the active ingredients listed in Schedule III and are intended to be applied for the maintenance of indoor plants;

(3) one of the active ingredients listed in Schedule IV and are intended to be applied for pest control inside a building used as a dwelling;

(4) permethrin or pyrethrin and are intended to be applied on lawns, inert materials or decorative or ornamental plants or for the maintenance of indoor plants.”.

**10.** Section 27 is replaced by the following:

“**27.** It is forbidden, as part of an activity described in permit Class A or permit Class B, to place a pesticide in such manner that the customers can help themselves, except in the case of Class 3A or 3B pesticides or Class 4 pesticides used as wood preservatives or antifouling paint.”.

**11.** Section 29 is amended

(1) in the second paragraph

(a) by replacing “fir white” in subparagraph 3.1 by “fir-paper”;

(b) by adding the following at the end:

“(5) by injection into a tree or shrub to control or destroy harmful insects or protect it from parasitic diseases.”;

(2) by inserting “and 5” after “3.1” in the third paragraph.

**12.** The following is inserted after section 29:

“**29.1.** Despite section 29, a pesticide may be applied on the following conditions:

(1) it is applied by paint-on treatment, injection, basal application, cut stump application or foliar application using a backpack sprayer;

(2) it is applied under a program, directive or intervention plan established by the government, the federal government, a department or body of such a body or a municipality to control

(a) poison-ivy (*Toxicodendron radicans*);

(b) hogweed (*Heracleum sphondylium*);

(c) giant hogweed (*Heracleum mantegazzianum*);

(d) alder buckthorn (*Frangula alnus*);

(e) European buckthorn (*Rhamnus cathartica*);

(f) Japanese knotweed (*Reynoutria japonica*);

(g) giant knotweed (*Reynoutria sachalinensis*);

(h) the introduced subspecies of common reed (*Phragmites australis* (Cav.) Trin. ex Steud. subsp. *australis*);

(3) it is applied in the unwatered portion of the target site.

The species mentioned in subparagraph 2 of the first paragraph include all varieties, cultivars and hybrids of those species.

The person responsible for the work to apply a pesticide in accordance with this section must, at least 21 days before its application, notify the Minister and the local municipality concerned or, in the case of an unorganized territory, the regional county municipality concerned.”.

**13.** The following is inserted after section 30:

“**30.1.** Despite section 30, a pesticide may be applied on the following conditions:

(1) it is applied by paint-on treatment, injection, basal application, cut stump application or foliar application using a backpack sprayer or horizontal boom sprayer equipped with a wind guard;

(2) it is applied under a program, directive or intervention plan established by the government, the federal government, a department or body of such a body or a municipality to control or destroy a Class 1 plant under the Weed Seeds Order (SOR/2016-93);

(3) it is applied in the unwatered portion of the target site.

The person responsible for the application of a pesticide pursuant to this section must, at least 21 days before the application, notify the Minister and the local municipality concerned or, in the case of an unorganized territory, the regional county municipality concerned.

**30.2.** A notice sent pursuant to section 29.1 or 30.1 must contain the following information:

(1) the name and contact information of the person responsible for the work;

(2) the name and permit number of the permit holder proposing to apply the pesticide;

(3) the total area of the territory where each pesticide is to be applied;

(4) a description of the nature of the project and the justification for the use of the pesticide;

(5) a description of the pesticide application work;

(6) the name and registration number of each pesticide to be applied;

(7) the quantity, dosage and number of each pesticide application;

(8) the proposed dates for the work;

(9) the steps taken to inform the public, if the work is to be carried out in a place that is accessible to the public;

(10) the steps proposed to eliminate residual plant matter after treatment, if any;

(11) the revegetation program following the application of a pesticide in accordance with section 29.1.

The following documents must be sent with the notice:

(1) a map at a scale of at least 1:10 000 showing the pesticide application zone, the littoral zone boundary and the wetland boundary;

(2) a copy of the label of the pesticide or pesticides used.

**30.3.** The person responsible for work carried out in accordance with section 29.1 or 30.1 must, at the latest 2 months after the end of the application work, send a report on the pesticide application work carried out containing the following information:

(1) the name and permit number of the permit holder who carried out the work;

(2) a description of the various phytosanitary interventions conducted, including alternative pest control methods;

(3) the name and registration number of each pesticide applied;

(4) the quantity, dosage and number of applications;

(5) the dates on which the work was carried out;

(6) a description of the equipment used;

(7) a description of the changes made to the revegetation program since the notice sent pursuant to 29.1;

(8) a description of the results obtained through the application of the pesticide.

A map at a scale of at least 1:10 000 showing the pesticide application zones must be sent with the report.

The person responsible for the work must keep the report for a period of 5 years from the date of completion of the work and send a copy to every person authorized by the Minister who so requests.

**30.4.** Despite sections 29 and 30, a pesticide may be applied if its use is authorized as part of a research and experimental project in accordance with section 29 of the Environment Quality Act (chapter Q-2)."

**14.** Section 32.1 is amended

(1) in the first paragraph

(a) by replacing "a pesticide containing any of the following active ingredients" in the portion before subparagraph 1 by "any of the following pesticides";

(b) by replacing "cythruflin" in the portion of subparagraph 1 before subparagraph i by "a pesticide containing beta-cyfluthrin, cyfluthrin, imidacloprid or lambda-cyhalothrin";

(c) by inserting the following after subparagraph ii of subparagraph 1:

“iii. is carried out on a surface that is not accessible to children;”;

(d) by inserting “a pesticide containing” at the beginning of subparagraph 2;

(e) by replacing “bromadiolone in combination with denatonium benzoate or bromethalin in combination with denatonium benzoate” in the portion of subparagraph 3 before subparagraph i by “a pesticide”;

(f) by replacing “human beings and that are locked” in subparagraph i of subparagraph 3 by “a person”;

(g) by inserting the following after subparagraph 3:

“(4) a pesticide containing permethrin to control or destroy carpenter ants or termites if

i. the pesticide is applied on a surface that is not accessible to children;

ii. the pesticide is applied by the holder of a Subclass C5 permit.”;

(2) in the third paragraph

(a) by inserting “and no more than 5 days” after “hours”;

(b) by inserting “, the place where the pesticide is to be applied” after “the application of the pesticide”;

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

“The holder of a permit referred to in this section must also notify the administrator of the establishment of the time at which a pesticide referred to in the first or second paragraph is to be applied at least one hour before its application if the notice referred to in the third paragraph was sent between 48 hours and 5 days before the application of the pesticide.

Despite the third paragraph, no notice is needed before the application of a pesticide referred to in subparagraph 2 of the first paragraph.”.

**15.** Section 33 is amended

(1) in the first paragraph

(a) by striking out “of a biopesticide or”;

(b) by replacing “or 2” by “, 2 or 4”;

(2) by replacing the third paragraph by the following paragraphs:

“When the application of a pesticide referred to in the first paragraph is carried out inside

(1) an establishment referred to in paragraph 1 of section 32, it must be followed by a period of at least 24 hours before services or activities resume in the treated premises;

(2) an establishment referred to in paragraph 2 of section 32, it must be followed by a period of at least 12 hours before services or activities resume in the treated premises.

Despite subparagraph 2 of the third paragraph, if the pesticide applied in accordance with the first paragraph contains beta-cyfluthrin, cyfluthrin, imidacloprid, lambda-cyhalothrin or permethrin, a period of at least 24 hours must elapse before services or activities resume in the treated premises and must include a sufficient airing out period.”.

**16.** Section 48 is replaced by the following:

“48. It is prohibited to remove a sign or give access to treated premises as long as the concentration of fumigant in the premises has not stabilized below the concentrations given on the label of the fumigant.

IV – Indoor plant maintenance

**48.1.** A person who applies pesticides as described in a Subclass C10 or D10 permit may not apply a pesticide containing one of the active ingredients mentioned in Schedule III that is intended to be applied for indoor plant maintenance.

V - Pest control

**48.2.** A person who applies pesticides as described in a Subclass C5 or D5 permit may not apply a pesticide containing one of the active ingredients mentioned in Schedule IV inside a building used as a dwelling.

**48.3.** A person who applies pesticides as described in a Subclass C5 or D5 permit may apply a pesticide to control or destroy rodents inside a building used as a dwelling only if the pesticide is used in the form of bait in a trap that prevents any contact with a person.

**48.4.** A person who applies pesticides as described in a Subclass C5 or D5 permit inside a building used as a dwelling must notify all the occupants of the building.

The notice must contain the following information in particular:

(1) at the top of the notice, the words “TRAITEMENT AVEC PESTICIDES” and a warning “NE PAS ENTRER EN CONTACT AVANT LE :” with the date and time of the end of the prohibition period in legible characters;

(2) beneath the words and warning, the following words:

(a) «Endroit traité »;

(b) «Numéro d’homologation »;

(c) «Nom commercial du pesticide »;

(d) «Titulaire du permis »;

(e) «Numéro de permis »;

(f) «Numéro de téléphone »;

(f.1) «Centre antipoison du Québec »;

(g) «Si un proche a été incommodé par des pesticides, amenez-le dans un endroit bien aéré et demandez-lui de se coucher sur le côté. Communiquez avec le Centre antipoison du Québec au 1 800 463-5060, et suivez à la lettre les directives qui vous seront données. Si l’état de la personne vous paraît grave, conduisez-la à l’hôpital en prenant soin d’apporter le présent avis.»;

and, for each item above, information about the place treated with the pesticide, the registration number of the pesticide, the trade name of the pesticide used, the name, permit number and telephone number of the permit holder, and the telephone number of the Centre antipoison du Québec.

A person who applies pesticides described in a Subclass C5 or D5 permit inside an establishment referred to in section 32 must notify the persons concerned. The notice must include the details and information set out in the second paragraph.

This section does not apply

(1) when the pesticide is applied by spraying or fumigation in accordance with section 43 or 46;

(2) when the pesticide is used in the form of bait in a trap that prevents any contact with a person.”.

**17.** Section 50 is amended

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

“(4) less than 3 m from the boundary of the land of an establishment referred to in section 32;

(5) less than 30 m from the boundary of the land of an establishment referred to in section 32 if applied using an air-blast sprayer other than a sprayer equipped with a horizontal ramp or tunnel sprayer;”;

(2) in the second paragraph

(a) by replacing “extermination” in subparagraph 1 by “pest management”;

(b) by replacing “ornamental horticulture” in subparagraph 2 by “green area management”;

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

“The prohibition set out in subparagraph 4 of the first paragraph applies only during the period when activities are dispensed inside or outside an establishment referred to in that subparagraph.”.

**18.** Section 53 is amended by inserting “and registration number” after “name” in the second paragraph.

**19.** Section 59 is amended by replacing “fir white” in subparagraph 7 of the first paragraph by “fir-paper”.

**20.** Section 64 is amended

(1) in the first paragraph

(a) by replacing «regional office of the Ministère du Développement durable, de l’Environnement et des Parcs» by «Minister»;

(b) by replacing “the municipality” by “the local municipality”;

(2) by replacing “at the regional office” in the portion of the second paragraph before subparagraph 1 by “by the Minister”.

**21.** The heading before section 67 is amended by replacing “Ornamental horticulture” by “Green area management”.

**22.** Section 67 is amended by inserting “or D4” after “C4”.

**23.** The following is inserted after section 67:

“**67.1.** A person who applies pesticides as described in a Subclass C11 or D11 permit may not apply a pesticide less than 3 m from the boundary of the land concerned or from a building used as a dwelling.”

**24.** The heading before section 68 is amended by replacing “Ornamental horticulture and extermination” by “Green area management and pest management”.

**25.** Section 68 is amended

(1) by replacing “on a lawn” in the first paragraph by “, on inert materials or on decorative or ornamental plants”;

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

“Despite the first paragraph, a pesticide may be applied

(1) as an injection into decorative or ornamental plants if

(a) the necessary measures are taken to prevent any person from coming into contact with the injector;

(b) the injection holes are sealed after the application;

(2) in the form of a bait trap preventing contact with any person.”

**26.** Section 69 is amended by replacing “D4 or D5” by “C11, D4, D5 or D11”.

**27.** Section 71 is amended

(1) in the first paragraph

(a) by replacing “or a paved surface or on trees or ornamental or decorative bushes” by “, on inert materials or on decorative or ornamental plants”;

(b) by adding “and at the foot of each decorative or ornamental plant treated individually” at the end;

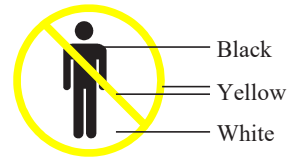
(2) in the third paragraph

(a) by striking out “a pesticide application on a golf course or”;

(b) by replacing “ornamental or decorative” by “decorative or ornamental”.

**28.** Section 72 is amended

(1) by replacing the pictogram in subparagraph *b* of subparagraph 1 of the first paragraph by the following:



(2) by inserting “or inert materials” after “plants” in subparagraph *c* of subparagraph 1 of the first paragraph;

(3) by striking out the second paragraph.

**29.** Section 74.5 is amended in the first paragraph

(1) by replacing «regional office of the Ministère du Développement durable, de l'Environnement et des Parcs» by «Minister»;

(2) by replacing “the municipality” by “the local municipality”.

**30.** Section 74.6 is amended by striking out “issued under the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2)” in paragraph 5.

**31.** Section 74.7 is amended by striking out “issued under the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2)” in subparagraph 2 of the first paragraph.

**32.** Section 76 is amended by adding the following at the end of the first paragraph:

“(4) less than 30 m from the boundary of the land of an establishment referred to in section 32 if the height of the application apparatus from the ground is less than 5 m, and less than 60 m from the boundary of the land if the height of the application apparatus from the ground is 5 m or more.”.

**33.** Section 83 is amended in the first paragraph

(1) by replacing «regional office of the Ministère du Développement durable, de l'Environnement et des Parcs» by «Minister»;

(2) by replacing “the municipality” by “the local municipality”.

**34.** Section 86 is amended by replacing “or protected immovable” in the first paragraph by “, protected immovable or bicycle path physically separated from the automobile traffic and that has its own right of way”.

**35.** Section 86.2 is amended in the first paragraph

(1) by replacing “3A” in the portion before subparagraph 1 by “3B”;

(2) by inserting “or 3B” after “3A” in subparagraph 7;

(3) by inserting “or 3B” after “3A” in subparagraph 9.

**36.** The following chapters are inserted after section 86.2:

#### “CHAPTER IV. 1 POSSESSION

**86.3.** It is forbidden for a permit holder or certificate holder to possess a pesticide without holding a permit or certificate that permits its use or sale.

#### CHAPTER IV. 2 MONETARY ADMINISTRATIVE PENALTIES

**86.4.** 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 send a declaration or provide information or a document required under this Code or to comply with the terms and conditions for sending such a declaration or providing such information or document, in cases in which no monetary administrative penalty is otherwise provided for such a failure;

(2) fails to send a report or an agronomic prescription or agronomic justification in accordance with the third paragraph of section 30.3, the fourth paragraph of section 74.3, the fifth paragraph of section 74.4 or the second paragraph of section 88.1, or to keep it for the period specified in those sections;

(3) fails to keep information or a document in a register referred to in this Code for the time prescribed by section 65, 84 or 86.2;

(4) fails to have an agronomic plan or prescription signed by an agronomist who is a member of the Ordre des agronomes du Québec in accordance with the third paragraph of section 73 or the second paragraph of section 74.4;

(5) fails to have an agronomic justification or agronomic prescription numbered in accordance with the second or fourth paragraph of section 74.4 or the third paragraph of section 88.1.

**86.5.** A monetary administrative penalty of \$350 in the case of a natural person or \$1,500 in other cases may be imposed on any person who

(1) fails to include a warning, pictogram or information on a poster as provided for in section 21, section 44 or 47, the second or third paragraph of section 57, section 72, the second, third or fourth paragraph of section 74 or section 74.6, or fails to meet any other condition for a poster in those sections;

(2) fails to update a register provided for in this Code, to enter a document or information in such a register, or to sign or have signed an entry in such as register;

(3) fails to send a notice in accordance with section 29.1, 30.1, 32.1, 64, 74.5 or 83;

(4) fails to send, contained in a notice, the information referred to in section 30.2 or 74.7 or to send the necessary documents with the notice as required by those sections;

(5) fails to produce a report in accordance with the first and second paragraphs of section 30.3 or to send a report with the contents required by section 85, within the time prescribed in those sections;

(6) fails to include information on a feeder in accordance with the second paragraph of section 53;

(7) fails to publish a message describing the work to be carried out in a newspaper circulated in the territory where the work will be carried out or broadcast the message on a radio or television station in that territory, in accordance with section 58, the first paragraph of section 63, or section 82, or to comply with the standards for such a message set out in the second or third paragraph of section 63.

**86.6.** 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 maintain in force, for the entire duration of storage, a civil liability insurance contract for damage to the environment arising from storage activities or from sudden and accidental events occurring on the storage premises, in contravention of section 23 or 24;

(2) applies a pesticide in accordance with an agronomic justification or agronomic prescription that does not comply with the conditions in the second or third paragraph of section 74.3.

**86.7.** 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 store a pesticide in accordance with the conditions of section 5 or 18;

(2) fails to keep a tank or mobile tank closed outside of leading and unloading periods in accordance with section 9;

(3) installs a tank elsewhere than in a containment works in contravention the first paragraph of section 10 or fails to protect it from vehicle impact in accordance with that section;

(4) installs a tank in a containment works if the containment works cannot contain at least 110% of the capacity of the largest tank or largest mobile tank installed or placed at the containment works, in contravention of the second paragraph of section 10 or the second paragraph of section 11;

(5) places a mobile tank elsewhere than in a containment works in contravention of the first paragraph of section 11;

(6) fails to comply with a provision of this Code for the preparation, application, loading or unloading of a pesticide as provided for in section 12 or 19, the first or second paragraph of section 38, section 56, 62, 67 or 69, the second paragraph of section 70, or section 77 or 78;

(7) fails to remove a pesticide or rainwater that have accumulated in a containment works in accordance with section 13;

(8) stores pesticides in a tank, mobile tank or tank car and fails to control the use of the loading and unloading pipes by means of a safety device that prevents their use outside loading and unloading periods in accordance with section 14;

(9) does not have, on the premises where pesticides are stored, adequate equipment and material capable of stopping any leak or release of pesticides and, if required, of cleaning the premises in accordance with the first paragraph of section 20;

(10) fails to post or install a sign or fails to post a sign at premises in accordance with the first paragraph of section 21, section 43, the second or third paragraph of section 46, the first or fourth paragraph of section 57, the first or second paragraph of section 71, section 74 or 74.6 or section 81, or to maintain a sign in place for the period mentioned in those provisions;

(11) places a pesticide in such manner that the customers can help themselves, in contravention of section 27;

(12) uses equipment to apply, load or unload pesticides that does not meet the conditions of section 39;

(13) fails to comply with the conditions for carrying out a fumigation in section 46;

(14) removes a sign in contravention of section 48;

(15) fails, when applying a pesticide, to notify the occupants of a building or the persons concerned by the application of a pesticide in an establishment referred to in section 32 in accordance with the first paragraph of section 48.4 or to provide in the notice the information prescribed by the second paragraph of that section;

(16) fails to place birdseed treated with an avicide in a feeder equipped with a device preventing the wind from carrying the seed away, as prescribed by the first paragraph of section 53.

**86.8.** A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in other cases may be imposed on any person who

(1) fails to notify Urgence-Environnement in accordance with section 6;

(2) starts work to apply a pesticide before the publication, broadcasting or sending of a notice or message in contravention of the second paragraph of section 58, the fourth paragraph of section 63, the fourth paragraph of section 64, the second paragraph of section 82 or the second paragraph of section 83, or before the expiry of the period provided for in the second paragraph of section 74.5;

(3) fails to send the Minister a pesticide reduction plan in accordance with the first and second paragraphs of section 73.

**86.9.** A monetary administrative penalty of \$1,500 in the case of a natural person or \$7,500 in other cases may be imposed on any person who

- (1) buries a pesticide tank in contravention of section 8;
- (2) stores a pesticide in contravention of section 15, 16 or 17;
- (3) sells or offers for sale a pesticide in contravention of section 25 or 26;
- (4) uses a pesticide containing one of the active ingredients listed in section 28;
- (5) applies a pesticide in contravention of section 29.1, 30.1, 31, 32, 32.1, 42, 51, 55, 61, 67.1, 68 or 74.1;
- (6) fails to comply with a condition of this Code for the application of a pesticide prescribed by section 33, 48.1, 48.2 or 48.3, the first paragraph of section 74.3 or the first or third paragraph of section 74.4;
- (7) prepares or applies a pesticide in contravention of section 35, 36 or 37;
- (8) fails to send an agronomic prescription with an agronomic justification in accordance with section 74.2;
- (9) fails to obtain an agronomic prescription or agronomic justification in accordance with the second or fourth paragraph of section 74.4 within the time provided for in that section;
- (10) possesses a pesticide in contravention of section 86.3;
- (11) fails to keep an agronomic justification for the period prescribed by the second paragraph of section 88.1 or to include all the information required by that section;
- (12) fails to obtain the opinion of an agrologist in accordance with the third paragraph of section 88.1 within the time prescribed by that section.

**86.10.** A monetary administrative penalty of \$2,000 in the case of a natural person or \$10,000 in other cases may be imposed on any person who

- (1) fails to take measures to stop the leak or release of pesticides or to clean the premises in accordance with the second paragraph of section 20 or the third paragraph of section 38;
- (2) applies a pesticide in contravention of section 29, 30, 40, 45, 50, 52, 59, 60, 76, 80 or 86;
- (3) fails, before any pesticide application, to take measures to ensure that no livestock or pets remain in the premises treated in accordance with the first paragraph of section 46;

(4) fails, before any pesticide application, to take measures to avoid contaminating a surface or object that must not be treated or to ensure that no pet is exposed to the pesticide, in contravention of the first paragraph of section 70.”

**37.** Section 87 is replaced by the following:

“**87.** Every person who

(1) fails to send a declaration or provide information or a document required under this Code or to comply with the terms and conditions for sending such a declaration or providing such information or document, in cases in which no monetary administrative penalty is otherwise provided for such a failure,

(2) fails to send a report or an agronomic prescription or agronomic justification in accordance with the third paragraph of section 30.3, the fourth paragraph of section 74.3, the fifth paragraph of section 74.4 or the second paragraph of section 88.1, or to keep it for the period specified in those sections,

(3) fails to keep information or a document in a register referred to in this Code for the time prescribed by section 65, 84 or 86.2,

(4) fails to have an agronomic plan or prescription signed by an agronomist who is a member of the Ordre des agronomes du Québec in accordance with the third paragraph of section 73 or the second paragraph of section 74.4,

(5) fails to have an agronomic justification or agronomic prescription numbered in accordance with the second or fourth paragraph of section 74.4 or the third paragraph of section 88.1,

commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 or, in other cases, to a fine of \$3,000 to \$600,000.

**87.1.** Every person who

(1) fails to include a warning, pictogram or information on a poster as provided for in section 21, section 44 or 47, the second or third paragraph of section 57, section 72, the second, third or fourth paragraph of section 74 or section 74.6, or fails to meet any other condition for a poster in those sections,

(2) fails to update a register provided for in this Code, to enter a document or information in such a register, or to sign or have signed an entry in such as register,



(3) fails to send a notice in accordance with section 29.1, 30.1, 32.1, 64, 74.5 or 83,

(4) fails to send, contained in a notice, the information referred to in section 30.2 or 74.7 or to send the necessary documents with the notice as required by those sections,

(5) fails to produce a report in accordance with the first and second paragraphs of section 30.3 or to send a report with the contents required by section 85, within the time prescribed in those sections;

(6) fails to include information on a feeder in accordance with the second paragraph of section 53,

(7) fails to publish a message describing the work to be carried out in a newspaper circulated in the territory where the work will be carried out or broadcast the message on a radio or television station in that territory, in accordance with section 58, the first paragraph of section 63, or section 82, or to comply with the standards for such a message set out in the second or third paragraph of section 63,

commits an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 or, in other cases, to a fine of \$6,000 to \$600,000.

#### **87.2.** Every person who

(1) fails to maintain in force, for the entire duration of storage, a civil liability insurance contract for damage to the environment arising from storage activities or from sudden and accidental events occurring on the storage premises, in contravention of section 23 or 24,

(2) applies a pesticide in accordance with an agronomic justification or agronomic prescription that does not comply with the conditions in the second or third paragraph of section 74.3,

commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$ 250,000 or, in other cases, to a fine of \$7,500 to \$1,500,000.

#### **87.3.** Every person who

(1) fails to store a pesticide in accordance with the conditions of section 5 or 18,

(2) fails to keep a tank or mobile tank closed outside of loading and unloading periods in accordance with section 9,

(3) installs a tank elsewhere than in a containment works in contravention the first paragraph of section 10 or fails to protect it from vehicle impact in accordance with that section,

(4) installs a tank in a containment works if the containment works cannot contain at least 110% of the capacity of the largest tank or largest mobile tank installed or placed at the containment works, in contravention of the second paragraph of section 10 or the second paragraph of section 11,

(5) places a mobile tank elsewhere than in a containment works in contravention of the first paragraph of section 11,

(6) fails to comply with a provision of this Code for the preparation, application, loading or unloading of a pesticide as provided for in section 12 or 19, the first or second paragraph of section 38, section 56, 62, 67 or 69, the second paragraph of section 70, or section 77 or 78,

(7) fails to remove a pesticide or rainwater that have accumulated in a containment works in accordance with section 13,

(8) stores pesticides in a tank, mobile tank or tank car and fails to control the use of the loading and unloading pipes by means of a safety device that prevents their use outside loading and unloading periods in accordance with section 14,

(9) does not have, on the premises where pesticides are stored, adequate equipment and material capable of stopping any leak or release of pesticides and, if required, of cleaning the premises in accordance with the first paragraph of section 20,

(10) fails to post or install a sign or fails to post a sign at premises in accordance with the first paragraph of section 21, section 43, the second or third paragraph of section 46, the first or fourth paragraph of section 57, the first or second paragraph of section 71, section 74 or 74.6 or section 81, or to maintain a sign in place for the period mentioned in those provisions;

(11) places a pesticide in such manner that the customers can help themselves, in contravention of section 27;

(12) uses equipment to apply, load or unload pesticides that does not meet the conditions of section 39;

(13) fails to comply with the conditions for carrying out a fumigation in the second paragraph of section 46,

(14) removes a sign in contravention of section 48,

(15) fails, when applying a pesticide, to notify the occupants of a building used as a dwelling or the persons concerned by the application of a pesticide in an establishment referred to in section 32 in accordance with the first paragraph of section 48.4 or to provide in the notice the information prescribed by the second paragraph of that section,

(16) fails to place birdseed treated with an avicide in a feeder equipped with a device preventing the wind from carrying the seed away, as prescribed by the first paragraph of section 53,

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.

**87.4.** Every person who

(1) fails to notify Urgence-Environnement in accordance with section 6,

(2) starts work to apply a pesticide before the publication, broadcasting or sending of a notice or message in contravention of the second paragraph of section 58, the fourth paragraph of section 63, the fourth paragraph of section 64, the second paragraph of section 82 or the second paragraph of section 83, or before the expiry of the period provided for in the second paragraph of section 74.5,

(3) fails to send the Minister a pesticide reduction plan in accordance with the first and second paragraphs of section 73,

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, and, in any other case, to a fine of \$15,000 to \$3,000,000.

**87.5.** Every person who

(1) buries a pesticide tank in contravention of section 8,

(2) stores a pesticide in contravention of section 15, 16 or 17,

(3) sells or offers for sale a pesticide in contravention of section 25 or 26,

(4) uses a pesticide containing one of the active ingredients listed in section 28,

(5) applies a pesticide in contravention of section 29.1, 30.1, 31, 32, 32.1, 42, 51, 55, 61, 67.1, 68 or 74.1,

(6) fails to comply with a condition of this Code for the application of a pesticide prescribed by section 33, 48.1, 48.2 or 48.3, the first paragraph of section 74.3 or the first or third paragraph of section 74.4,

(7) prepares or applies a pesticide in contravention of section 35, 36 or 37,

(8) fails to send an agronomic prescription with an agronomic justification in accordance with section 74.2,

(9) fails to obtain an agronomic prescription or agronomic justification in accordance with the second or fourth paragraph of section 74.4 within the time provided for in that section,

(10) possesses a pesticide in contravention of section 86.3,

(11) fails to keep an agronomic justification for the period prescribed by the second paragraph of section 88.1 or to include all the information required by that section,

(12) fails to obtain the opinion of an agrologist in accordance with the third paragraph of section 88.1 within the time prescribed by that section,

commits an offence and is liable, in the case of a natural person, to a fine of \$8,000 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, and, in any other case, to a fine of \$24,000 to \$3,000,000.

**87.6.** Every person who

(1) fails to take measures to stop the leak or release of pesticides or to clean the premises in accordance with the second paragraph of section 20 or the third paragraph of section 38,

(2) applies a pesticide in contravention of section 29, 30, 40, 45, 50, 52, 59, 60, 76, 80 or 86,

(3) fails, before any pesticide application, to take measures to ensure that no livestock or pets remain in the premises treated in accordance with the first paragraph of section 46,

(4) fails, before any pesticide application, to take measures to avoid contaminating a surface or object that must not be treated or to ensure that no pet is exposed to the pesticide, in contravention of the first paragraph of section 70,

commits an offence and is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or to both the fine and imprisonment, and, in any other case, to a fine of \$30,000 to \$6,000,000.”

**38.** Section 88.1 is amended by replacing “3A” in the portion before subparagraph 1 of the first paragraph by “3B”.

**39.** Schedule I is replaced by the following:

#### SCHEDULE I

(ss. 25, 31 and 68)

#### Prohibited active ingredients

##### Insecticides

Acephate  
Acetamipride  
Afidopyropen  
Carbaryl  
Clothianidin  
Dicofol  
Dimethoate  
Fenbutatin oxide  
Flupyradifurone  
Imidacloprid  
Lambda-cyhalothrin  
Malathion  
N-octyl bicycloheptene dicarboximide  
Piperonyl butoxide  
Spiromesifen  
Tetraniliprole  
Thiamethoxam

##### Fungicides

Azoxystrobin  
Benomyl  
Benzovindiflupyr  
Boscalid  
Captan

Carbendazim  
Chlorothalonil  
Difenoconazole  
Etridiazole  
Fludioxonil  
Fluopicolide  
Fluopyram  
Folpet  
Iprodione  
Mancozeb  
Mandestrobin  
Metconazole  
Myclobutanil  
Penthiopyrad  
Propiconazole  
Pydiflumetofen  
Pyraclostrobin  
Quintozene  
Thiabendazole  
Thiophanate-methyl  
Triforine

##### Herbicides

2,4-D (all chemical forms)  
Bensulide  
Bentazon  
Chlorthal dimethyl  
Dichlobenil  
Dithiopyr  
Halosulfuron  
MCPA (all chemical forms)  
Mecoprop (all chemical forms)  
Mecoprop-p (all chemical forms)  
Napropamide  
Propyzamide  
Simazine  
S-metolachlor  
Trifluralin

##### Molluscicide

Metaldehyde

##### Plant growth regulator

Daminozide

**40.** Schedule II is replaced by the following:

**SCHEDULE II**

(ss. 32, 32.1 and 72)

**Authorized active ingredients**

**Insecticides**

Boric Acid

Borax

Disodium octaborate tetrahydrate

**41.** The following schedules are added at the end:

**SCHEDULE III**

(ss. 25 and 48.1)

**Prohibited active ingredients for indoor plant maintenance**

**Insecticides**

Piperonyl butoxide

Tetramethrin

**SCHEDULE IV**

(ss. 25 and 48.2)

**Prohibited active ingredients for pest management in buildings used as a dwelling**

**Insecticides**

Dichlorvos

Propoxur

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

(1) the following provisions, which come into force on *(insert the date that is one year after the date of coming into force of this Regulation)*:

(a) section 4, enacting “48.1, 48.2,” in section 4 of the Pesticides Management Code;

(b) section 9, enacting paragraphs 2 and 3 of section 25 of the Code;

(c) section 9, enacting paragraph 4 of section 25 of the Code to the extent that it concerns the prohibition on selling or offering for sale a Class 4 or 5 pesticide that contains permethrin or pyrethrin and are intended to be applied for the maintenance of indoor plants;

(d) section 16, enacting sections 48.1 and 48.2 of the Code;

(e) section 36, enacting Chapter IV.1 and “48.1, 48.2,” in paragraph 6 and paragraph 10 of section 86.9 of the Code;

(f) section 37, enacting “48.1, 48.2,” in paragraph 6 and paragraph 10 of section 87.5 of the Code;

(g) section 41;

(2) sections 10, 35 and 39, which come into force on 1 January 2025;

(3) the following provisions, which come into force on *(insert the date that is two years after the date of coming into force of this Regulation)*:

(a) section 9, enacting paragraph 1 of section 25 of the Code;

(b) section 9, enacting paragraph 4 of section 25 of the Code to the extent that it concerns the prohibition on selling or offering for sale a Class 4 or 5 pesticide that contains permethrin or pyrethrin and is intended for application on lawns, inert materials or decorative or ornamental plants;

(c) sections 25, 26 and 28.

**Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides**

**Pesticides Act**

(chapter P-9.3, ss. 32, 101 and 109, 1st par., subpars. 1, 3, 8, 10, 11, 12 and 13)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, ss. 30 and 45)

**1.** The Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2) is amended in the heading of Division I by replacing “SCOPE” by “GENERAL”.

**2.** The following is inserted after section 1.1:

“**1.2.** Every person who sends an application, a declaration or any other information or document required under this Regulation to the Minister must use the forms available on the website of the Minister’s department and send them electronically to the Minister.”

**3.** Section 5.1 is replaced by the following:

**5.1.** Seeds of oats, wheat, canola, forage corn, grain corn, sweet corn, barley or soybean coated with a pesticide are included in Class 3A.

**5.2.** Seeds of oats, wheat, canola, forage corn, grain corn, sweet corn, barley or soybean coated with a fungicide and that is not specifically Included in another Class are included in Class 3B.”

**4.** Section 9 is amended

(1) by inserting “spas” after “swimming pools,” in paragraph 1;

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

“A device intended to control, destroy, mitigate, attract or repel any organism that is injurious to or noxious or troublesome for humans, animal life, vegetation, crops or any other object is also not included.”

**5.** Section 10 is revoked.**6.** Section 11 is amended

(1) by replacing “Remunerated Work Permit” in paragraph 3 by “Work for Others Permit”;

(2) by replacing “Non-Remunerated Work Permit” in paragraph 4 by “Work Permit for Own Activities”.

**7.** Section 13 is amended by replacing the term “3A” wherever it appears in paragraph 1 by “3B”.

**8.** Section 14 is amended in the first paragraph

(1) by replacing “Remunerated Work Permit”, “1 to Class 4”, “for remuneration” and “C11” in the portion before subparagraph 1 by “Work for Others Permit”, “1 to Class 5”, “for others” and “C12”, respectively;

(2) in subparagraph 4

(a) by replacing ““Application in Ornamental Horticulture”” in the portion before subparagraph *a* by ““Application for maintaining green areas””;

(b) by inserting “and other than on a golf course” after “aircraft” in the portion before subparagraph *a*;

(3) by replacing ““Application for Extermination”” in subparagraph 5 by ““Application for Pest Management””;

(4) by striking out “Class 1 to Class 4” in subparagraph 8;

(5) by replacing subparagraph 11 by the following:

“(11) Subclass C11 “Application on a golf course” covers the application of a pesticide on a golf course, using an application method other than by aircraft; fumigation of a gas mentioned in Subclass C6 is not covered by this Subclass:

(a) in every location where decorative or ornamental plants are cultivated, except in a building, in order to destroy or control plants and animals harmful to those plants, to control the growth of those plants or to protect them from parasitic diseases;

(b) in pedestrian areas, or parking or sports areas, in order to destroy plants growing therein; or

(c) in ornamental lakes and ponds without a surface outlet flowing towards a drainage basin, in order to control or destroy plants growing therein.

(12) Subclass C12 “Other Applications” covers the application of a Class C pesticide that is not included in Subclasses C1 to C11 and for which the application method, the purpose and the place of application are specified in the permit.”;

(6) by striking out the term “Class 1 to Class 3 and Class 4” wherever it appears.

**9.** Section 15 is amended

(1) by replacing the portion before paragraph 1 by the following:

“A Class D “Work Permit for Own Activities”, covers activities involving the use of a Class 1 to Class 5 pesticide, carried out for one’s own activities and included in Subclasses D1 to D12 described below.”

(2) in the portion before subparagraph *a* of paragraph 4

(a) by replacing ““Application in Ornamental Horticulture”” by ““Application for maintaining green areas””;

(b) by inserting “and other than on a golf course” after “aircraft”;

(3) by replacing ““Application for Extermination”” in paragraph 5 by ““Application for Pest Management””;

(4) by replacing paragraph 10 by the following:

“(10) Subclass D11 “Application on a golf course” covers the application of a pesticide on a golf course, using an application method other than by aircraft; fumigation using a gas mentioned in Subclass C6 is not covered by this Subclass:

(a) in every location where decorative or ornamental plants are cultivated, except in a building, in order to destroy or control plants and animals harmful to those plants, to control the growth of those plants or to protect them from parasitic diseases;

(b) in pedestrian areas, or parking or sports areas, in order to destroy plants growing therein; or

(c) in ornamental lakes and ponds without a surface outlet flowing towards a drainage basin, in order to control or destroy plants growing therein;

(11) Subclass D12 “Other Applications” covers the application of a Class D pesticide that is not included in Subclasses D1 to D11 and for which the application method, the purpose and the place of application are specified in the permit.”;

(5) by striking out the term “Class 1 to Class 3” wherever it appears.

**10.** Section 16 is amended by replacing “the second paragraph of section 34 of the Pesticides Act (chapter P-9.3)” in the portion before paragraph 1 by “section 15”.

**11.** The following is inserted after section 28:

“**28.1.** A permit holder shall, within 30 days after one of the following events, notify the Minister of

(1) any change which makes the information furnished for the issue or renewal of a permit inaccurate or incomplete;

(2) the cessation of the permit holder’s activities, specifying the date on which the activities end;

(3) any amalgamation, sale or transfer to which the permit holder is subject and of any change in its name in the case of a legal person.

The notice shall be made using the form provided for in section 28 and shall include the information referred to in subparagraph 1 of the second paragraph of section 17, the permit number, the date of expiry and the information related to the changes.”

The notice shall be accompanied by the documents referred to in section 18 related to the changes.”.

**12.** Section 34.1 is amended by replacing the term “3A” wherever it appears in paragraph 1 by “3B”.

**13.** Section 35 is amended

(1) by replacing “Class 1 to Class 4” and “CD11” in the portion before paragraph 1 by “Class 1 to Class 5” and “CD12”, respectively;

(2) by replacing “Application in Ornamental Horticulture” in paragraph 4 by “Application for Maintaining Green Areas”;

(3) by replacing “Extermination” in paragraph 5 by “Application for Pest Management”;

(4) by striking out “in respect of a Class 1 to Class 4 pesticide,” in paragraph 8;

(5) by replacing paragraph 11 by the following:

“(11) a Subclass CD11 “Certificate for Application on a Golf Course” authorizes the natural person holding it to carry on the activities described in permit Subclass C11 and the activities described in permit Subclass D11 or to supervise those activities at the places where they are performed;

(12) a Subclass CD12 “Certificate for Other Applications” authorizes the natural person holding it to carry on the activities described in permit Subclass C12 and the activities described in permit Subclass D12 or to supervise those activities at the places where they are performed.”;

(6) by striking out the terms “, in respect of a Class 1 to Class 3 and Class 4 pesticide,” and “in respect of a Class 1 to Class 3 pesticide,” wherever they appear.

**14.** Section 36 is amended by replacing the term “3A” wherever it appears by “3B”.

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

“**42.1.** A certificate holder shall, within 30 days, notify the Minister, on the same form as that referred to in section 42, of any change which makes the information furnished for the issue or renewal of the certificate inaccurate or incomplete.

The notice shall include the information referred to in subparagraph 1 of the second paragraph of section 38, the certificate number, the date of expiry and the information related to the changes.”.

**16.** Section 43 is amended by replacing “3A” in paragraph 1 by “3B”.

**17.** Section 44 is amended by adding the following at the end:

“(7) Class 1 to Class 3 pesticides that contain an active ingredient listed in

(a) Schedule I to the Pesticides Management Code (chapter P-9.3, r. 1) and that are intended to be applied on lawns, inert materials or decorative or ornamental plants to a holder of a Subclass C4, C5, D4 or D5 permit, except if the pesticide is intended to be injected in decorative or ornamental plants or is in the form of bait trap preventing any contact with a person;

(b) Schedule III to the Pesticides Management Code and that are intended to be applied for maintaining indoor plants to a holder of a Subclass C10 or D10 permit;

(c) Schedule IV to the Pesticides Management Code and that are intended to be applied for pest management inside residential dwellings to a holder of a Subclass C5 or D5 permit, except if the pesticide is in the form of bait trap preventing any contact with a person.”

**18.** The following is inserted after section 44:

“**44.1.** The holder of a Subclass B1 retail sale permit must keep any agronomic prescription sent to the holder as part of a sale provided for in section 44 for a period of 5 years following the sale and send, within 10 days, a copy to any person authorized by the Minister who requests it.”

**19.** Section 47 is amended by inserting “or Class 3B” after “Class 3A” in subparagraphs 4 and 7 of the second paragraph.

**20.** Section 48 is amended in the second paragraph,

(1) in subparagraph 4,

(a) by inserting “or Class 3B” after “Class 3A”;

(b) by replacing “the name and concentration of its active ingredients” by “the name of its active ingredients and their concentration expressed in weight of active ingredient per seed weight”;

(2) by inserting “or Class 3B” after “Class 3A” in subparagraph 7.

**21.** Section 49 is amended

(1) by replacing “3A” in the first paragraph by “3B”;

(2) by inserting “or Class 3B” after “Class 3A” in subparagraphs 3 and 4 of the second paragraph.

**22.** Section 50 is amended by inserting “or Class 3B” after “Class 3A” in subparagraphs 5, 9 and 11 of the second paragraph.

**23.** Section 54 is amended

(1) by replacing “the sales of pesticide” by “the sales of Class 4 and Class 5 pesticides” in the first paragraph;

(2) in the third paragraph

(a) by striking out “and, in the case of a Class 3A pesticide, the name and concentration of its active ingredients” in subparagraph 1;

(b) by striking out “in the case of a Class 1 to Class 3, a Class 4 and a Class 5 pesticide,” in subparagraph 2;

(c) by striking out “where applicable,” in subparagraph 3;

(d) by striking out “or, in the case of a Class 3A pesticide, the quantity of seeds sold and the plant species concerned” in subparagraph 4.

**24.** The following is inserted after section 54:

“**54.1.** A holder of a Class A permit who ceases activities must send the declaration provided for in section 54 within 30 days after the cessation.”

**25.** Section 55 is revoked.

**26.** Section 55.1 is amended

(1) by replacing “of Class 3A pesticide or of pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam made in the preceding year under paragraphs 3 and 4 of section 44” at the end of the first paragraph by “Class 1 to Class 3B pesticides made in the preceding year”;

(2) In the third paragraph

(a) by replacing “Class 3A pesticide, the name and concentration of its active ingredients” at the end of subparagraph 1 by “Class 3A or Class 3B pesticide, the name of its active ingredients and their concentration expressed in weight of active ingredient per seed weight”;

(b) by inserting “or Class 3B” after “Class 3A” in subparagraph 4;

(c) by replacing “the number” at the beginning of subparagraph 5 by “the name, address and number”;

(d) by adding “in the case of a Class 3A pesticide or a pesticide containing atrazine, chlorpyrifos, clothianidin, imidacloprid or thiamethoxam,” at the beginning of subparagraph 6.

**27.** The following is inserted after section 55.1:

“**55.2.** A holder of a Subclass B1 permit who ceases activities must send the declarations provided for in sections 55 and 55.1 within 30 days after the cessation.

#### **DIVISION V.1** MONETARY ADMINISTRATIVE PENALTIES

**55.3.** A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on every person who fails

(1) to send a declaration or provide information or a document required by this Regulation, or to comply with the time limits and procedure for the filing or sending, if no other monetary administrative penalty is provided for such a case;

(2) to keep an agronomic prescription in accordance with section 44.1;

(3) to keep information or a document in a register referred to in this Regulation for the period prescribed by section 52;

(4) to keep a map in accordance with the second paragraph of section 53.

**55.4.** A monetary administrative penalty of \$350 in the case of a natural person and \$1,500 in any other case may be imposed on every person who fails

(1) to update a register provided for in this Regulation, to enter a document or information in such a register or to sign or have signed an entry in the register;

(2) to send to the Minister the declaration provided for in section 54, 55 or 55.1 within the time and in the manner and form prescribed by that section.

**55.5.** A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on every person who fails

(1) to bring to the Minister’s attention an event provided for in subparagraph 1 or 3 of the first paragraph of section 28.1 or section 42.1 within the time prescribed by that section;

(2) to provide a guarantee on the conditions set out in section 29, 30 or 32;

**55.6.** A monetary administrative penalty of \$750 in the case of a natural person and \$3,500 in any other case may be imposed on every person who fails to delimit on a map the locations treated and the take-off sites of the aircraft used, when applying a pesticide, in accordance with the first paragraph of section 53.

**55.7.** A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on every person who

(1) fails to bring to the Minister’s attention the cessation of activities in accordance with subparagraph 2 of the first paragraph of section 28.1 within the time prescribed by that section;

(2) offers to sell, sells or causes to be sold a pesticide in contravention of section 43, 44 or 45;

(3) fails to send the declaration provided for in section 54.1 or 55.2 within the time and in the manner and form prescribed by that section.”

**28.** Section 56 is replaced by the following:

“**56.** Every person who fails

(1) to send a declaration or provide information or a document required by this Regulation, or to comply with the time limits and procedure for the filing or sending, if no other monetary administrative penalty is provided for such a case,

(2) to keep an agronomic prescription in accordance with section 44.1,

(3) to keep information or a document in a register referred to in this Regulation for the period prescribed by section 52,

(4) to keep a map in accordance with the second paragraph of section 53,

commits an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and a fine of \$3,000 to \$600,000 in any other case.

**57.** Every person who fails

(1) to update a register provided for in this Regulation, to enter a document or information in such a register or to sign or have signed an entry in the register,



(2) to send to the Minister the declaration provided for in section 54, 55 or 55.1 within the time and in the manner and form prescribed by that section,

commits an offence and is liable to a fine of \$2,000 to \$100,000 in the case of a natural person and a fine of \$6,000 to \$600,000 in any other case.

**58.** Every person who fails

(1) to bring to the Minister's attention an event provided for in subparagraph 1 or 3 of the first paragraph of section 28.1 or section 42.1 within the time prescribed by that section,

(2) to provide a guarantee on the conditions set out in section 29, 30 or 32,

commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and a fine of \$7,500 to \$1,500,000 in any other case.

**59.** Every person who fails to delimit on a map the locations treated and the take-off sites of the aircraft used, when applying a pesticide, in accordance with the first paragraph of section 53, commits an offence and is liable to a fine of \$4,000 to \$250,000 in the case of a natural person and a fine of \$12,000 to \$1,500,000 in any other case.

**60.** Every person who

(1) fails to bring to the Minister's attention the cessation of activities in accordance with subparagraph 2 of the first paragraph of section 28.1 within the time prescribed by that section,

(2) offers to sell, sells or causes to be sold a pesticide in contravention of section 43, 44 or 45,

(3) fails to send the declaration provided for in section 54.1 or 55.2 within the time and in the manner and form prescribed by that section,

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, and, in any other case, to a fine of \$15,000 to \$3,000,000. ”.

**29.** Class A, Subclass B1 and Subclass C8 permits and Class A, Subclass B1, Subclass CD8, Subclass E1 and Subclass E2 certificates become exigible for a Class 3B pesticide as of 1 January 2025.

**30.** Class A and Subclass C8 permits and Class A, Subclass CD8, Subclass E1 and Subclass E2 certificates issued before 1 January 2025 include a Class 3 B pesticide as of that date, with no further formality.

**31.** A Subclass B1 “Retail Sale of Class 1 to Class 3 Pesticides” permit issued before 1 January 2025 corresponds as of that date to the Subclass B1 “Retail Sale of Class 1 to Class 3B Pesticides” permit and includes Class 3B pesticides, with no further formality.

**32.** A Subclass B1 “Certificate for the Retail Sale of Class 1 to Class 3A Pesticides” issued before 1 January 2025 corresponds as of that date to the Subclass B1 “Retail Sale of Class 1 to Class 3B Pesticides” certificate and includes a Class 3B pesticide, with no further formality.

**33.** The activities described in paragraph 11 of section 14 of the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2), as amended by section 8 of this Regulation, paragraph 10 of section 15 of the Regulation respecting permits and certificates for the sale and use of pesticides, as amended by section 9 of this Regulation, and paragraph 11 of section 35 of the Regulation respecting permits and certificates for the sale and use of pesticides, as amended by section 13 of this Regulation, are respectively covered by the Subclass C4 permit, the Subclass D4 permit and the Subclass CD4 certificate until (*insert the date that is two years after the date of coming into force of this Regulation*).

**34.** As of (*insert the date that is two years after the date of coming into force of this Regulation*), a Subclass C11 or D11 “Other Applications” permit issued on that date becomes a Subclass C12 or D12 “Other Applications” permit and a Subclass CD11 “Certificate for Other Applications” issued before that date becomes a Subclass CD12 “Certificate for Other Applications”, with no further formality.

**35.** This Regulation comes into force on the fifteenth days following the date of its publication in the *Gazette officielle du Québec*, except

(1) section 17, insofar as it enacts subparagraphs *b* and *c* of paragraph 7 of section 44 of the Regulation respecting permits and certificates for the sale and use of pesticides, which comes into force on (*insert the date that is one year after the date of coming into force of this Regulation*);

(2) the following provisions, which come into force on 1 January 2025:

(a) sections 3, 7, 12, 14, 16 and 19, subparagraph *a* of paragraph 1 and paragraph 2 of section 20, sections 21, 22, 23 and 25, paragraph 1 and subparagraphs *a*, *b* and *d* of paragraph 2 of section 26;

(b) section 17, insofar as it enacts subparagraph *a* of paragraph 7 of section 44 of the Regulation respecting permits and certificates for the sale and use of pesticides;

(3) paragraph 5 of section 8, paragraph 4 of section 9 and paragraph 4 of section 13, which come into force on *(insert the date that is two years after the date of coming into force of this Regulation)*.

## Regulation to amend the Dam Safety Regulation

### Dam Safety Act

(chapter S-3.1.01, s. 2.3, 1st par., s. 6, 3rd par., s. 7, 3rd par., s. 14, 2nd par., s. 15, 16, 17, 1st par., s. 19, 1st and 2nd par., s. 20, 21, 1st par., s. 22.1, 1st par., s. 24, 29, 3rd par., s. 31, 2nd and 3rd par., s. 36, 1st par., subpars. 3.1, 5 and 6, and s. 37)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, ss. 30 and 45)

**1.** The Dam Safety Regulation (chapter S-3.1.01, r. 1) is amended in section 4,

(1) in the first paragraph,

(a) by replacing “structures impounding the water of a single reservoir that are owned by the same person” in the definition of “project” by “dams impounding the water of a single reservoir”;

(b) by striking out the definition of “existing dam”;

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

““associated dam” means a high-capacity dam whose failure consequence category is “very low” or “low” and is part of the same project as a high-capacity dam whose failure consequence category is equal to or greater than “moderate”; (*barrage associé*)”

““newly listed dam” means a dam previously unknown to the Minister that is newly listed in the register of dams established pursuant to Chapter II; (*barrage nouvellement répertorié*)”

““dam newly classified as a high-capacity dam” means a dam classified as a high-capacity dam following a review of its classification conducted by the Minister pursuant to section 2.3 of the Act and Chapter II.1 of this Regulation; (*barrage nouvellement catégorisé à forte contenance*)”

““crest” means the top of the dam structure that impounds water or protects the bank adjacent to the dam; (*crête*)”.

(2) by striking out the second paragraph.

**2.** The following is inserted after section 4:

“**4.1.** The owner of a dam must, within 30 days of receiving a request from the Minister, send the Minister the owner’s complete contact information, including a telephone number and email address.

**4.2.** Realistic and prudent assumptions and methods based on good practice must be used to perform the estimates and calculations required pursuant to this Regulation, in order to make recommendations that are consistent with the objective of increasing dam safety and, as a result, protecting persons and property against the risks associated with dams.”

**3.** Section 5 is amended

(1) in the first paragraph

(a) by inserting “and, if applicable, of the dam project” in subparagraph 1 after “dam”;

(b) by striking out “discharge capacity, in the case of a high-capacity dam,” in subparagraph 6;

(c) by striking out “, reference to any upstream or downstream structures and, where a dam is part of a project, reference to the other structures forming part of the project”, in subparagraph 6;

(d) by adding the following subparagraph at the end:

“(9) the classification of the dam.”;

(2) in the second paragraph

(a) by replacing “4” in the part preceding subparagraph 1 by “2.2”;

(b) by inserting “where applicable,” at the beginning of subparagraph 3;

(3) by striking out the third paragraph.

**4.** Section 6 is amended

(1) by replacing “ouvrage” in the French text of the first paragraph by “barrage”;

(2) by striking out the second paragraph.

**5.** Section 7 is amended by striking out the second paragraph.**6.** Section 8 is replaced by the following:

“8. The information in the register, except the name and address of the dam owner if the owner is a natural person, shall be accessible on the website of the Ministère du Développement durable, de l’Environnement et des Parcs.”

**7.** The following is inserted, after section 8:**“CHAPTER II.1  
DAM CLASSIFICATION**

**8.1.** Dams must be classified by the Minister according to the classes listed in section 2.2 of the Act.

The Minister classifies or, as the case may be, reviews the classification of a dam in the following circumstances in particular:

(1) when a dam is newly listed;

(2) when the Minister issues an authorization under section 5 of the Act;

(3) after receiving a declaration under section 29 of the Act;

(4) following a site visit by an inspector or investigator;

(5) when information brought to the Minister’s attention by a third party justifies a review;

(6) at any time following a request by the dam owner, supported by a report or study made under the responsibility of an engineer or another justifying document.”

**8.** Section 9 is amended by replacing “Every” by “For the purposes of section 14 of the Act, every”.

**9.** Section 10 is amended by replacing the second paragraph by the following:

“A dam may only be classified as a Class E dam if all the following conditions are met:

(1) the dam failure consequence category is “very low”;

(2) the “P” value determined under section 9 is less than 70;

(3) the owner requests such a classification and files, in support, a report or a study prepared under the responsibility of an engineer.”

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

“**11.** Subject to section 74, the classification and classification parameters for a dam are determined or reviewed by the Minister, in particular in the following circumstances:

(1) when a dam is newly listed;

(2) when the Minister issues an authorization under section 5 of the Act;

(3) when the Minister issues an approval under section 17 of the Act;

(4) following a dam failure analysis or dam safety review;

(5) following a site visit by an inspector or investigator;

(6) when information brought to the Minister’s attention by a third party justifies a review;

(7) at any time following a request by the dam owner, supported by a report or study made under the responsibility of an engineer or another justifying document.”

**11.** Section 12 is amended by adding “referred to in section 13 or section 14, as the case may be” at the end.

**12.** Section 14 is amended in the first paragraph

(1) by striking out “At the completion of the assessment, the dam condition is rated “very good”, “good”, “acceptable”, “poor” or “undetermined”” in subparagraph 3 of the first paragraph;

(2) by striking out “At the completion of the assessment, the reliability of the discharge facilities is rated “satisfactory”, “acceptable”, “unsatisfactory” or “undetermined”. in subparagraph 4 of the first paragraph.

**13.** Section 15 is amended

(1) by replacing “rating given to any section” in the first paragraph by “reliability rating given to any discharge facility”;

(2) in the second paragraph

(a) by replacing “on the rim of a single reservoir” by “in a given project”;

(b) by replacing “structures” by “dams”;

(c) by replacing “rating given to any such dam or to a section of one of those dams” by “reliability rating given to all the discharge facilities for the various dams”.

**14.** Section 17 is amended

(1) by replacing “downstream area, barring exceptions,” by “area”;

(2) by inserting “during normal operation and during floods” after “scenarios”.

**15.** Section 18 is replaced by the following:

“**18.** The delineation of the area that would be affected by a dam failure and identification of the characteristics of the area are based on a dam failure analysis prepared by an engineer. The area potentially affected by the dam failure is the area located, in general, downstream of the dam as far as the point of attenuation of the dam break flood wave, in which flooding would be due entirely to the dam failure. The point of attenuation is the point at which the flood wave subsides or any point within its limits, if the engineer responsible demonstrates that no characteristic of the area is present beyond that point.

The dam failure analysis sent to the Minister must include the assumptions and methods used by the engineer to recommend a dam failure consequence category for the dam, along with maps of the area that would be affected by a dam failure and inundated due entirely to the dam failure, indicating flood wave arrival times following a failure during normal operation and during floods taking into account, in the latter case, the consequence category matching the dam’s safety check flood.

To determine the population density required to assess the dam’s failure consequence category, the engineer must prepare a prudent and conservative inventory of the cottages and seasonal residences, used temporarily, and the permanent residences, used permanently, located wholly or partly in the area affected by the dam failure, indicating the number of residents concerned. Similarly, the engineer must determine the infrastructures and services located in the area affected by the dam failure that would be destroyed or severely damaged in the event of a dam failure.

No dam failure analysis is required when the engineer responsible demonstrates that the characteristics of the area that would be affected by a dam failure would not lead to a dam failure consequence category greater than “very low” or “low” if the analysis was carried out, and in such a case only a prudent inventory of the characteristics of the area that would, as demonstrated by the engineer, be affected by the dam failure is required.”.

**16.** Section 19 is replaced by the following:

“**19.** Where a maximum of 3 permanent residences are located in the area that would be affected by a dam failure, they may be disregarded in the inventory of the characteristics of the area affected in connection with population density if the engineer demonstrates that in no case would the water levels resulting from the dam failure reach the lowest opening in the foundations of any such residence, whether or not the foundation has a floor at the basement level, and that the flood wave would present no risk for the residents of such residences.

For the purposes of the first paragraph,

“lowest opening” means any door, window, orifice or gap in the foundation walls of a building that could allow the passage of water. If there are no openings in the foundation walls or if a building has no foundations, the ground floor is considered to be the lowest opening in the building;

“ground floor” means the top of the foundation walls or, if none, the level of the floor onto which the entrance door opens.

**17.** Section 20 is amended by replacing “with an earthfill or rockfill component that” in the definition of “erodible dam” by “one of the components of which, including the banks supporting the dam,”.

**18.** Section 21 is amended by striking out “des dispositions” in the French text;

**19.** Section 21.1 is amended

(1) in the first paragraph

(a) by replacing “A dam’s” by “Subject to sections 22 and 24, a dam’s”;

(b) by replacing “certifies” by “demonstrates”;

(c) by replacing “section 19” by “sections 16 to 19”;

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

“The demonstration by the engineer must be sent to the Minister with the dam failure analysis referred to in the second paragraph of section 18.”

**20.** Section 22 is amended in subparagraph 2 of the first paragraph

- (1) by inserting “total available” after “to the”;
- (2) by inserting “during such a flood,” after “dam”.

**21.** Section 24 is amended by replacing “all the dams located on the rim of a single reservoir” by “the dams in a given project”.

**22.** Section 25 is amended

- (1) in the first paragraph
  - (a) by inserting “of one or more sections” after “crest”;
  - (b) by replacing “susceptible” in the French text by “susceptibles”;
  - (c) by striking out “to the Minister’s satisfaction”;
  - (d) by striking out “all”;
- (2) by inserting “, the wave patterns” after “lag time” in the second paragraph.

**23.** Section 26 is amended by replacing the second paragraph by the following:

“The provisions of the first paragraph apply only to new construction or reconstruction projects.”

**24.** Section 27 is replaced by the following:

“27. Every dam must be designed to remain stable when a safety check flood occurs and manage that flood safely.”

**25.** Section 30 is replaced by the following:

“30. Subject to section 76, an impounded water management plan must be drawn up for every dam or project, before its commissioning, by its owner or, in the case of a project belonging to several persons, jointly by the owners of the dams with discharge facilities, except

- (1) dams whose failure consequence category is “very low” or “low” and which are not associated dams;
- (2) Class E dams;

(3) dams on which the only discharge facility is a free weir;

(4) dams for which an engineer demonstrates that it is not necessary to manoeuvre the dam discharge facilities during floods.

The plan must describe all the measures that will be taken by the owner to manage the impounded water safely, in particular during situations likely to imperil the safety of persons or property located upstream or downstream of the dam, except those covered by the emergency action plan.

The plan must, in particular, include the following information:

(1) a description of the hydrographical network upstream and downstream of the dam, including flood estimates and the catchment basin lag time as well as, where applicable, reference to other structures in the network that may affect the operation of the dam or whose operation the dam may affect and a quantification of any such impact;

(2) the operational constraints relating to the safety of persons or property located upstream or downstream of the dam during normal operation and during floods;

(3) the full supply level;

(4) the flow and level of the safety check flood;

(5) the level or depth at which the reservoir overflows at its lowest point;

(6) the reservoir storage curve, if available;

(7) the discharge curve, depending on the water level;

(8) if there are any inhabited areas near the dam, the upstream and downstream flood limits;

(9) a description of the measures that will be taken by the owner to manage the impounded water, in particular when the flow reaches the lower flood level, that is, the flow at which property may be affected by the discharged water; and

(10) where applicable, a description of the communications strategy for providing information on hazards to the civil protection authorities, other dam owners in the hydrographic system, enterprises, and inhabitants who will ultimately be affected by the implementation of the impounded water management plan.”

**26.** Section 33 is amended

(1) in the first paragraph

(a) by replacing “a summary of the plan as drawn up or amended” by “the plan as drawn up or amended or a summary of the plan”;

(b) by replacing “plan summary” by “plan or summary”;

(2) in the second paragraph

(a) by replacing “second” by “third”;

(b) by replacing “provision” by “paragraph” at the end.

**27.** Section 34 is revoked.**28.** Section 35 is amended

(1) by replacing the first sentence of the first paragraph by “Subject to section 77, an emergency action plan must be drawn up before the commissioning of any dam whose failure consequence category is equal to or greater than “moderate”.”;

(2) in the second paragraph

(a) by replacing “infrastructures that would be destroyed or severely damaged” in subparagraph 3 of the second paragraph by “characteristics of the area”;

(b) by inserting the following after subparagraph 4:

“(4.1) where applicable, a description of the safety devices with which the dam is equipped, namely, emergency systems, emergency detector systems and back-up systems;”

(3) by replacing the third paragraph by the following paragraph:

“The inundation maps referred to in the second paragraph of section 18 must be appended to the emergency action plan.”.

**29.** Section 39 is amended

(1) in the first paragraph

(a) by replacing “a summary of the plan as drawn up or amended” by “the plan as drawn up or amended or a summary of the plan”;

(b) by replacing “plan summary” by “plan or summary”;

(c) by striking out the last sentence;

(2) in the second paragraph

(a) by replacing “second” by “third”;

(b) by replacing “provision” by “paragraph”;

(c) by replacing the last sentence by the following: “The inundation maps referred to in the third paragraph of section 35 must be appended to the summary.”.

**30.** Section 40 is revoked.**31.** Section 41 is amended

(1) by replacing “Every” by “Subject to section 79, every”;

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

“For the purpose of this section, the word “year” refers to a calendar year.”.

**32.** Section 42 is amended

(1) in the second paragraph

(a) by replacing “its” by “the”;

(b) by replacing “behavior” by “behaviour of the dam and any changes likely to affect the classification parameters for the dam”;

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

“The owner of a dam must, when informed by the engineer responsible for an inspection that a change affecting a classification parameter has been observed, inform the Minister of the change in accordance with section 7.”.

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

“**42.1.** Not later than 31 March in the calendar year following the year during which a site inspection or inspection is carried out, the person responsible for the inspection activity must file a detailed written report containing, in particular,

(1) the name and contact information of the person responsible for the inspection activity;

(2) the date of the inspection activity;

(3) a description of the observations made during the inspection activity concerning, in particular, the water level, the temperature, the condition of the dam and its discharge facilities, and the presence of deficiencies or other particularities;

(4) the photographs taken during the inspection activity;

(5) a checklist of the elements of the dam that must be monitored.

In addition to the information listed in the first paragraph, an inspection report must mention all checks, monitoring and analysis conducted pursuant to the second paragraph of section 42.”

**34.** Section 43 is amended

(1) by replacing “Notwithstanding section 42, the monthly site inspections may be omitted for” by “Where the frequency established pursuant to section 41 requires site visits to be conducted during”;

(2) by inserting “, the visits may be moved to another date in the same calendar year” after “inclusively”.

**35.** Section 44 is amended by striking out “, paragraph 1 of section 49.0.1” in the first paragraph.

**36.** Section 45 is amended, in the part preceding paragraph *a*,

(1) by replacing de “Class A, Class B or Class C” by “Class A or Class B dam, and of a Class C dam whose failure consequence category is equal to or greater than “High””;

(2) by striking out “or under their supervision”.

**37.** Section 46 is amended

(1) by replacing “Every” in the first paragraph by “Subject to section 80, every”;

(2) in the second paragraph

(a) by inserting “the following documents and information” after “contain” in the part preceding subparagraph 1;

(b) by replacing subparagraph 1 by the following:

“(1) the reports resulting from monitoring activities;”;

(c) by inserting “or a copy” after “description” in subparagraph 2;

(3) in the third paragraph

(a) by striking out “, where applicable,” in the part preceding subparagraph 1;

(b) by inserting “the following information, if available:” after “contain” in the part preceding subparagraph 1;

(4) by striking out the fourth paragraph.

**38.** The following is inserted in Division IV before section 48:

“**47.1.** A dam safety review must be carried out for every dam whose failure consequence category is equal to or greater than “moderate” and every associated dam.”.

**39.** Section 48 is replaced by the following:

“**48.** Whatever the failure consequence category entered in the register of dams, an engineer who carries out a dam safety review pursuant to section 47.1 must begin by carrying out an assessment of the dam’s failure consequence category pursuant to section 18.

If the assessment of the dam’s failure consequence category pursuant to section 18 demonstrates that the failure consequence category is “very low” or “low” and if the dam is not an associated dam, the dam owner must send the dam failure analysis to the Minister, together with a request for a review of classification in accordance with section 11.

If the assessment of the dam’s failure consequence category pursuant to section 18 confirms that the failure consequence category is equal to or greater than “moderate” or if the dam is an associated dam, the dam safety review must include

(1) checking the condition and behaviour of the dam by means of

(a) an inspection of every structural component;

(b) an analysis of the compiled results of every inspection activity carried out since the last safety review or, in the absence of such a review, during the period considered appropriate by the engineer responsible;

(c) where applicable, a check of the instrumentation and an analysis of the readings since the last safety review or, in the absence of such a review, during the period considered appropriate by the engineer responsible; and

(d) a check of the functionality and reliability of the discharge facilities;

(2) verifying the dam design by means of

(a) a reappraisal of the design criteria, namely the data, assumptions and analysis methods considered at the time of dam design, in particular with reference to hydrology, hydraulics, structure, discharge capacity and flood routing; and

(b) a validation of the stability of the dam and foundation, including the data and assumptions used to rule on the stability of the dam structure and foundation based on the design criteria current at the time of the dam safety review for the types of failure likely to occur;

(3) analyzing the topography of the reservoir rim;

(4) reviewing the dam's classification;

(5) drawing up or reviewing the impounded water management plan, if such a plan must be drawn up for the dam concerned in accordance with the provisions of Subdivision 1 of Division III;

(6) drawing up or reviewing the emergency action plan, if such a plan must be drawn up for the dam concerned in accordance with the provisions of Subdivision 2 of Division III.”

**40.** Section 49 is amended

(1) in the first paragraph

(a) by replacing subparagraph 6 by the following:

“(6) the stability calculations and geotechnical data required to support the opinions mentioned in subparagraphs 5 and 5.1 of this paragraph and the validation mentioned in subparagraph *b* of subparagraph 2 of the third paragraph of section 48, except if the dam's failure consequence category is “very low” or “low”;

“(6.1) the results of the analysis of the topography of the reservoir rim;”;

(b) by replacing “if applicable, the recommendations of the engineer in charge” in subparagraph 8 by “the opinion of the engineer responsible concerning the need for remedial work to ensure the dam's safety and, if applicable, the engineer's recommendations”

(c) by striking out “to ensure the dam's safety” in subparagraph 8;

(d) by replacing “if applicable,” in subparagraph 9 by “if remedial work is required to ensure the dam's safety;”;

(e) by replacing “rough inundation maps or characterization of the area referred to in section 18” in subparagraph 10 by “referred to in the second paragraph of section 18 or the prudent inventory of the characteristics of the area concerned referred to in the third paragraph of that section;”;

(2) by striking out “as established by the Commission de toponymie,” in subparagraph 1 of the second paragraph;

(3) by replacing the third paragraph by the following:

“Where an impounded water management plan or emergency action plan must be drawn up for the dam in accordance with the provisions of Division III, the dam's owner must also append to the report a notice stating that the plans have been drawn up or reviewed and indicating the authority to which the plans or a summary of the plans have been sent in accordance with sections 33 and 39.”

**41.** Sections 49.0.1 and 49.0.2 are revoked.

**42.** Section 50 is amended

(1) in the first paragraph

(a) by replacing de “every 10 years” by “not later than 31 December of the tenth calendar year following the year in which the last review was carried out”;

(b) by replacing “frequency is increased to 15 years and 20 years” by “interval is increased to the twentieth and fifteenth calendar year following the year in which the last review was carried out”;

(c) by inserting “associated” after “for”;

(d) by replacing “Low and Very Low” by “Very Low and Low”;

(2) by replacing “structure” in the second paragraph by “dam”.

**43.** Section 51 is amended

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

“Subject to section 78, the first dam safety review must be conducted, and the resulting report sent to the Minister, not later than the following date:



(1) for a dam whose failure consequence category becomes equal to or greater than “moderate” following a review of the classification parameters pursuant to section 11, 31 December of the fifth calendar year following the year in which the owner is informed of a change in either its failure consequence category or its classification;

(2) for a dam whose failure consequence category is “very low” or “low” and which becomes an associated dam, 31 December of the fifth calendar year following the year in which the owner is informed that the dam has become an associated dam;

(3) for any other dam, 31 December of the tenth calendar year following the year of completion of construction work on the dam. However, the interval is increased, respectively, to the twentieth and fifteenth calendar year following the year of completion of construction work on the dam for associated dams whose failure consequence category is “very low” or “low”;

(2) in the second paragraph

(a) by striking out “dam commissioning and the year of”;

(b) by replacing “are the years” by “is the year”.

**44.** Section 52 is replaced by the following:

“**52.** The description of the remedial work that the dam owner intends to carry out to make the dam safe in accordance with good practice and the minimum safety standards, together with the implementation schedule forwarded by the owner pursuant to section 17 of the Act, must be sent to the Minister for approval at the same time as the report on the dam safety review.

The Minister’s decision under section 17 concerning the remedial work that the owner intends to carry out and of the implementation schedule must be rendered within 6 months from the date on which the file on the safety review and the application for approval of the description of remedial work and the implementation schedule is complete.”

**45.** Section 54 is amended by replacing “dam or structure” in the part preceding subparagraph 1 of the first paragraph by “dams”.

**46.** Section 56 is amended by replacing “within 4 months after receipt of the proposal” by “not later than 4 months after the date on which the file on the application is complete”.

**47.** Section 57 is replaced by the following:

“**57.** The following information and documents, in addition to those required by the Act, must be submitted with an application for authorization for the construction of a dam or for a structural alteration that affects all parts of the dam or that, because of the scope of the work, is equivalent to reconstructing the dam:

(1) the appropriate hydrological and hydraulic studies;

(2) a recommendation from the engineer responsible for the dam project plans and specifications in respect of the failure consequence category for the dam, to which is appended the dam failure analysis required under section 18;

(3) confirmation that emergency preparedness procedures are provided for in the event of the failure of the dam or of other temporary structures during the construction work referred to in the application, if an emergency action plan is required under Subdivision 2 of Division III for the dam to be constructed;

(4) the structural and foundation stability studies for the dam to be constructed, including the calculations on which they are based, carried out in accordance with good practice and the minimum safety standards applicable, and assessing possible failure modes;

(5) the opinion of the engineer responsible concerning the liquefaction potential of the dam and its foundation and the data on which that opinion is based, unless the dam failure consequence category is “very low” or “low”;

(6) the geotechnical studies required to support the studies and opinion mentioned in subparagraphs 4 and 5 of this paragraph, unless the dam failure consequence category is “very low” or “low”;

(7) the results of a topographic analysis of the reservoir rim;

(8) if applicable, the recommendations of the engineer responsible as to the need for an intervention at the locations, on the reservoir rim, through which overflow could occur during a flood equal to the dam’s safety check flood;

(9) detailed cost estimates for the planned work;

(10) the plans and specifications for the project, drawn up by an engineer;

(11) a recommendation from the engineer responsible concerning the classification of the dam following the work;

(12) an attestation from the engineer responsible establishing the compliance of the plans and specifications with the minimum safety standards applicable and in particular those prescribed in Division II;

(13) a notice stating that an impounded water management plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 33 if, pursuant to the provisions of Subdivision 1 of Division III, such a plan must be drawn up for the dam;

(14) a notice stating that the emergency action plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 39 if, pursuant to the provisions of Subdivision 2 of Division III, such a plan must be drawn up for the dam.”

**48.** Section 58 is replaced by the following:

“**58.** In addition to the information and documents required by the Act, the following information and documents adapted and prepared specifically in relation to the proposed alteration must be submitted with an application for authorization for a structural alteration to a dam whose failure consequence category is equal to or greater than “moderate” or of an associated dam, other than one referred to in section 57:

(1) the structural and foundation stability studies for the dam, including the calculations on which they are based, carried out in accordance with good practice and the minimum safety standards applicable, and assessing possible failure modes;

(2) the opinion of the engineer responsible concerning the liquefaction potential of the dam and its foundation and the data on which that opinion is based, unless the dam failure consequence category is “very low” or “low”;

(3) the geotechnical studies required to support the studies and opinion mentioned in subparagraphs 1 and 2 of this paragraph, unless the dam failure consequence category is “very low” or “low”;

(4) confirmation that emergency preparedness procedures are provided for in the event of the failure of the dam or of other temporary structures during the construction work referred to in the application, if an emergency action plan is required under Subdivision 2 of Division III for the dam;

(5) if the proposed structural alteration would enlarge the area affected by a dam failure, the recommendation of the engineer responsible for drawing up the plans and

specifications for the proposed alteration in respect of the dam failure consequence category, to which is appended the dam failure analysis referred to in section 18;

(6) detailed cost estimates for the planned work;

(7) the plans and specifications for the project, drawn up by an engineer;

(8) a recommendation from the engineer responsible concerning the classification of the dam following the work;

(9) an attestation from the engineer responsible establishing the compliance of the plans and specifications with the minimum safety standards applicable and in particular those prescribed in Division II;

(10) a notice stating that the emergency action plan has been reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 39, if such a plan must be drawn up for the dam and if the completion of the project covered by the application for authorization will enlarge the area affected by a dam failure.

In addition to the information and documents referred to in the first paragraph, if the structural alteration would change the safety check flood, the impounding capacity, the full supply level or the discharge capacity of the dam, the following documents must also be appended to the application for authorization:

(1) the appropriate hydrologic and hydraulic studies;

(2) the results of a topographic analysis of the reservoir rim;

(3) if applicable, the recommendations of the engineer responsible as to the need for an intervention at the locations, on the reservoir rim, through which overflow could occur during a flood equal to the dam’s safety check flood;

(4) a notice from the owner or the engineer responsible stating that an impounded water management plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 33 if, pursuant to the provisions of Subdivision 1 of Division III, such a plan must be drawn up for the dam.

In addition to the information and documents required by the Act, the following information and documents adapted and prepared specifically in relation to the proposed alteration must be submitted with an application for authorization for a structural alteration to a dam

whose failure consequence category “very low” or “low” and that is not part of the same project as a dam whose failure consequence category is equal to or greater than “moderate”, as entered in the register, other than one referred to in section 57:

(1) the information and documents referred to in subparagraphs 6 to 8 of the first paragraph of section 58, and those referred to in the second paragraph of that section;

(2) the opinion of the engineer responsible concerning the stability of the dam and its foundation taking the nature of the proposed work into account;

(3) an attestation from the engineer responsible stating that the dam’s safety will increase as part of the project.”

**49.** Section 59 is amended by striking out subparagraph 3 of the first paragraph.

**50.** Section 60 is amended

(1) by replacing “, rough maps or characterization required under section 18 for the consequence category the engineer considers appropriate for the dam” in paragraph 3 by “pursuant to section 18”;

(2) by replacing paragraph 4 by the following:

“(4) a notice stating that an impounded water management plan has been drawn up or reviewed and indicating the authority to which the plan or a summary of the plan has been sent in accordance with section 33 if, pursuant to the provisions of Subdivision 1 of Division III, such a plan must be drawn up for the dam.”

**51.** Section 61 is amended by replacing “, rough maps or characterization required under section 18 for the consequence category the engineer considers to be appropriate for the dam once the operation has stopped” in subparagraph *b* of paragraph 1 “by “pursuant to section 18”.

**52.** Section 62 is amended by replacing “9” in the third paragraph by “7”.

**53.** Section 69 is amended by striking out the second paragraph.

**54.** Section 70 is amended by adding “or by means of an electronic payment” at the end.

**55.** Section 72 is replaced by the following:

“72. A declaration of the construction or structural alteration of a dam must contain

(1) the name and address of the owner and the particulars of the dam location, including geographic coordinates;

(2) the impounding capacity of the dam following the work;

(3) the height of the dam following the work;

(4) the project description;

(5) an attestation from the engineer responsible for the plans and specifications stating that the dam will be or will remain in the Class of low-capacity dams following the work;

(6) the name of the engineer responsible for the plans and specifications, and the member’s membership number in the Ordre des ingénieurs du Québec.

The owner or promoter required to send the declaration mentioned in the first paragraph to the Minister must use the appropriate form available on the website of the Minister’s department.”

**56.** Section 73 is amended by adding the following paragraph at the end:

“The owner or promoter required to send the declaration mentioned in the first paragraph to the Minister must use the appropriate form available on the website of the Minister’s department.”

**57.** The heading of Chapter V is amended by replacing “EXISTING HIGH-CAPACITY DAMS” by “NEWLY LISTED HIGH-CAPACITY DAMS AND DAMS NEWLY CLASSIFIED AS HIGH-CAPACITY DAMS”.

**58.** Sections 74 and 75 are replaced by the following:

“74. The Minister classifies all newly listed dams or dams newly classified as high-capacity dams in accordance with the provision of Division I of Chapter III, subject to the proviso that the dam’s failure consequence category is determined on the basis of a prudent inventory of the characteristics of the area.”

75. Every newly listed dam or dam newly classified as a high-capacity dam with characteristics that do not comply with the minimum safety standards applicable to it pursuant to Division II of Chapter III must be brought into conformity with those standards not later than the earlier of

(1) the date on which the dam undergoes a structural alteration that affects all parts of the dam or that, because of the scope of the work, is equivalent to reconstructing the dam; or

(2) in the case of a dam whose failure consequence category is equal to or greater than “moderate”, or in the case of an associated dam, the completion date stated in the outline of remedial measures and implementation schedule approved by the Minister under section 17 of the Act.

In addition, if structural alterations other than those referred to in subparagraph 1 of the first paragraph are made to a dam whose failure consequence category is equal to or greater than “moderate” or to an associated dam before either of those dates, the dam must be brought into conformity with the various minimum safety standards applicable to the work, to the parts of the dam or to the characteristics of the dam being altered or affected by the alterations to the structure of the dam.”

**59.** Section 76 is amended

(1) in the first paragraph

(a) by replacing “an existing dam” in the part preceding subparagraph 1 by “a newly listed dam or a dam newly classified as a high-capacity dam”;

(b) by replacing “structure” in subparagraph *a* of subparagraph 2 by “dam”;

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

“The owner must also, as soon as possible after the impounded water management plan is drawn up, send the plan or a summary of the plan to the local municipality within whose territory the dam is located or, in the case of an unorganized territory, the competent regional authority or the Minister of Public Security, in accordance with the provisions of section 33.”;

(3) in the second paragraph

(a) by replacing “An impounded water management plan summary” by “A notice stating that an impounded water management plan”;

(b) by replacing “under the second paragraph of section 33” by “has been drawn up and indicating the authority to which the plan or a summary of the plan has been sent in accordance with the second paragraph”;

(c) by replacing “as the case may be” by “where applicable”.

(4) by striking out the third paragraph.

**60.** Section 77 is amended

(1) in the first paragraph

(a) by replacing “an existing dam” in the part preceding subparagraph 1 by “a newly listed dam or a dam newly classified as a high-capacity dam”;

(b) by replacing “structure” in subparagraph *a* of subparagraph 2 by “dam”;

(2) by replacing the second and third paragraphs by the following paragraphs:

“The owner must also, as soon as possible after the emergency action plan is drawn up, send the plan or a summary of the plan to the local municipality within whose territory the dam is located or, in the case of an unorganized territory, to the competent regional authority or the Minister of Public Security, in accordance with the provisions of section 39.

A notice stating that an emergency action plan has been drawn up and indicating the authority to which the plan or a summary of the plan has been sent in accordance with the second paragraph must be appended either to the first dam safety review or to the application for authorization referred to in subparagraph 2 of the first paragraph.”.

**61.** Sections 78, 79 and 80 are replaced by the following:

“**78.** The first dam safety review of a newly listed dam or a dam newly classified as a high-capacity dam must be conducted, and the attendant report sent to the Minister, before 31 December of the fifth calendar year following the year in which the owner is informed of its entry in the register or the entry of its new classification in the register.”.

**79.** The first inspection activity on a newly listed dam or a dam newly classified as a high-capacity dam must be conducted not later than three months after the date on which the dam’s owner is informed of its entry in the register or the entry of its new classification in the register.

**80.** Within 30 days from the date on which the owner of a newly listed dam or a dam newly classified as a high-capacity dam is informed of its entry in the register or the entry of its new classification in the register, the owner must establish a logbook and enter in the logbook the actions that have been taken and the significant events that have occurred since the dam was commissioned, to the best of the owner’s knowledge.

The owner must update the logbook in accordance with section 46 from the date on which it is established.”.

**62.** Section 81, the heading of Chapter VI and section 82 are replaced by the following:

**“CHAPTER V.1  
ADMINISTRATIVE AND PENAL PROVISIONS**

**DIVISION I  
MONETARY ADMINISTRATIVE PENALTIES**

**81.** 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 send a notice, information or a document, or to comply with the time limits and procedure for producing or sending a notice, information or a document, in contravention of section 4.1, 6, 33, 39 or 42 or with the second or third paragraph of section 76 or 77;

(2) fails to inform the Minister of any change affecting information entered in the register or to send a document or information to the Minister within the time prescribed by section 7, in contravention of that section;

(3) fails to inform the Minister of any change affecting information entered in the register within the time prescribed by section 7, in contravention of the third paragraph of section 42;

(4) fails to establish, keep or maintain the register provided for in section 21 of the Act, in contravention of section 46 or 80;

(5) fails to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided for.

**82.** 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 comply with the number, frequency or time limits for the inspection activities provided for in section 41 or 79;

(2) fails to produce a report containing the information prescribed by section 42.1 in accordance with the conditions set out in that section.

**DIVISION II  
PENAL SANCTIONS**

**82.1.** Every person who

(1) fails to send a notice, information or a document, or to comply with the time limits and procedure for producing or sending a notice, information or a document, in contravention of section 4.1, 6, 33, 39 or 42 or with the second or third paragraph of section 76 or 77,

(2) fails to inform the Minister of any change affecting information entered in the register or to send a document or information to the Minister within the time prescribed by section 7, in contravention of that section,

(3) fails to inform the Minister of any change affecting information entered in the register within the time prescribed by section 7, in contravention of the third paragraph of section 42,

(4) fails to establish, keep or maintain the register provided for in section 21 of the Act, in contravention of section 46 or 80,

(5) fails to comply with a provision of this Regulation for which no offence is otherwise provided for,

is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 or, in other cases, to a fine of \$3,000 to \$600,000.

**82.2.** Every person who

(1) fails to comply with the number, frequency or time limits for the inspection activities provided for in section 41 or 79,

(2) fails to produce a report containing the information prescribed by section 42.1 in accordance with the conditions set out in that section,

is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 or, in other cases, to a fine of \$7,500 to \$1,500,000.

**CHAPTER VII**  
**FINAL**

**63.** Schedule II is amended

(1) by inserting the following in the “Dam types” section, placed by alphabetical order:

Rockfill - zoned  
Impervious core 3

---

Rockfill - zoned (core) 3

---

(2) by inserting the following in the “Foundation types” section, after the line “Rock”:

“Core on treated rock 3”;

---

(3) by inserting the following in the “Foundation types” section, after the line “Treated till”:

“Core on rock 4”;

---

(4) by inserting the following in the “Foundation types” section, after the line “Till”:

“Core on till 5”;

---

(5) by inserting the following in the “Foundation types” section, after the line “Treated alluvial deposits”:

“Core on clay 8”.

---

**64.** Schedule III is amended by inserting, after the section “Reliability of discharge facilities” and before the section “Dam condition”, the following paragraphs :

“Satisfactory: there is a very high probability that the discharge facility will operate effectively during a flood;

Acceptable: there is a real or temporary probability that the discharge facility will not operate effectively during a flood;

Unsatisfactory or undetermined: there is a low or zero probability that the discharge facility will operate effectively during a flood, or the information available is insufficient to rule of the reliability of the dam’s discharge facilities.”

**65.** Schedule V is amended

(1) by replacing the table “Characteristics of the affected area” by the following:

“SCHEDULE V  
(s. 17)

CHARACTERISTICS OF THE AFFECTED AREA

Characteristics of the affected area			Consequence Category
<b>Population density</b>		<b>Extent of damaged infrastructures and interrupted services</b>	
Uninhabited area	OR	Area containing minimal infrastructures or services such as <ul style="list-style-type: none"> <li>- another dam in the Very Low Consequence category</li> <li>- a resources access road</li> <li>- farmland</li> <li>- a commercial facility without accommodations</li> </ul>	Very Low
Occasionally inhabited area containing less than 10 cottages or seasonal residences	OR	Area containing limited infrastructures or services such as <ul style="list-style-type: none"> <li>- another dam in the Low Consequence category</li> <li>- a local road</li> </ul>	Low
OR  Area containing a commercial facility that provides accommodation for less than 25 persons or that has less than 10 accommodation units (i.e., 10 cottages, 10 campsites, 10 motel rooms)			
Permanently inhabited area containing less than 10 residences or occasionally inhabited and containing 10 or more cottages or	OR	Area containing moderate infrastructures or services such as <ul style="list-style-type: none"> <li>- another dam in the Moderate Consequence category</li> <li>- a feeder road</li> <li>- a railway line (local or regional)</li> <li>- an enterprise with less than 50 employees</li> </ul>	Moderate

<p>seasonal residences</p> <p>OR</p> <p>Area containing a seasonal commercial facility that provides accommodation for 25 or more persons or that contains 10 or more accommodation units or that operates year-round and provides accommodation for less than 25 persons or has less than 10 accommodation units</p>		<p>- a main water intake upstream or downstream of the dam that supplies a municipality</p> <p>- a water reservoir upstream or downstream of the dam that supplies a municipality</p>	
<p>Permanently inhabited area containing 10 or more residences and less than 1,000 residents</p> <p>OR</p> <p>Area containing a commercial facility that operates year-round and provides accommodation for 25 or more persons or has 10 or more accommodation units</p>	OR	<p>Area containing significant infrastructures or services such as</p> <ul style="list-style-type: none"> <li>- another dam in the High Consequence category</li> <li>- a regional road</li> <li>- a railway line (transcontinental or transborder)</li> <li>- a school</li> <li>- an enterprise that has 50 to 499 employees</li> </ul>	High



Permanently inhabited area with a population of more than 1,000 and less than 10,000	OR	Area containing major infrastructures or services such as <ul style="list-style-type: none"> <li>- another dam in the Very High Consequence category</li> <li>- an autoroute or national highway</li> <li>- an enterprise that has 500 or more employees</li> <li>- an industrial park</li> <li>- a dangerous substances storage site</li> </ul>	Very High
Permanently inhabited area with a population of 10,000 or more	OR	Area containing substantial infrastructures or services such as <ul style="list-style-type: none"> <li>- another dam in the Severe Consequence category</li> <li>- a hospital</li> <li>- a major industrial complex</li> <li>- a large dangerous substances storage site</li> <li>- the St. Lawrence Seaway</li> </ul>	Severe

(2) by adding the following paragraph at the end: “For an infrastructure or service that does not match one of the types listed in the table above, an equivalency must be established with the type of infrastructure or service that, by analogy, provides the best match with the infrastructure or service under consideration.”

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

106131

## Draft Regulation

Youth Protection Act  
(chapter P-34.1)

### Training prior to adopting a child domiciled outside Québec

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting training prior to adopting a child domiciled outside Québec, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation provides that a person who wants to adopt a child domiciled outside Québec must undergo training prior to adopting a child domiciled outside Québec offered by the Minister Responsible for Social Services.

The draft Regulation establishes that the Minister Responsible for Social Services or the person designated by the Minister issues an attestation to the person who has completed the prior training and that the attestation is valid for a period of 3 years.

Lastly, the draft Regulation specifies the terms and conditions regarding the holding of the attestation for the purposes of the adoption, with or without a certified body, of a child domiciled outside Québec.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Geneviève Poirier, Secretary and Director General, Secrétariat aux services internationaux à l'enfant, Ministère de la Santé et des Services sociaux, 201, boul. Crémazie Est, bureau 1.01, Montréal (Québec) H2M 1L2; telephone: (514) 873-5226; email: geneviève.poirier@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister Responsible for Social Services, 1075, chemin Sainte-Foy, 15<sup>e</sup> étage, Québec (Québec) G1S 2M1.

LIONEL CARMANT  
*Minister responsible for Social Services*

## Regulation respecting Training prior to adopting a child domiciled outside Québec

Youth Protection Act  
(chapter P-34.1, s. 132, par. h)

### DIVISION I PRIOR TRAINING

**1.** An adopter who wants to adopt a child domiciled outside Québec must complete training prior to adopting a child domiciled outside Québec offered by the Minister.

**2.** The Minister or the person designated by the Minister issues an attestation to the person who has completed the prior training.

The attestation is valid for a period of 3 years.

### DIVISION II HOLDING OF THE ATTESTATION

**3.** The adopter must hold the attestation referred to in section 2 before the Minister issues a confirmation that authorizes the adopter to undergo a psychosocial assessment in accordance with the first paragraph of section 16 of the Regulation respecting the adoption without a certified body of another child domiciled outside Québec by a person domiciled in Québec (chapter P-34.1, r. 2).

Despite the first paragraph, an adopter who has already adopted a child domiciled outside Québec is not required to hold the attestation where the adopter obtains the authorization to make the arrangements for the adoption of another child domiciled outside Québec in the 5 years following the date of arrival in Québec of the child who has already been adopted.

**4.** The adopter must hold the attestation referred to in section 2 before entering into the contract referred to in the first paragraph of section 11 of the Regulation respecting the certification of intercountry adoption bodies (chapter P-34.1, r. 3) with a certified intercountry adoption body.

Despite the first paragraph, an adopter who has already adopted a child domiciled outside Québec is not required to hold an attestation where the adopter enters into the contract referred to in the first paragraph to make arrangements for the adoption of another child domiciled outside Québec in the 5 years following the date of arrival in Québec of the child who has already been adopted.

### DIVISION III FINAL

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

106126

## Treasury Board

Gouvernement du Québec

### **T.B. 227642, 7 February 2023**

Act respecting the Government and Public Employees Retirement Plan (chapter R-10)

#### **Amendments to Schedules I and II.1**

Act respecting the Pension Plan of Management Personnel (chapter R-12.1)

#### **Amendments to Schedule II**

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under paragraph 3 of section 2 of the Act respecting the Government and Public Employees Retirement Plan, the retirement plan applies to an employee who is released without pay by his or her employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.1.1 and II.2 and, where it amends Schedule I or II, it must also amend to the same effect Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1), and any such order may have effect 12 months or less before it is made;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan (chapter R-10, r. 2) determines, in accordance with subparagraph 25 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1 to the Act;

WHEREAS, under the first paragraph of section 1 of the Act respecting the Pension Plan of Management Personnel, the Pension Plan of Management Personnel applies, to the extent provided for in Chapter I of that Act, to employees and persons appointed or engaged on or after 1 January 2001 to hold, with the corresponding classification, non-unionizable employment designated in Schedule I and referred to in Schedule II;

WHEREAS, under the first paragraph of section 207 of that Act, the Government may, by order, amend Schedule II, but only to the extent provided for in section 220 of the Act respecting the Government and Public Employees Retirement Plan, and any such order may have effect 12 months or less before it is made;

WHEREAS, under section 40 of the Public Administration Act (chapter A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Minister of Finance has been consulted;

WHEREAS the Syndicat des professionnelles en soins de Chaudière-Appalaches meets the conditions set out in section 53 of the Regulation under the Act respecting the Government and Public Employees Retirement Plan to be designated in Schedule I to the Act respecting the Government and Public Employees Retirement Plan and in Schedule II to the Act respecting the Pension Plan of Management Personnel;

WHEREAS the Syndicat Canadien de la fonction publique (3259) meets the conditions set out in section 53.1 of the Regulation to be designated in Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan;

THE CONSEIL DU TRÉSOR DECIDES:

THAT the amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan and to Schedule II to the Act respecting the Pension Plan of Management Personnel, attached to this Decision, are hereby made.

*Le greffier du Conseil du trésor,*  
LOUIS TREMBLAY

---

**Amendments to Schedules I and II.1  
to the Act respecting the Government  
and Public Employees Retirement  
Plan and to Schedule II to the  
Act respecting the Pension Plan  
of Management Personnel**

Act respecting the Government  
and Public Employees Retirement Plan  
(chapter R-10, s. 220)

Act respecting the Pension Plan  
of Management Personnel  
(chapter R-12.1, s. 207, 1st par.)

- 1.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended in paragraph 1 by inserting “Syndicat des professionnelles en soins de Chaudière-Appalaches” in alphabetical order.
- 2.** Schedule II.1 is amended in paragraph 1 by inserting “Syndicat Canadien de la fonction publique (3259)” in alphabetical order.
- 3.** Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended in paragraph 1 by inserting “Syndicat des professionnelles en soins de Chaudière-Appalaches” in alphabetical order.
- 4.** These amendments have effect since 1 March 2022, except section 2, which has effect since the date occurring 12 months before the date on which this Decision is made.

106124

## Notices

---

### Notice

Act Respecting Threatened or Vulnerable Species  
(chapter E-12.01)

#### **Dune-du-Nord Plant Species Habitat — Amendment**

Notice is hereby given, pursuant to section 13 of the Act Respecting Threatened or Vulnerable Species (chapter E-12.01) that the Minister of the Environment, the Fight against Climate Change, Wildlife and Parks has amended, as appended, the map of the Dune-du-Nord Plant Species Habitat, recognized in section 7 of the Regulation respecting threatened or vulnerable plant species and their habitats. This protected area, for which the initial map was published in the *Gazette officielle du Québec* on May 24, 2006, is located within the administrative region of Gaspésie—Îles -de -la -Madeleine in the municipalities of Les Îles-de-la-Madeleine and Grosse-Île. Broom crowberry (*Corema conradii* (Torr.) Torr. ex Loudon), a plant species designated as threatened in Quebec, is found there.

The amendment of the Dune-du-Nord Plant Species Habitat consists in the withdrawal of a 10 ha area encompassing the “parc éolien de la Dune-du-Nord” infrastructures and operating leases. The construction and operation of this wind farm was authorized on June 19, 2019 by government Order-in-Council 611-2019. The amendment takes effect fifteen days after publication of this notice in the *Gazette officielle du Québec*.

CHRISTINE GÉLINAS  
*Director of the protection of species  
and the natural environment*

106127

