



Part 2

LAWS AND REGULATIONS

21 June 2023 / Volume 155

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Legal deposit – 1st Quarter 1968
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Part 2 – LAWS AND REGULATIONS

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- (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;
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PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 31 MAY 2023

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 31 May 2023*

This day, at a quarter past four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 7 An Act respecting the implementation of certain provisions of the Budget Speech of 22 March 2022 and amending other legislative provisions

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 1 JUNE 2023

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 1 June 2023*

This day, at ten past five o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

19 An Act respecting the regulation of work by children

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.

Québec Official Publisher

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

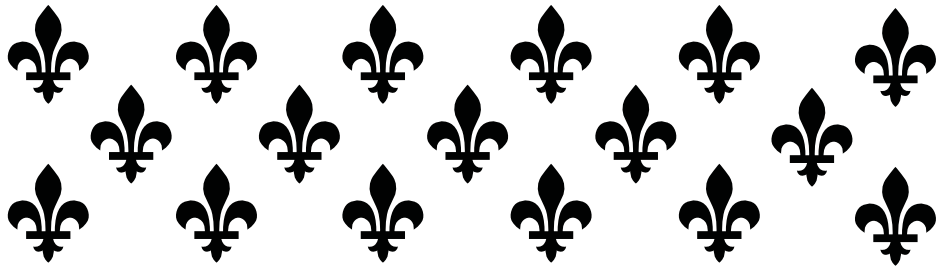
QUÉBEC, 7 JUNE 2023

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 7 June 2023*

This day, at a quarter to four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 24 An Act to follow up on the recommendations of the report of the Comité consultatif indépendant sur la révision de l'indemnité annuelle des membres de l'Assemblée nationale

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 7
(2023, chapter 10)

**An Act respecting the implementation
of certain provisions of the Budget
Speech of 22 March 2022 and
amending other legislative provisions**

**Introduced 1 February 2023
Passed in principle 15 February 2023
Passed 24 May 2023
Assented to 31 May 2023**

**Québec Official Publisher
2023**

EXPLANATORY NOTES

This Act amends or enacts legislative provisions, in particular to implement certain measures contained in the Budget Speech delivered on 22 March 2022.

The Act respecting the Québec sales tax is amended to set out rules relating to mandatory billing applicable in the restaurant service and bar sectors in order to replace the use of sales recording modules by a technological solution.

The Tax Administration Act is amended to provide that a person who has filed a notice of objection in respect of an assessment may, following a reassessment or an additional assessment regarding an amount specified in the notice of objection, file a contestation with the Court of Québec without having to file a new notice of objection.

A formal demand to file information or a document required under the Act to facilitate the payment of support may be notified by a technological means when addressed to a financial institution and the financial institution may file the information or document by such a means.

The Unclaimed Property Act is amended so that, in particular, the period for a financial product to be considered unclaimed property, in the absence of a claim, transaction or instruction in respect of that property, begins to run in the three years following the date on which the property has been distributed or issued. The thresholds to act without authorization of the court that apply as regards the administration of unclaimed property are increased and those amounts are indexed.

The Act respecting offences relating to alcoholic beverages is amended to allow the Société des alcools du Québec, without judicial authorization, to destroy the alcoholic beverages the seizure of which resulted in the imposition of a monetary administrative penalty.

The Act respecting the Caisse de dépôt et placement du Québec is amended to allow the Fund to invest in businesses promoting energy transition and to strike out certain limits applicable to the Fund's investments concerning, in particular, businesses whose principal activity consists in building or developing infrastructures.

The Supplemental Pension Plans Act is amended to allow a member at least 55 years of age to apply for payment, in the form of variable benefits, of the funds the member holds and to replace, under certain conditions, all or part of the pension to which the member is entitled by a payment in one or more instalments out of a pension plan prescribed by regulation.

The Act respecting the Ministère du Tourisme is amended to provide that the fees collected under the Tourist Accommodation Act for the registration or renewal of the registration of tourist accommodation establishments are credited to the tourism partnership fund and that the sums required to compensate the recognized bodies tasked with those operations are debited from the fund.

The Act respecting Cree, Inuit and Naskapi Native persons is amended to provide that being domiciled outside the territory for health reasons, to study or to work with an organization whose mandate is to promote the welfare of the Crees does not affect a Cree beneficiary's status of beneficiary. The Secretary General entrusted with the registration of Cree and Naskapi beneficiaries is appointed by the minister designated by the Government.

The Act respecting remunerated passenger transportation by automobile is amended to prohibit anyone soliciting a person from behaving in such a way that may importune or intimidate the solicited person, and to require that qualified drivers providing a trip whose starting point is a place determined by regulation of the Minister hold an authorization from the person in charge of that place.

Lastly, the Act contains various provisions including relief measures applicable from 1 April 2022 to 31 March 2023 to persons with student debt under the loans and bursaries program.

LEGISLATION AMENDED BY THIS ACT:

- Tax Administration Act (chapter A-6.002);
- Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1);
- Unclaimed Property Act (chapter B-5.1);
- Act respecting the Caisse de dépôt et placement du Québec (chapter C-2);

- Act respecting contracting by public bodies (chapter C-65.1);
- Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- Act respecting the Ministère du Tourisme (chapter M-31.2);
- Act to facilitate the payment of support (chapter P-2.2);
- Act respecting the legal publicity of enterprises (chapter P-44.1);
- Supplemental Pension Plans Act (chapter R-15.1);
- Business Corporations Act (chapter S-31.1);
- Act respecting the Québec sales tax (chapter T-0.1);
- Act respecting remunerated passenger transportation by automobile (chapter T-11.2);
- Act mainly to improve the transparency of enterprises (2021, chapter 19).

Bill 7

AN ACT RESPECTING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECH OF 22 MARCH 2022 AND AMENDING OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

MANDATORY BILLING IN THE RESTAURANT SERVICE AND BAR SECTORS

TAX ADMINISTRATION ACT

- 1.** Section 17.3 of the Tax Administration Act (chapter A-6.002) is amended by inserting “, 350.60.4, 350.60.5 and 350.60.8” after “350.52.2” in subparagraph *n* of the first paragraph.
- 2.** Section 17.5 of the Act is amended by inserting “, 350.60.4, 350.60.5 and 350.60.8” after “350.52.2” in subparagraph *p* of the first paragraph.
- 3.** Section 60.3 of the Act is amended by replacing “section 350.53 or” by “any of sections 350.53, 350.60.9 and”.
- 4.** Section 60.4 of the Act is amended by inserting “subparagraph 2 of any of the first, second and fourth paragraphs of section 350.60.4, subparagraph 2 of the first or second paragraph of section 350.60.5, any of the first, second and third paragraphs of section 350.60.6, section 350.60.7,” after “350.56.1,”.
- 5.** Section 61.0.0.1 of the Act is amended by replacing “any of sections 350.52 to 350.52.2 and 350.61 of the Act respecting the Québec sales tax (chapter T-0.1) or paragraph 1 of section 350.62 of that Act” by “any of sections 350.52 to 350.52.2 and 350.60.3, subparagraph 1 of any of the first, second and fourth paragraphs of section 350.60.4, subparagraph 1 of the first or second paragraph of section 350.60.5, section 350.60.8 or 350.61 or paragraph 1 of section 350.62 of the Act respecting the Québec sales tax (chapter T-0.1)”.

ACT RESPECTING THE QUÉBEC SALES TAX

- 6.** The heading of Division XXII of Chapter VI of Title I of the Act respecting the Québec sales tax (chapter T-0.1) is amended by adding “—SALES RECORDING MODULE” at the end.

7. The Act is amended by inserting the following after section 350.60:

“350.60.1. This division does not apply where Division XXII.1 applies.

“DIVISION XXII.1

“RESTAURANT SERVICES — SALES RECORDING SYSTEM

“350.60.2. For the purposes of this division,

“establishment providing restaurant services” means, as the case may be,

(1) a place laid out to ordinarily provide, for consideration, meals for consumption on the premises;

(2) a place where meals for consumption elsewhere than on the premises are provided for consideration; or

(3) a place where a caterer carries on a business;

“food truck” means a truck or a trailer that is laid out to prepare or serve meals, whether or not they are intended for consumption on the premises, including a truck or a trailer offering beverages exclusively, but does not include a mobile canteen, that is, a vehicle ordinarily going to businesses, factories, worksites, garages, rest areas or other similar places to offer mainly previously prepared and pre-assembled meals, nor a trailer that may be moved without the use of a truck or road vehicle;

“meal” means a food or beverage intended for human consumption but does not include

(1) a food or beverage supplied through a vending machine; or

(2) a food or beverage that a recipient receives solely for the purpose of again making a supply of it.

A place described in paragraph 1 or 2 of the definition of “establishment providing restaurant services” in the first paragraph includes such a place situated in an amusement park, recreational park, water park, animal park, zoological garden, aquarium or other similar place.

However, the definition of “establishment providing restaurant services” in the first paragraph does not include, as applicable,

(1) a place that is reserved exclusively for the personnel of a business and where meals are provided for such personnel;

(2) a place that is a mobile vehicle in which meals are provided, unless it is a food truck;

(3) a place where the supplies of meals that are made are exempt supplies of meals exclusively;

(4) a place where meals are provided, for consideration, to be consumed exclusively in the stands, seats or area reserved for the spectators or participants at a cinema, theatre, amphitheatre, racetrack, arena, stadium, sports centre or any other similar place, except in the case of a cinema, theatre or other similar place, if the supplies made in that place consist mainly in the supply of meals, or of a property or service for which part of the consideration relates to the supply of a meal or authorizes the recipient to receive the supply of a meal or a discount on the value of the consideration for the supply of a meal;

(5) a place where meals for consumption elsewhere than on the premises are provided for consideration and that is a butcher's shop, bakery, pastry shop, fish shop, grocery store or any other similar business; or

(6) a place that is laid out to ordinarily provide, for consideration, meals for consumption on the premises, that is integrated into the business premises of another business of the operator (other than an establishment providing restaurant services) and that is designed in such a way that fewer than 20 persons can consume meals on the premises simultaneously.

“350.60.3. The operator of an establishment providing restaurant services referred to in section 350.60.4 shall equip that establishment with equipment that allows the operator to comply with the obligations set out in that section and ensure the proper operation of that equipment.

The person referred to in section 350.60.5 shall have in his or her possession equipment that allows the person to comply with the obligations set out in that section and ensure the proper operation of that equipment.

“350.60.4. The operator of an establishment providing restaurant services who is a registrant and who makes a taxable supply of a meal (other than a zero-rated supply) in the course of operating the establishment shall, subject to the prescribed cases and conditions,

(1) send the prescribed information to the Minister in the prescribed manner and at the prescribed time; and

(2) provide an invoice produced in the prescribed manner and containing the prescribed information to the recipient without delay after its production and keep a copy of the invoice.

In addition, if the establishment providing restaurant services is a place where alcoholic beverages are provided under a bar permit issued under the Act respecting liquor permits (chapter P-9.1) and authorizing the sale of alcoholic beverages for consumption on the premises, the operator shall also, subject to the prescribed cases and conditions, when making a taxable supply described in the third paragraph, other than a zero-rated supply,

(1) send the prescribed information to the Minister in the prescribed manner and at the prescribed time; and

(2) provide an invoice produced in the prescribed manner and containing the prescribed information to the recipient without delay after its production and keep a copy of the invoice.

A taxable supply to which the second paragraph refers is

(1) the supply of an admission made, for consideration, in the establishment, at its entrance or near the establishment, regardless of whether the consideration includes the supply of beverages; or

(2) any other supply of a property or service ordinarily made, for consideration, in the establishment, at its entrance or near the establishment, and intended primarily for the use of the clients of the establishment.

Where the operator has adjusted, refunded or credited an amount in favour of, or to, the recipient, in accordance with section 447 or 448, in respect of the supply referred to in the first or second paragraph for which an invoice has been produced in the manner provided for in either of those paragraphs, the operator shall, subject to the prescribed cases and conditions,

(1) send the prescribed information to the Minister in the prescribed manner and at the prescribed time; and

(2) issue to the recipient, within a reasonable time, the credit note referred to in paragraph 1 of section 449 produced in the prescribed manner and containing the prescribed information, unless the recipient issues to the operator the debit note referred to in that paragraph 1, and keep a copy of the credit note.

Where the operator has, in accordance with paragraph 1 of section 447 or 448, adjusted an amount in favour of the recipient in respect of the supply referred to in the first or second paragraph for which an invoice has been produced before payment and where the consideration and the tax in respect of that supply, or a part of them, have not been charged to the recipient's account, the following rules apply:

(1) despite paragraph 1 of section 449, the operator is not required to issue a credit note to the recipient; and

(2) the fourth paragraph does not apply in respect of the adjustment.

The obligations under the second paragraph do not apply

(1) to a supply made by means of a vending machine; or

(2) to a supply of a property or service made in a room in a tourist accommodation establishment duly registered under the Tourist Accommodation Act (chapter H-1.01) as a general tourist accommodation establishment.

“350.60.5. Any person who is a registrant and who, in an establishment providing restaurant services described in the second paragraph of section 350.60.4, at its entrance or near the establishment, ordinarily makes a taxable supply of a property or service referred to in that paragraph under an agreement entered into with the operator of the establishment or with a person related to the operator shall, subject to the prescribed cases and conditions,

(1) send the prescribed information to the Minister in the prescribed manner and at the prescribed time; and

(2) provide an invoice produced in the prescribed manner and containing the prescribed information to the recipient without delay after its production and keep a copy of the invoice.

Where the person has adjusted, refunded or credited an amount in favour of, or to, the recipient, in accordance with section 447 or 448, in respect of the supply referred to in the first paragraph for which an invoice has been produced in the manner provided for in that paragraph, the person shall, subject to the prescribed cases and conditions,

(1) send the prescribed information to the Minister in the prescribed manner and at the prescribed time; and

(2) issue to the recipient, within a reasonable time, the credit note referred to in paragraph 1 of section 449 produced in the prescribed manner and containing the prescribed information, unless the recipient issues to the person the debit note referred to in that paragraph 1, and keep a copy of the credit note.

Where the person has, in accordance with paragraph 1 of section 447 or 448, adjusted an amount in favour of the recipient in respect of the supply referred to in the first paragraph for which an invoice has been produced before payment, the following rules apply:

(1) despite paragraph 1 of section 449, the person is not required to issue a credit note to the recipient; and

(2) the second paragraph does not apply in respect of the adjustment.

“350.60.6. The operator of an establishment providing restaurant services who is not a registrant and who makes a taxable supply of a meal (other than a zero-rated supply) in the course of operating the establishment shall prepare an invoice containing the prescribed information, provide the invoice, subject to the prescribed cases and conditions, to the recipient without delay after preparing it and keep a copy of the invoice.

In addition, if the establishment providing restaurant services is a place where alcoholic beverages are provided under a bar permit issued under the Act respecting liquor permits (chapter P-9.1) and authorizing the sale of alcoholic beverages for consumption on the premises, the operator shall also, when making a taxable supply described in the second paragraph of section 350.60.4, prepare an invoice containing the prescribed information, provide the invoice, subject to the prescribed cases and conditions, to the recipient without delay after preparing it and keep a copy of the invoice.

Any person who is not a registrant and who, in an establishment providing restaurant services described in the second paragraph, at its entrance or near the establishment, ordinarily makes a taxable supply referred to in that paragraph under an agreement entered into with the operator of the establishment or with a person related to the operator shall prepare an invoice containing the prescribed information, provide the invoice, subject to the prescribed cases and conditions, to the recipient without delay after preparing it and keep a copy of the invoice.

The obligations under the second paragraph do not apply

(1) to a supply made by means of a vending machine; or

(2) to a supply of a property or service made in a room in a tourist accommodation establishment duly registered under the Tourist Accommodation Act (chapter H-1.01) as a general tourist accommodation establishment.

This section does not apply

(1) to a small supplier who, while being the holder of a valid event permit issued under the Act respecting liquor permits, makes a supply of alcoholic beverages, if the supply is authorized under that permit; or

(2) to a small supplier who is a public service body.

“350.60.7. The operator of an establishment providing restaurant services shall, where the establishment is referred to in the second paragraph of section 350.60.4, declare to the Minister the entering into, modification or expiry of an agreement for a taxable supply of a property or service referred to in that paragraph that a person ordinarily makes in that establishment, at its entrance or near the establishment, either in the prescribed form containing prescribed information and filed within the prescribed time period or by sending the prescribed information to the Minister in the prescribed manner and at the prescribed time.

“350.60.8. Except in the prescribed cases, the operator of an establishment providing restaurant services who is a registrant shall, where the establishment is referred to in the second paragraph of section 350.60.4, enter into an agreement for the supply of a property or service made on an exceptional basis by a person in that establishment, at its entrance or near the establishment,

before the supply is made. The operator shall send the prescribed information relating to the agreement to the Minister in the prescribed manner and at the prescribed time.

“350.60.9. No person to whom section 350.60.4 or 350.60.5 applies and no person acting on that person’s behalf may print or send by a technological means the invoice or credit note, containing the prescribed information, referred to in section 350.60.4 or 350.60.5 more than once, except when providing it to the recipient for the purposes of either of those sections. If such a person prints or sends by such means a reproduction or duplicate of the invoice or credit note for another purpose, the person shall do so in the prescribed manner and such a document must contain the prescribed information.

No such person may provide a recipient of a supply, in relation to the requirement to provide the recipient with an invoice in accordance with the first or second paragraph of section 350.60.4 or the first paragraph of section 350.60.5, with another document stating the consideration paid or payable by the recipient for the supply and the tax payable in respect of the supply, except in the prescribed cases and on the prescribed conditions.

“350.60.10. Every person to whom section 350.60.4 or 350.60.5 applies shall, at the request of a person authorized for that purpose by the Minister,

(1) display a report containing the prescribed information on a device that is part of the equipment described in section 350.60.3;

(2) provide the authorized person with a printed copy of the report or send it to the authorized person by a technological means; or

(3) send the prescribed information to the Minister in the prescribed manner and at the prescribed time.

In the cases described in subparagraphs 1 and 2 of the first paragraph, the person shall also send the prescribed information to the Minister in the prescribed manner and at the prescribed time.

“350.60.11. The Minister may, on such terms and conditions as the Minister determines, exempt a person or class of persons from a requirement set out in sections 350.60.3 to 350.60.10. The Minister may, however, revoke the exemption or modify its terms and conditions.

“350.60.12. Whoever fails to comply with subparagraph 1 of any of the first, second and fourth paragraphs of section 350.60.4, subparagraph 1 of the first or second paragraph of section 350.60.5 or section 350.60.8 or 350.60.10 incurs a penalty of \$300; with subparagraph 2 of any of the first, second and fourth paragraphs of section 350.60.4, subparagraph 2 of the first or second paragraph of section 350.60.5 or any of the first, second and third paragraphs of section 350.60.6, a penalty of \$100; and with section 350.60.9, a penalty of \$200.

“350.60.13. In any proceedings respecting an offence under section 60.3 of the Tax Administration Act (chapter A-6.002), when it refers to section 350.60.9, an offence under section 60.4 of the Tax Administration Act, when it refers to any of sections 350.60.4, 350.60.5 and 350.60.6, an offence under section 61.0.0.1 of the Tax Administration Act, when it refers to section 350.60.4 or 350.60.5, or an offence under section 485.3, when it refers to section 425.1.1, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee had knowledge that an invoice or credit note was provided to the recipient by an operator of an establishment providing restaurant services to whom section 350.60.4 or 350.60.6 applies, by a person to whom section 350.60.5 or 350.60.6 applies or by a person acting on behalf of that operator or person, is proof, in the absence of any proof to the contrary, that the invoice or credit note was produced or prepared, as the case may be, and provided by the operator or by such a person and that the amount shown in the invoice or credit note as being the consideration or the amount of the refund, adjustment or credit corresponds to the consideration received from the recipient for a supply or to the amount refunded, adjusted or credited to or in favour of the recipient in respect of the supply.

“350.60.14. In proceedings respecting an offence referred to in section 350.60.13, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee carefully analyzed an invoice or credit note and that it was impossible for the employee to find that it was produced in the manner referred to in section 350.60.4 or 350.60.5 is proof, in the absence of any proof to the contrary, that the invoice or credit note was not produced in the manner referred to in either of those sections.

In addition, in proceedings respecting an offence referred to in section 350.60.13, an affidavit of an employee of the Agence du revenu du Québec attesting that the employee carefully analyzed an invoice or credit note and found that it did not contain the prescribed information described in the third paragraph is proof, in the absence of any proof to the contrary, that the invoice or credit note does not contain the prescribed information.

The prescribed information to which the second paragraph refers is

(1) in the case of an invoice, the information prescribed in accordance with subparagraph 2 of the first or second paragraph of section 350.60.4, subparagraph 2 of the first paragraph of section 350.60.5 or section 350.60.6; and

(2) in the case of a credit note, the information prescribed in accordance with subparagraph 2 of the fourth paragraph of section 350.60.4 or subparagraph 2 of the second paragraph of section 350.60.5.

“350.60.15. A person to whom section 350.60.4 or 350.60.5 applies commits an offence and is liable to a fine of not less than \$1,000 nor more than \$10,000 if the person refuses to display the report mentioned in section 350.60.10,

to provide a copy of the report or send it in the manner provided for in that section, or to send to the Minister the information referred to in section 350.60.10 in accordance with that section.

350.60.16. A person to whom section 350.60.4 or 350.60.5 applies commits an offence and is liable to a fine of not less than \$2,500 nor more than \$250,000 if the person provides or displays a report, required under section 350.60.10, that contains inaccurate or incomplete information, or sends such information to the Minister for the purposes of section 350.60.10.”

8. Section 425.1.1 of the Act is amended by inserting “, 350.60.4, 350.60.5” after “350.51.1”.

9. Section 677 of the Act is amended by inserting the following subparagraphs after subparagraph 33.7 of the first paragraph:

“(33.7.1) determine, for the purposes of sections 350.60.4 and 350.60.5, the prescribed cases and conditions, the prescribed information, the prescribed manner and the prescribed time;

“(33.7.2) determine, for the purposes of section 350.60.6, the prescribed information and the prescribed cases and conditions;

“(33.7.3) determine, for the purposes of section 350.60.7, the prescribed time period, the prescribed information, the prescribed manner and the prescribed time;

“(33.7.4) determine, for the purposes of section 350.60.8, the prescribed cases, the prescribed information, the prescribed manner and the prescribed time;

“(33.7.5) determine, for the purposes of section 350.60.9, the prescribed manner, the prescribed information, the prescribed cases and the prescribed conditions;

“(33.7.6) determine, for the purposes of section 350.60.10, the prescribed information, the prescribed manner and the prescribed time;”.

10. The Minister of Revenue may establish and implement a transitional financial compensation program for operators of establishments providing restaurant services who acquire and activate, after 31 October 2021 and before the date of coming into force of the first regulation made under subparagraphs 33.7.1 to 33.7.6 of the first paragraph of section 677 of the Act respecting the Québec sales tax, enacted by section 9 of this Act, a prescribed device referred to in section 350.52 of the Act respecting the Québec sales tax that is new at the time it is acquired.

CHAPTER II

JUDICIAL RECOURSE IN RESPECT OF AN ASSESSMENT

TAX ADMINISTRATION ACT

11. The Tax Administration Act (chapter A-6.002) is amended by inserting the following section after section 93.1.2.1:

“93.1.2.2. Where a person has filed a notice of objection in respect of a particular assessment, in accordance with this chapter, and the Minister subsequently makes a reassessment or an additional assessment under a fiscal law regarding the duties, interest, penalties or any other amount specified in the notice of objection, the person may, without filing with the Minister a notice of objection in respect of the reassessment or additional assessment and within 90 days after the date on which the notice of reassessment or additional assessment was sent,

(a) file a contestation with the Court of Québec; or

(b) if a contestation has already been filed with the Court of Québec in relation to the particular assessment, vary the contestation to have it refer to the reassessment or additional assessment.

Chapter III.2 applies, with the necessary modifications, to a contestation referred to in the first paragraph, subject to the second paragraph of section 93.1.10 being read as follows:

“A person who has objected to a particular assessment referred to in the second paragraph of section 93.1.2 or in the first paragraph of section 93.1.2.1 may file a contestation only in respect of the issues specified in the notice of objection and, where the person is not required to file a notice of objection in respect of a reassessment or additional assessment under the first paragraph of section 93.1.2.2, only in respect of the issues that are referred to in the reassessment or additional assessment but not in the particular assessment.””

CHAPTER III

NON-APPLICATION OF SECTION 21.5.2 OF THE ACT RESPECTING CONTRACTING BY PUBLIC BODIES

12. Section 21.5.2 of the Act respecting contracting by public bodies (chapter C-65.1) does not apply in respect of the assessment of a penalty imposed under section 1079.13.1 or 1079.13.2 of the Taxation Act (chapter I-3), where the assessment of the penalty results from an audit or investigation by the Agence du revenu du Québec or the Canada Revenue Agency that began before 21 April 2020, in respect of an avoidance transaction, within the meaning of section 1079.11 of the Taxation Act.

For the purposes of the first paragraph, the start date of an audit or investigation of a person, general partnership, limited partnership or undeclared partnership, in respect of an avoidance transaction, means the day the person, one of the person's shareholders, officers or directors or one of the partnership's associates or officers may reasonably be considered to have known or ought to have known that the Agence du revenu du Québec or the Canada Revenue Agency was about to undertake or had begun an audit or investigation regarding the avoidance transaction.

CHAPTER IV

FILING OF INFORMATION OR A DOCUMENT BY WAY OF A TECHNOLOGICAL MEANS

ACT TO FACILITATE THE PAYMENT OF SUPPORT

13. Section 57.1 of the Act to facilitate the payment of support (chapter P-2.2) is amended by replacing the first paragraph by the following paragraphs:

“To ensure the recovery of an amount owed, the Minister may, by a demand notified in accordance with the second paragraph, require that a person, whether or not that person owes an amount under this Act, file, within such reasonable time as the Minister may specify and in accordance with the second paragraph, any information or any document.

The notification or filing to which the first paragraph refers may be made

(1) by registered mail;

(2) by personal service; or

(3) by a technological means, where the person is a bank or a savings and credit union, within the meaning assigned to those expressions by section 1 of the Taxation Act (chapter I-3), that has provided written consent to be notified by such a means.

The filing by way of a technological means of any information or any document by a bank or a savings and credit union must be made in accordance with the terms and conditions specified by the Minister.”

CHAPTER V

ADMINISTRATION OF UNCLAIMED FINANCIAL PRODUCTS

DIVISION I

AMENDING PROVISION

UNCLAIMED PROPERTY ACT

14. Section 3 of the Unclaimed Property Act (chapter B-5.1) is amended, in the first paragraph,

(1) by inserting “or, in the absence of such a claim, transaction or instruction, in the three years following the date on which the property has been distributed” after “produced by such property” in subparagraph 4;

(2) by inserting “or, in the absence of such a claim, transaction or instruction, in the three years following the date on which the property has been issued” after “such property” in subparagraph 5.1.

DIVISION II

OTHER PROVISION

15. For the period beginning on 24 February 2022 and ending on 31 May 2023, no interest is owed under section 8 of the Unclaimed Property Act (chapter B-5.1) in respect of property described in subparagraphs 4 and 5.1 of the first paragraph of section 3 of that Act, to the extent that the property is subject to that Act because of the amendments made by this Act to that section 3.

CHAPTER VIJUDICIAL AUTHORIZATION AS REGARDS THE
ADMINISTRATION OF UNCLAIMED PROPERTY

UNCLAIMED PROPERTY ACT

16. Section 23 of the Unclaimed Property Act (chapter B-5.1) is replaced by the following section:

“23. The Minister may, without authorization of the court, demand partition, take part in a partition or transact if the value of any concessions made by the Minister does not exceed the greater of \$15,000 and the amount corresponding to 15% of the value of the property that is being partitioned or of the value in dispute that is being transacted.”

17. Section 24 of the Act is amended by replacing “\$25,000” in the first paragraph by “\$40,000”.

18. The Act is amended by inserting the following section after section 61:

“61.1. The amount provided for in section 24 is indexed on 1 April 2032 and subsequently every ten years, according to the change in the average Consumer Price Index for the preceding five years, based on the index established for the whole of Québec by Statistics Canada. The amount calculated on the basis of that index is rounded to the nearest multiple of \$5,000. The Minister publishes the results of the indexation in the *Gazette officielle du Québec*.”

CHAPTER VII

DESTRUCTION OF SEIZED ALCOHOLIC BEVERAGES

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

19. Section 127.1 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1) is amended by replacing “may have” in the second paragraph by “may have had”.

20. The Act is amended by inserting the following section after section 127.2:

“127.3. Despite sections 127 and 127.1, where alcoholic beverages and the receptacles containing them are seized pursuant to section 125.1 or 126 or in a search, resulting in the imposition of a monetary administrative penalty prescribed by the Regulation respecting the legal regime applicable to liquor permits (chapter P-9.1, r. 7), the Corporation may destroy or eliminate or cause to be destroyed or eliminated the alcoholic beverages and their receptacles as of the 90th day following the service of a prior notice on the person from whom they were seized and to the persons who may have had a right to the beverages, where such persons are known, unless, before that day, any of those persons applies to a judge to establish their right to the possession of the beverages and serves on the Corporation a prior notice of not less than three clear days of the application.

Proof in respect of a thing seized that is destroyed or eliminated in accordance with the first paragraph may be made by means of samples kept in sufficient quantity by the Corporation. The Corporation may stop the fermentation of the samples it takes.”

CHAPTER VIII**INVESTMENTS OF THE CAISSE DE DÉPÔT ET PLACEMENT
DU QUÉBEC****ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT
DU QUÉBEC**

21. Section 31 of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2) is amended

(1) by replacing “the infrastructures of a single operation” in subparagraph *a.1* of the first paragraph by “infrastructures”;

(2) by striking out the second paragraph.

22. Section 32 of the Act is amended

(1) in the first paragraph,

(a) by replacing subparagraph 2 by the following subparagraph:

“(2) if the shares or other securities are issued by a legal person described in subparagraph *a.1* or *a.2* of the first paragraph of section 31, the Fund may not acquire securities that bring its total investment in shares and evidences of indebtedness issued by the following persons to more than 3.5% of its total assets:

(a) the legal person,

(b) all the legal persons described in subparagraph *a.1* of the first paragraph of section 31 whose respective principal activities relate to the infrastructures of a single operation, or

(c) all the legal persons described in subparagraph *a.2* of the first paragraph of section 31 that acquire or hold, directly or indirectly, the shares and other securities issued by legal persons described in subparagraph *b* of this subparagraph 2; and”;

(b) by replacing “subparagraph *a* or *a.1* of the first paragraph of section 31, the Fund may not, except to the extent provided for in the third paragraph,” in the portion of subparagraph 3 before subparagraph *a* by “any of subparagraphs *a.1* and *a.2* of the first paragraph of section 31, the Fund may not”;

(c) by striking out “or a legal person described in subparagraph *a.2* of the first paragraph of section 31; in the latter case, the limit is set at 3.5%” in subparagraph *b* of subparagraph 3;

(2) by replacing the second and third paragraphs by the following paragraph:

“However, where the Fund acquires and holds, directly or indirectly, all the common shares of a legal person described in subparagraph *a.2* of the first paragraph of section 31, subparagraph *a* of subparagraph 2 of the first paragraph of this section ceases to apply; in such a case, the Fund must ensure that the legal person complies with the provisions of subparagraph 2 of the first paragraph and those of this paragraph, as if the Fund held or acquired the shares or other securities described in those provisions and held or acquired by that legal person.”;

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

“Each project that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12) constitutes a single operation within the meaning of subparagraph *b* of subparagraph 2 of the first paragraph.”

23. Section 37.1 of the Act is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) whose principal activity consists in acquiring, holding, managing or developing, through third persons, mineral, gas or forest resources or assets promoting energy transition, or whose principal activity consists in investing in such resources or assets;”.

CHAPTER IX

INTEREST ON THE REPAYMENT OF FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

24. Despite any inconsistent provision, the rate of interest prescribed by section 73 of the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) applicable to the payment of interest by the person referred to in section 42.1 of the Act respecting financial assistance for education expenses (chapter A-13.3), as well as to the payment of interest by the borrower in default referred to in section 80 of that Regulation and by the person referred to in section 101 of that Regulation, is 0% for the period from 1 April 2022 to 31 March 2023.

In addition, the rate of interest to be applied in respect of an amount of financial assistance for education expenses received without entitlement before 1 May 2004 that a person must repay to the Minister of Higher Education, Research, Science and Technology is also 0% for the period specified in the first paragraph.

For the purposes of this section, the borrower or the person may, not later than 30 September 2023, request from their financial institution or the Minister, as applicable, that any payment made during the period specified in the first paragraph be reduced by the difference between the amount of interest the

borrower or person should have paid on a payment had it not been for the application of this section and the amount of interest determined under this section for that payment. In the absence of such a request, the difference between the amounts of interest is deducted from the balance of the principal of the borrower's loan or of any amount owed by the person.

25. The Minister of Higher Education, Research, Science and Technology pays to the financial institution, in lieu of the borrower, the interest, accrued from 1 April 2022 to 31 March 2023, on the balance, including the capitalized interest, of the loan granted to the borrower under the Act respecting financial assistance for education expenses and in accordance with the terms and conditions prescribed by the Regulation respecting financial assistance for education expenses, made by Order in Council 844-90 dated 20 June 1990 (1990, G.O. 2, 1685), as amended from time to time, at the rate prescribed by section 68 of that Regulation.

For the purposes of this section, the borrower may, not later than 30 September 2023, request from the borrower's financial institution that any payment made during the period referred to in the first paragraph be reduced by the amount of interest paid by the Minister. In the absence of such a request, the amount of interest is deducted from the balance of the principal of the borrower's loan.

26. The Minister of Higher Education, Research, Science and Technology waives the payment of the interest to be paid by the borrower, accrued from 1 April 2022 to 31 March 2023, on the balance, including the capitalized interest, of a loan granted to the borrower under the Student Loans and Scholarships Act (chapter P-21) or the Act respecting financial assistance for education expenses and in accordance with the terms and conditions prescribed by the Regulation respecting financial assistance for education expenses, made by Order in Council 844-90 dated 20 June 1990, as amended from time to time, and in respect of which judicial proceedings were instituted and ended with a judgment or agreement confirming the exigibility of the balance.

For the purposes of this section, the borrower may, not later than 30 September 2023, request from the Minister that any payment made during the period referred to in the first paragraph be reduced by the amount of interest waived by the Minister for that payment. In the absence of such a request, the amount of interest is deducted from the balance of the principal of the borrower's loan.

CHAPTER X

SUPPLEMENTAL PENSION PLANS

SUPPLEMENTAL PENSION PLANS ACT

27. Section 90.1 of the Supplemental Pension Plans Act (chapter R-15.1) is amended by adding the following paragraph at the end:

“Every member or spouse at least 55 years of age who has elected to receive variable benefits is entitled to apply for payment in one or more instalments of all or part of the funds referred to in the first paragraph, on the conditions and within the time prescribed by regulation.”

28. Section 92 of the Act is amended by adding the following paragraph at the end:

“In addition, every member or spouse at least 55 years of age is entitled to replace, under conditions prescribed by regulation, all or part of the pension to which the member or spouse has become entitled by a payment in one or more instalments out of a pension plan prescribed by regulation.”

29. Section 244 of the Act is amended, in the first paragraph,

(1) by inserting “, as well as the conditions and time limits applicable to the payment in one or more instalments of all or part of the funds referred to in the first paragraph of that section” after “benefits” in subparagraph 3.1.1;

(2) by replacing “, assumptions, rules or factors” in subparagraph 4 by “and rules”.

30. Section 257 of the Act is amended, in paragraph 5,

(1) by inserting the following subparagraph after subparagraph *a.1*:

“(a.2) the payment in one or more instalments provided for in section 90.1;”;

(2) by replacing “lump-sum payment” in subparagraph *b* by “payment in one or more instalments”.

CHAPTER XI

TOURISM PARTNERSHIP FUND

ACT RESPECTING THE MINISTÈRE DU TOURISME

31. Section 21 of the Act respecting the Ministère du Tourisme (chapter M-31.2) is amended by inserting the following paragraph after paragraph 1:

“(1.1) the fees collected under the Tourist Accommodation Act (chapter H-1.01) upon the registration or renewal of the registration of a tourist accommodation establishment;”.

32. The Act is amended by inserting the following section after section 21:

“**21.1.** The sums required for the payment of a compensation to bodies recognized by the Minister for the registration of tourist accommodation establishments, and the renewal of that registration, carried out by those bodies under an agreement entered into under section 6 of the Tourist Accommodation Act (chapter H-1.01) are debited from the Fund.”

CHAPTER XII

RESPONSIBILITIES OF THE ENTERPRISE REGISTRAR

BUSINESS CORPORATIONS ACT

33. Section 492 of the Business Corporations Act (chapter S-31.1) is amended by adding the following paragraph at the end:

“The first paragraph applies despite section 154 of the Act respecting the legal publicity of enterprises (chapter P-44.1).”

34. The Act is amended by inserting the following section after the heading of Chapter XXII:

“**493.1.** In addition to the provisions that confer responsibilities on him or her, the enterprise registrar, or any person authorized for that purpose by the Minister, may conduct an investigation in order to repress an offence against a provision of sections 31, 33, 34, 40, 41, 252, 254, 268 and 299.

The provisions of the second paragraph of section 128 and sections 129 to 131 of the Act respecting the legal publicity of enterprises (chapter P-44.1) apply with respect to an investigation conducted under this section.”

35. Section 494 of the Act is amended by inserting “and those of Chapter XXI” after “enterprise registrar”.

36. Section 495 of the Act is amended by replacing “and 367” by “, 367 and 493.1”.

CHAPTER XIII

LEGAL PUBLICITY OF ENTERPRISES

ACT RESPECTING THE LEGAL PUBLICITY OF ENTERPRISES

37. Section 0.4 of the Act respecting the legal publicity of enterprises (chapter P-44.1) is amended by replacing subparagraphs 1 and 2 of the first paragraph by the following subparagraphs:

“(1) the person controls or holds, even indirectly, or is a beneficiary of, a number of shares or units of the registrant conferring on the person the power to exercise 25% or more of the voting rights attached to the shares or units issued by the registrant;

“(2) the person controls or holds, even indirectly, or is a beneficiary of, a number of shares or units of the registrant the value of which corresponds to 25% or more of the fair market value of the shares or units issued by the registrant;”.

38. Section 33 of the Act is amended by replacing subparagraph 2.1 of the second paragraph by the following subparagraph:

“(2.1) the names, domiciles and dates of birth of the ultimate beneficiaries, any other name used by the ultimate beneficiaries in Québec and by which they are identified as well as, according to the terms determined by regulation of the Government, the condition under which each ultimate beneficiary became one, the percentage of voting rights that may be exercised by each ultimate beneficiary according to the number of shares or units of the registrant each one holds or controls or of which each one is a beneficiary or the percentage of the fair market value corresponding to the value of the number of shares or units of the registrant that each ultimate beneficiary holds or controls or of which each one is a beneficiary;”.

39. Section 59 of the Act is amended by inserting “in order to institute penal proceedings for an offence under this Act or” after “to exist” in the last paragraph.

40. Section 73 of the Act is amended

(1) by replacing “, including the obligation to file a declaration or a notice,” in the first paragraph by “or with an obligation imposed by any other Act relating to the filing of a declaration or any other document with the registrar”;

(2) by replacing “, paragraph 2 of section 155, 156 or 157, or section” in the last paragraph by “or”.

41. Section 98 of the Act is amended by replacing subparagraph 6.2 of the first paragraph by the following subparagraph:

“(6.2) the names and domiciles of the ultimate beneficiaries as well as the condition under which each ultimate beneficiary became one, the percentage of voting rights that may be exercised by each ultimate beneficiary according to the number of shares or units of the registrant each one holds or controls or of which each one is a beneficiary or the percentage of the fair market value corresponding to the value of the number of shares or units of the registrant that each ultimate beneficiary holds or controls or of which each one is a beneficiary;”.

42. Section 121 of the Act is amended by striking out the second paragraph.

43. Section 150 of the Act is amended by replacing paragraph 5 by the following paragraph:

“(5) the terms relating to the declaration of the condition under which each ultimate beneficiary became one, the percentage of voting rights that may be exercised by each ultimate beneficiary according to the number of shares or units of the registrant that each one holds or controls or of which each one is a beneficiary and the percentage of the fair market value corresponding to the value of the number of shares or units of the registrant that each ultimate beneficiary holds or controls or of which each one is a beneficiary; and”.

44. Sections 152 to 155 of the Act are replaced by the following sections:

“152. Whoever fails to file with the registrar within the time prescribed under this Act or any other Act a declaration or any other document duly completed is liable to a fine of not less than \$500 nor more than \$5,000 in the case of a natural person, and not less than \$1,000 nor more than \$10,000 in any other case.

“153. A registrant or a person acting for a registrant as administrator of the property of others who fails to comply within the prescribed time with a request of the registrar under section 73 is liable to a fine of not less than \$500 nor more than \$5,000 in the case of a natural person, and not less than \$1,000 nor more than \$10,000 in any other case.

“154. Whoever files with the registrar under this Act or any other Act a declaration or any other document that is false or misleading is liable to a fine of not less than \$500 nor more than \$5,000 in the case of a natural person, and not less than \$1,000 nor more than \$10,000 in any other case.

“155. A registrant who fails to be registered, in particular because the registrant failed to file the registration declaration referred to in section 32 or the application for the revocation of a cancellation of registration referred to in section 63, is liable to a fine of not less than \$2,000 nor more than \$20,000.”

45. Sections 156 and 157 of the Act are repealed.

46. Section 158 of the Act is amended

(1) by striking out “Commet une infraction” in the French text;

(2) by replacing “guilty of an offence” by “liable to a fine of not less than \$500 nor more than \$5,000 in the case of a natural person, and not less than \$1,000 nor more than \$10,000 in any other case”.

47. Sections 158.1 and 159 of the Act are repealed.

48. Section 160 of the Act is amended by replacing “157” by “155”.

49. Section 162 of the Act is replaced by the following section:

“**162.** Whoever contravenes section 126 or 131 is liable to a fine of not less than \$2,500 nor more than \$25,000.”

ACT RESPECTING CONTRACTING BY PUBLIC BODIES

50. Schedule I to the Act respecting contracting by public bodies (chapter C-65.1) is amended by striking out the portion relating to offences under the Act respecting the legal publicity of enterprises (chapter P-44.1).

ACT MAINLY TO IMPROVE THE TRANSPARENCY OF ENTERPRISES

51. Section 21 of the Act mainly to improve the transparency of enterprises (2021, chapter 19) is amended by replacing “third paragraph” in paragraph 2 by “second paragraph”.

CHAPTER XIV

IMPLEMENTATION OF COMPLEMENTARY AGREEMENT NO. 29 TO THE JAMES BAY AND NORTHERN QUÉBEC AGREEMENT AND REGISTERS OF INDIGENOUS BENEFICIARIES

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING CREE, INUIT AND NASKAPI NATIVE PERSONS

52. The Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1) is amended by inserting the following section after section 12:

“**12.1.** Despite the first paragraph of section 12, a Cree beneficiary is deemed to be domiciled in, and not absent from, the territory if the Cree

beneficiary left, or was relocated outside, the territory for any of the following reasons and for as long as such a reason applies:

- (a) the Cree beneficiary receives health care not offered in the territory;
- (b) the Cree beneficiary receives educational services not offered in the territory; or
- (c) the Cree beneficiary works on behalf of an organization whose mandate is to promote the welfare of the Crees.

Every dependent beneficiary who accompanies a Cree beneficiary during that period is also deemed to be domiciled in, and not absent from, the territory.

Every Cree beneficiary who is either of the following persons is considered to be a dependent beneficiary:

- (a) the consort of a Cree beneficiary who is residing permanently with the Cree beneficiary; or
- (b) the child who is neither married nor in a civil union, whatever the child's filiation and taking into account Cree customs, who is dependent on a Cree beneficiary for the greater part of the year and who
 - i. is under 18 years of age,
 - ii. is 18 years of age or over and is attending an educational institution on a full-time basis, or
 - iii. is a handicapped person 18 years of age or over and is not receiving financial support or any other form of assistance in respect of his or her handicap.

For the purposes of this section, two persons of the opposite or of the same sex who, in accordance with applicable laws or Cree customs, are married or in a civil union or are de facto spouses are consorts."

53. Section 15 of the Act is amended by replacing "appointed to the Ministère de la Santé et des Services sociaux" by "appointed by the minister designated by the Government".

54. Section 31.1 of the Act is amended by replacing "Minister of Health and Social Services" in the third paragraph by "minister designated under section 15".

DIVISION II

TRANSITIONAL PROVISION

55. The registers, files and other documents of the Secretary General, appointed to the Ministère de la Santé et des Services sociaux under section 15 of the Act respecting Cree, Inuit and Naskapi Native persons (chapter A-33.1), as it read before being amended by section 53 of this Act, become those of the Secretary General appointed by the minister in accordance with section 15 of that Act, as amended by section 53 of this Act.

CHAPTER XVREMUNERATED PASSENGER TRANSPORTATION BY
AUTOMOBILE**DIVISION I**

AMENDING PROVISIONS

ACT RESPECTING REMUNERATED PASSENGER
TRANSPORTATION BY AUTOMOBILE

56. The Act respecting remunerated passenger transportation by automobile (chapter T-11.2) is amended by inserting the following chapter after section 52:

“CHAPTER III.1**“GENERAL REQUIREMENT**

“52.1. No one may, when soliciting a person with a view to offer the person remunerated passenger transportation by automobile, behave in such a way that may importune or intimidate the solicited person, in particular,

- (1) threaten or insult the person;
- (2) follow the person or impede the person’s movement;
- (3) touch or attempt to touch the person or the person’s property; or
- (4) persistently solicit the person despite the person’s refusal or lack of response.”

57. The Act is amended by inserting the following section after section 61:

“61.1. Qualified drivers who offer remunerated passenger transportation by automobile whose starting point is a place determined by regulation of the Minister must be authorized to do so by the person in charge of the place. They must in such case have in their possession a reproduction of the authorization so issued. The regulation specifies the form and content of the authorization.

The person in charge of the place must see to it that a register of the authorizations issued by the person is kept. The conditions and procedures for keeping and preserving the register and for sharing the information it contains with the Société, the Commission and persons acting as inspectors for the purposes of this Act are prescribed by government regulation.”

58. Section 169 of the Act is amended by inserting the following paragraph after paragraph 2:

“(2.1) qualified drivers who offer remunerated passenger transportation by automobile without having in their possession a reproduction of the authorization issued by the person in charge of a place determined by regulation of the Minister;”.

59. Section 171 of the Act is amended by inserting the following subparagraph after subparagraph *b* of paragraph 1:

“(b.1) offer remunerated passenger transportation by automobile whose starting point is a place determined by regulation of the Minister without having been authorized to do so by the person in charge of the place,”.

60. Section 172 of the Act is amended, in paragraph 1,

(1) by inserting “or that referred to in section 61.1” after “section 52” in subparagraph *e*;

(2) by inserting “section 52.1,” after “contravenes” in subparagraph *g*.

DIVISION II

OTHER PROVISION

61. Any first regulation made under section 61.1 of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2), enacted by section 57 of this Act, may have a shorter publication period than that required under section 11 of the Regulations Act (chapter R-18.1), but not shorter than 20 days. Despite section 17 of that Act, the regulation comes into force on the fifth day after the date of its publication or on any later date specified in the regulation.

CHAPTER XVI

FINAL PROVISIONS

62. The provisions of section 12 have effect from 2 June 2022.

63. The provisions of this Act come into force on 31 May 2023, except

(1) those of sections 1 to 8, which come into force

(a) on the date of coming into force of the first regulation made under subparagraphs 33.7.1 to 33.7.6 of the first paragraph of section 677 of the Act respecting the Québec sales tax (chapter T-0.1), enacted by section 9 of this Act, in respect of

i. the operator of an establishment providing restaurant services and a person to whom section 350.60.6 of the Act respecting the Québec sales tax applies, or

ii. the operator of an establishment providing restaurant services who, before the date preceding the date of coming into force of the first regulation made under subparagraphs 33.7.1 to 33.7.6 of the first paragraph of section 677 of the Act respecting the Québec sales tax, enacted by section 9 of this Act, entered into an agreement with the Minister of Revenue as part of a pilot project relating to mandatory billing in the restaurant service and bar sectors and who is exempted from a requirement of any of sections 350.51 to 350.56.1 of the Act respecting the Québec sales tax under section 350.57 of that Act, where the exemption has not been revoked by the Minister before that date; or

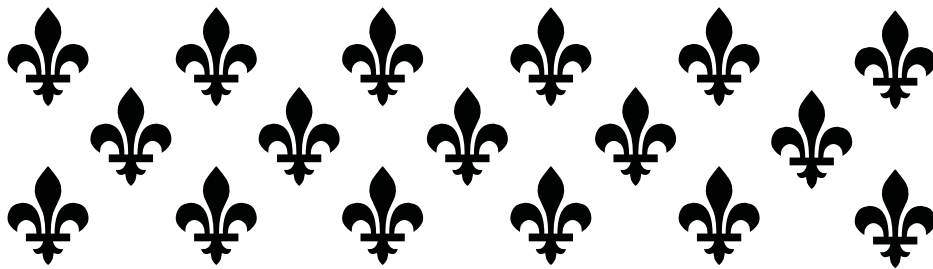
(b) on 1 June 2025 or, if it precedes that date, the earliest of the following dates, established in accordance with subparagraphs i to iii, in respect of the operator of an establishment providing restaurant services or a person referred to in those subparagraphs:

i. the date on which the operator to whom section 350.60.4 of the Act respecting the Québec sales tax applies or the person to whom section 350.60.5 of that Act applies first transmits to the Minister of Revenue, after the date preceding the date of coming into force of the first regulation made under subparagraphs 33.7.1 to 33.7.6 of the first paragraph of section 677 of the Act respecting the Québec sales tax, enacted by section 9 of this Act, the information referred to in section 350.60.4 or 350.60.5 of that Act, as the case may be, by means of the equipment described in section 350.60.3 of that Act,

ii. the date on which the operator to whom section 350.60.4 of the Act respecting the Québec sales tax applies makes, after the date preceding the date of coming into force of the first regulation made under subparagraphs 33.7.1 to 33.7.6 of the first paragraph of section 677 of the Act respecting the Québec sales tax, enacted by section 9 of this Act, the operator's first supply of a meal, property or service, as part of the operation of the establishment providing restaurant services, where the operation of that establishment begins after that date, and

iii. the date on which the person to whom section 350.60.5 of the Act respecting the Québec sales tax applies makes, after the date preceding the date of coming into force of the first regulation made under subparagraphs 33.7.1 to 33.7.6 of the first paragraph of section 677 of the Act respecting the Québec sales tax, enacted by section 9 of this Act, the person's first supply of a property or service in respect of an establishment providing restaurant services under an agreement entered into with the operator of that establishment; and

(2) those of sections 52 to 55, which come into force on the date or dates to be set by the Government.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 19
(2023, chapter 11)

**An Act respecting the regulation of
work by children**

**Introduced 28 March 2023
Passed in principle 9 May 2023
Passed 1 June 2023
Assented to 1 June 2023**

**Québec Official Publisher
2023**

EXPLANATORY NOTES

This Act proposes measures concerning the regulation of work performed by children. It amends the Act respecting labour standards to prohibit an employer from having work performed by a child under the age of 14 years and the Regulation respecting labour standards to determine the cases in which and conditions on which this prohibition does not apply. In addition, the Act provides that the number of hours of work that an employer may have performed by a child subject to compulsory school attendance may exceed neither 17 hours per week nor 10 hours from Monday to Friday.

The Act increases the amounts of fines in cases of the contravention of a provision of the Act respecting labour standards concerning work performed by children.

The Act also amends the Act respecting occupational health and safety to specify that the risks that may affect in particular the health or safety of workers who are 16 years of age or under must be identified, analyzed and taken into account, in particular in the prevention programs or action plans that employers must put in place.

In addition, the Act enables the Commission des normes, de l'équité, de la santé et de la sécurité du travail to grant financial assistance to support informational, awareness-raising and training initiatives concerning labour standards.

Lastly, the Act contains consequential amendments and transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting labour standards (chapter N-1.1);
- Act respecting occupational health and safety (chapter S-2.1).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting labour standards (chapter N-1.1, r. 3).

Bill 19

AN ACT RESPECTING THE REGULATION OF WORK BY CHILDREN

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LABOUR STANDARDS

1. Section 39 of the Act respecting labour standards (chapter N-1.1) is amended by adding the following paragraph at the end:

“(18) grant financial assistance to support informational, awareness-raising or training initiatives concerning labour standards.”

2. Section 84.3 of the Act is replaced by the following section:

“**84.3.** No employer may have work performed by a child under the age of 14 years, except in the cases and on the conditions determined by regulation of the Government. In such cases, the employer must obtain the written consent of the holder of parental authority over the child or of the child’s tutor using the form established by the Commission.

The form specifies the child’s principal tasks, maximum number of hours of work per week and periods of availability. Any modification made to any of those elements must be the subject of new written consent.

The employer must preserve any consent form as if it were an entry required to be made in the registration system or register referred to in paragraph 3 of section 29.”

3. Section 84.4 of the Act is amended by adding the following paragraph at the end:

“In addition, no employer may have work performed by such a child for more than 17 hours per week or for more than 10 hours from Monday to Friday. However, these prohibitions do not apply to any period of more than seven consecutive days during which no educational service is offered to the child.”

4. Section 89.1 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Government may, by regulation, after consultation with the Commission, determine the cases in which and conditions on which the prohibitions set out in the first paragraph of section 84.3 and in section 84.6 are not applicable.”

5. Section 140 of the Act is amended by inserting “sections 84.2 to 84.7, 92.5 and 92.6 and” after “except” in paragraph 6.

6. Section 140.1 of the Act is amended by replacing “section 92.5 or 92.6” by “any of sections 84.2 to 84.7, 92.5 and 92.6”.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

7. Section 59 of the Act respecting occupational health and safety (chapter S-2.1), amended by section 144 of chapter 27 of the statutes of 2021, is again amended by inserting “, the identification and analysis having to include the risks that may affect in particular the health and safety of workers who are 16 years of age or under” at the end of subparagraph 1 of the second paragraph.

8. Section 61.2 of the Act, enacted by section 147 of chapter 27 of the statutes of 2021, is amended by inserting “, the identification having to include the risks that may affect in particular the health and safety of workers who are 16 years of age or under” at the end of subparagraph 1 of the second paragraph.

9. Section 78 of the Act, amended by section 154 of chapter 27 of the statutes of 2021, is again amended by inserting “, including risks that may affect in particular workers who are 16 years of age or under,” after “workers” in subparagraph 6 of the first paragraph.

10. Section 90 of the Act, amended by section 163 of chapter 27 of the statutes of 2021, is again amended, in the first paragraph,

(1) by inserting “, including situations specific to workers 16 years of age or under” at the end of subparagraph 3;

(2) by inserting “and recommendations concerning tasks that should not be performed by workers 16 years of age or under” after “work” in subparagraph 4.

11. Section 97.3 of the Act, enacted by section 167 of chapter 27 of the statutes of 2021, is amended by inserting “, including risks that may affect in particular the health and safety of workers who are 16 years of age or under, and recommendations on tasks that should not be performed by those workers” after “work environment” in the first paragraph.

REGULATION RESPECTING LABOUR STANDARDS

12. The heading of Division VI.1 of the Regulation respecting labour standards (chapter N-1.1, r. 3) is amended by striking out “NIGHT-TIME”.

13. The Regulation is amended by inserting the following section before section 35.1:

“35.0.3. The prohibition against an employer having work performed by a child under 14 years of age set out in section 84.3 of the Act respecting labour standards (chapter N-1.1) does not apply to the following employees:

(1) a child working as a creator or performer in a field of artistic endeavour referred to in the first paragraph of section 1 of the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts (chapter S-32.1);

(2) a deliverer of newspapers or other publications;

(3) a babysitter;

(4) a child who provides homework assistance or tutoring;

(5) a child working in a family enterprise with fewer than 10 employees if the child is a child of the employer or, where the latter is a legal person or partnership, a child of a director of that legal person or of a partner of that partnership, or if the child is a child of the spouse of one of those persons;

(6) a child working in a non-profit organization having social or community purposes, such as a vacation camp or recreational organization;

(7) a child working in a non-profit sports organization to assist another person or provide support, such as an assistant instructor, assistant coach or scorekeeper; and

(8) a child working in an agricultural enterprise with fewer than 10 employees, where the child performs light manual labour to harvest fruits or vegetables, take care of animals or prepare or maintain soil.

The employees referred to in subparagraphs 5 to 8 of the first paragraph must work under the supervision of a person 18 years of age or over at all times.

The employees referred to in subparagraph 8 of the first paragraph must be 12 years of age or over.”

14. Section 35.1 of the Regulation is amended by replacing “the following fields of artistic endeavour: the performing arts including theatre, opera, music, dance, and variety entertainment, the making of films and records and other sound recordings, dubbing and the recording of commercials” by “a field of artistic endeavour referred to in the first paragraph of section 1 of the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts (chapter S-32.1)”.

15. Section 35.2 of the Regulation is amended by replacing “the following fields of artistic endeavour: the performing arts including theatre, opera, music, dance and variety entertainment, the making of films and records and other sound recordings, dubbing and the recording of commercials” in paragraph 1 by “a field of artistic endeavour referred to in the first paragraph of section 1 of the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts (chapter S-32.1)”.

TRANSITIONAL AND FINAL PROVISIONS

16. Not later than 1 July 2023, an employer who employs a child under 14 years of age performing work to which the prohibition set out in the first paragraph of section 84.3 of the Act respecting labour standards (chapter N-1.1), as replaced by section 2 of this Act, applies must send the child a written notice of termination of employment.

The notice must be of one week if the child is credited with three months to less than one year of uninterrupted service, two weeks if the child is credited with one year to two years of uninterrupted service and three weeks if the child is credited with two years or more of uninterrupted service.

The employer may have the child perform work during the period of notice to which the child is entitled or pay the child a compensatory indemnity equal to the child’s regular wage, excluding overtime, for a period equal to the period or remaining period of notice to which the child was entitled. The indemnity must be paid at the time the employment is terminated.

The indemnity to be paid to a child who is remunerated in whole or in part by commission is established from the average of the child’s weekly wage, calculated from the complete periods of pay in the three months preceding the termination of employment.

The provisions of section 84 and those of Division I of Chapter V of the Act respecting labour standards apply.

17. An employer who has a child under 14 years of age perform work in accordance with section 35.0.3 of the Regulation respecting labour standards (chapter N-1.1, r. 3), as enacted by section 13 of this Act, must obtain the consent provided for in the first paragraph of section 84.3 of the Act respecting labour standards, as replaced by section 2 of this Act, not later than 1 July 2023.

18. For the purposes of sections 288 to 290 of the Act to modernize the occupational health and safety regime (2021, chapter 27), the identification of risks and, if applicable, their analysis include the risks that may affect in particular the health and safety of workers 16 years of age or under.

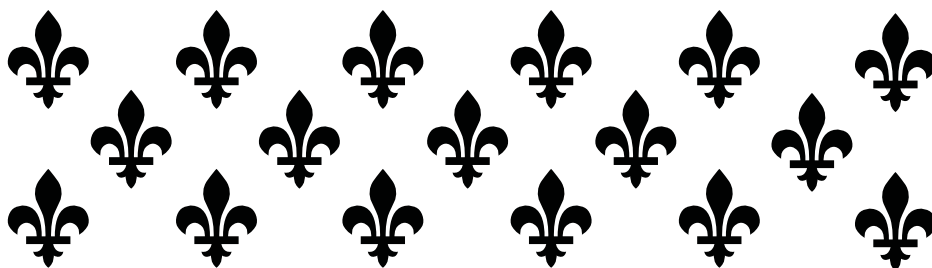
For the purposes of sections 291 and 292 of the Act, the recommendations include those concerning risks that may affect in particular the health and safety of workers 16 years of age or under and those concerning the tasks that should not be performed by such workers.

19. A regulation made under section 300 of the Act to modernize the occupational health and safety regime must take into account the realities specific to workers 16 years of age or under.

20. This Act comes into force on 1 June 2023, except

(1) section 3, which comes into force on 1 September 2023;

(2) the provisions of sections 7, 8, 9, 10 and 11, which come into force, respectively, on the same date or dates as paragraph 2 of section 144 and sections 147, 154, 163 and 167 of the Act to modernize the occupational health and safety regime.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 24
(2023, chapter 14)

**An Act to follow up on the
recommendations of the report of
the Comité consultatif indépendant
sur la révision de l'indemnité annuelle
des membres de l'Assemblée
nationale**

**Introduced 11 May 2023
Passed in principle 25 May 2023
Passed 6 June 2023
Assented to 7 June 2023**

**Québec Official Publisher
2023**

EXPLANATORY NOTES

This Act changes the annual indemnity paid to every Member of the National Assembly to \$131,766 and provides for its increase.

The Act also provides for the payment of another amount to Members in certain circumstances.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1).

Bill 24

AN ACT TO FOLLOW UP ON THE RECOMMENDATIONS OF THE REPORT OF THE COMITÉ CONSULTATIF INDÉPENDANT SUR LA RÉVISION DE L'INDEMNITÉ ANNUELLE DES MEMBRES DE L'ASSEMBLÉE NATIONALE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE CONDITIONS OF EMPLOYMENT AND
THE PENSION PLAN OF THE MEMBERS OF THE NATIONAL
ASSEMBLY

1. Section 1 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (chapter C-52.1) is replaced by the following section:

“**1.** Every Member shall receive an annual indemnity of \$131,766.

The annual indemnity shall be increased by any amount equal to any increase in the maximum rate of the salary scale of holders of a level 4 senior position that is applicable to the most senior officers, vice-presidents, vice-chairs and members of government bodies.

In addition, every Member shall receive an amount equal to any other salary increase granted to holders of a senior position to whom the salary scale referred to in the second paragraph is applicable.”

FINAL PROVISION

2. This Act comes into force on 7 June 2023.

Regulations and other Acts

Gouvernement du Québec

O.C. 936-2023, 7 June 2023

Act respecting the protection of personal information in the private sector (chapter P-39.1)

Act to modernize legislative provisions as regards the protection of personal information (2021, chapter 25)

Payment of a recovery charge for a monetary administrative penalty

Regulation respecting the payment of a recovery charge for a monetary administrative penalty

WHEREAS, under subparagraph 3.3 of the first paragraph of section 90 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), enacted by section 158 of the Act to modernize legislative provisions as regards the protection of personal information (2021, chapter 25), the Government, after obtaining the advice of the Commission d'accès à l'information, may make regulations to determine the cases in which a recovery charge is payable under section 90.17 of the Act respecting the protection of personal information in the private sector, enacted by section 159 of the Act to modernize legislative provisions as regards the protection of personal information, as well as the conditions of payment and the amount payable;

WHEREAS, in accordance with the first paragraph of section 90 of the Act respecting the protection of personal information in the private sector, the Minister Responsible for Access to Information and the Protection of Personal Information obtained the advice of the Commission on 19 December 2022;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the payment of a recovery charge for a monetary administrative penalty was published in Part 2 of the *Gazette officielle du Québec* of 8 March 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Access to Information and the Protection of Personal Information:

THAT the Regulation respecting the payment of a recovery charge for a monetary administrative penalty, attached to this Order in Council, be made.

YVES OUELLET

Clerk of the Conseil exécutif

Regulation respecting the payment of a recovery charge for a monetary administrative penalty

Act respecting the protection of personal information in the private sector (chapter P-39.1, s. 90, 1st par., subpar. 3.3)

Act to modernize legislative provisions as regards the protection of personal information (2021, chapter 25, s. 158)

DIVISION I SCOPE

1. This Regulation applies to a debtor who, following an enforceable decision that states the debtor's debt pursuant to section 90.16 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), is required, in accordance with section 90.17 of the Act, to pay a recovery charge for a monetary administrative penalty.

DIVISION II RECOVERY CHARGES

2. The debtor of a recoverable amount is required to pay the following recovery charges:

(1) \$50 for a recovery certificate filed pursuant to section 90.16 of the Act;

(2) \$175 for each measure to secure a claim taken under Title Three of Book Six of the Civil Code and for each execution measure taken under Book VIII of the Code of Civil Procedure (chapter C-25.01).

The charges form part of the recoverable amount.

DIVISION III
FINAL

3. This Regulation comes into force on 22 September 2023.

106314

Gouvernement du Québec

O.C. 949-2023, 7 June 2023

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

**Threatened or vulnerable wildlife species
and their habitats**
— Amendment

Regulation to amend the Regulation respecting
threatened or vulnerable wildlife species and
their habitats

WHEREAS, under paragraph 1 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01), on the recommendation of the Minister of the Environment, the Fight against Climate Change, Wildlife and Parks, after consultation with the other ministers mentioned in the third paragraph of section 6 of this Act, the Government may, by regulation, designate, as a threatened or vulnerable species, any species requiring it;

WHEREAS, under paragraph 2 of section 10 of the Act, on the recommendation of the Minister of the Environment, the Fight against Climate Change, Wildlife and Parks, after consultation with the other ministers mentioned in the third paragraph of section 6 of this Act, the Government may, by regulation, determine the features or conditions by which the habitats of threatened or vulnerable species may be identified, according to their biological features, such as sex or age, or according to their number, density or location, the time of year or environmental features, and, as the case may be, determine which habitats of threatened or vulnerable species must be demarcated on a chart prepared according to sections 11 to 15 of the Act;

WHEREAS, in accordance with paragraphs 1 and 2 of section 10 of the Act, the other ministers were consulted;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting threatened or vulnerable wildlife species and their habitats was published in Part 2 of the *Gazette officielle du Québec* of 21 December 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting threatened or vulnerable wildlife species and their habitats, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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

Act respecting threatened or vulnerable species
(chapter E-12.01, s. 10)

1. The Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2) is amended by adding “AND THEIR HABITATS” at the end of the heading of Division I.

2. Section 1 is replaced by the following:

“1. The species designated as threatened wildlife species and, where applicable, the characteristics used to identify their habitats are:

(1) among mollusks,

(a) the Alewife Floater (*Utterbackiana implicata*);

(b) the Hickorynut (*Obovaria olivaria*);

(2) among insects,

(a) the Rusty-patched Bumble Bee (*Bombus affinis*);

(b) the Nine-spotted Lady Beetle (*Coccinella novemnotata*);

(c) the Salt Marsh Copper (*Lycaena dospassosi*);

(d) the Maritime Ringlet (*Coenonympha nipisiquit*); the habitat of the Maritime Ringlet corresponds to a territory consisting of salt marshes dominated by host plants used for oviposition and larval development (Saltmeadow Cordgrass [*Sporobolus pumilus*]) and as a source of nectar for adults (for example, Carolina sea lavender [*Limonium carolinianum*]), and transitional zones and adjacent terrestrial environments where other plant species necessary for feeding are present, used for breeding, developing, feeding, resting or moving, as demarcated on a chart prepared by the Minister;

(3) among fish,

(a) the Deepwater Sculpin (*Myoxocephalus thompsonii*);

(b) the Copper Redhorse (*Moxostoma hubbsi*); the habitat of the Copper Redhorse corresponds to an aquatic territory consisting of a river, fluvial lakes, watercourses or floodplains, delimited by the high-water level, used for breeding, feeding, larvae drifting, rearing, sheltering, resting, moving, migrating or hibernating, as demarcated on a chart prepared by the Minister;

(c) the Spring Cisco (*Coregonus artedii*);

(d) the Eastern Sand Darter (*Ammocrypta pellucida*); the habitat of the Eastern Sand Darter corresponds to an aquatic territory consisting of a river, fluvial lakes, watercourses or a ditch, delimited by the high-water level, used for breeding, feeding, larvae drifting, rearing, sheltering, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(e) the Northern Brook Lamprey (*Ichthyomyzon fossor*);

(f) the Winter Skate, Gulf of St. Lawrence population (*Leucoraja ocellata*);

(4) among amphibians,

(a) the Western Chorus Frog (*Pseudacris triseriata*); the habitat of the Western Chorus Frog corresponds to a territory consisting of permanent or temporary wetlands, adjacent terrestrial environments and lands that allow connectivity of populations used for breeding, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(b) the Allegheny Mountain Dusky Salamander, Appalachian population (*Desmognathus ochrophaeus*); the habitat of the Allegheny Mountain Dusky Salamander, Appalachian population, corresponds to a territory consisting of a permanent or intermittent watercourse, a water source or a water discharge area, and adjacent terrestrial environments used for breeding, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(5) among turtles,

(a) the Spiny Softshell (*Apalone spinifera*); the habitat of the Spiny Softshell corresponds to a territory consisting of watercourses, bodies of water, wetlands and adjacent terrestrial environments used for breeding, nesting, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(b) the Blanding's Turtle (*Emydoidea blandingii*); the habitat of the Blanding's Turtle corresponds to a territory consisting of bodies of water, watercourses, permanent or temporary wetlands and adjacent terrestrial environments used for breeding, nesting, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(c) the Eastern Musk Turtle (*Sternotherus odoratus*); the habitat of the Eastern Musk Turtle corresponds to a territory consisting of watercourses, bodies of water, permanent or temporary wetlands and adjacent terrestrial environments used for breeding, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(d) the Leatherback Sea Turtle (*Dermochelys coriacea*);

(6) among snakes, the Dekay's Brownsnake (*Storeria dekayi*);

(7) among birds,

(a) the Red Knot *rufa* (*Calidris canutus rufa*); the habitat of the Red Knot *rufa* corresponds to a territory consisting of intertidal coastal areas, limestone flats, sandy beaches, mudflats, salt marshes, brackish lagoons, beds of bivalves, aquatic grass beds, rocks, rocky islands or open coastal habitats used for feeding, resting, moving or migrating, as demarcated on a chart prepared by the Minister;

(b) the Grasshopper Sparrow *pratensis* (*Ammodramus savannarumpratensis*);

(c) the Horned Grebe (*Podiceps auritus*); the habitat of the Horned Grebe corresponds to a territory consisting of lakes, ponds, marshes, bodies of brackish water or floodplains used for nesting, feeding, moulting or raising the young, as demarcated on a chart prepared by the Minister;

(d) the Chimney Swift (*Chaetura pelagica*);

(e) the Golden-Winged Warbler (*Vermivora chrysoptera*);

(f) the Cerulean Warbler (*Setophaga cerulea*); the habitat of the Cerulean Warbler corresponds to a territory consisting of mature deciduous forests forming a canopy closed by the high density of the foliage and an open undergrowth used for nesting, feeding, raising the young, resting, moving or migrating, as demarcated on a chart prepared by the Minister;

(g) the Red-headed Woodpecker (*Melanerpes erythrocephalus*);

(h) the Loggerhead Shrike, Eastern subspecies (*Lanius ludovicianus*);

(i) the Piping Plover *melodus* (*Charadrius melodusmelodus*); the habitat of the Piping Plover *melodus* corresponds to a territory consisting of beaches, sand flats or coastal dunes covered with gravel, pebbles, stones, shell fragments, algae or any other natural substratum used for nesting, feeding or raising the young, as demarcated on a chart prepared by the Minister;

(j) the Yellow Rail (*Coturnicops noveboracensis*); the habitat of the Yellow Rail corresponds to a territory consisting of wetlands dominated by a dense and short graminoid vegetation, whose fields and wet prairies bordering the marshes or peatlands, freshwater and brackish high marshes, coastal or estuarine salt marshes, the floodplains of watercourses and bodies of water, used for nesting, feeding, raising the young, resting, moving, migrating or moulting, as demarcated on a chart prepared by the Minister;

(k) the Caspian Tern (*Hydroprogne caspia*);

(l) the Roseate Tern (*Sterna dougallii*); the habitat of the Roseate Tern corresponds to a territory consisting of wholly or partly vegetated islands, present in the lagoons or bays of the Magdalen Islands used for nesting or raising the young, as demarcated on a chart prepared by the Minister;

(8) among mammals,

(a) the Beluga Whale, St. Lawrence Estuary population (*Delphinapterus leucas*); the habitat of the Beluga Whale, St. Lawrence Estuary population, corresponds to an aquatic territory consisting of the Estuary and the Gulf of the St. Lawrence and its tributaries, delimited by the high-water level, used for breeding, calving, raising the young, feeding, moving, migrating or hibernating, as demarcated on a chart prepared by the Minister;

(b) the Wolverine (*Gulo gulo*);

(c) the Woodland Caribou, Mountain ecotype, Gaspésie population (*Rangifer tarandus caribou*); the habitat of the Woodland Caribou, Mountain ecotype, Gaspésie population, corresponds to a territory consisting of alpine and subalpine environments used by that caribou for calving, mating, feeding or migrating, as demarcated on a chart prepared by the Minister;

(d) the Northern Myotis (*Myotis septentrionalis*); the habitat of the Northern Myotis corresponds to a territory including feeding areas, swarming sites, migration corridors and shelters, consisting of trees, cavities or anthropogenic structures used for raising the young, breeding or resting during the day; the habitat of the Northern Myotis also corresponds to a territory including a natural or artificial cavity, whether a cavern, crevasse, cave, abandoned mine or anthropogenic structure and the habitat located on the periphery, those habitats being as demarcated on a chart prepared by the Minister;

(e) the Little Brown Myotis (*Myotis lucifugus*); the habitat of the Little Brown Myotis corresponds to a territory including feeding areas, swarming sites, migration corridors and shelters consisting of trees, cavities or anthropogenic structures used for raising the young, breeding or resting during the day; the habitat of the Little Brown Myotis also corresponds to a territory including a natural or artificial cavity, whether a cavern, crevasse, cave, abandoned mine or anthropogenic structure and the habitat located in the periphery, those habitats being as demarcated on a chart prepared by the Minister;

(f) the Tricolored Bat (*Perimyotis subflavus*); the habitat of the Tricolored Bat corresponds to a territory including feeding areas, swarming sites, migration corridors and shelters consisting of trees, cavities or anthropogenic structures used for raising the young, breeding or resting during the day; the habitat of the Tricolored Bat also corresponds to a territory including a natural or artificial cavity, whether a cavern, crevasse, cave, abandoned mine or anthropogenic structure and the habitat located on the periphery, those habitats being as demarcated on a chart prepared by the Minister.”.

3. The heading of Division II is amended by adding “AND THEIR HABITATS” at the end.

4. Section 2 is replaced by the following:

“2. The species designated as vulnerable wildlife species and, where applicable, the characteristics used to identify their habitats are:

(1) among insects, the Two-spotted Lady Beetle (*Adalia bipunctata*);

(2) among fish,

(a) the American Shad (*Alosa sapidissima*);

(b) the Grass Pickerel (*Esox americanus vermiculatus*);

(c) the Stonecat (*Noturus flavus*);

(d) the River Redhorse (*Moxostoma carinatum*);

(e) the Rainbow Smelt, St. Lawrence Southern Estuary population (*Osmerus mordax*); the habitat of the Rainbow Smelt, St. Lawrence Southern Estuary population, corresponds to an aquatic territory consisting of intertidal and subintertidal zones of the south of the St. Lawrence Estuary and watercourses tributaries of that zone, delimited by the high-water level, used for breeding, feeding, larvae drifting, rearing, sheltering, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(f) the Channel Darter (*Percina copelandi*); the habitat of the Channel Darter corresponds to an aquatic territory consisting of a river, fluvial lakes watercourses or a ditch, delimited by the high-water level, used for breeding, feeding, larvae drifting, rearing, sheltering, resting, moving, migrating or hibernating, as demarcated on a chart prepared by the Minister;

(g) the Bridle Shiner (*Notropis bifrenatus*); the habitat of the Bridle Shiner corresponds to an aquatic territory consisting of a river, fluvial lakes, watercourses, ditches and floodplains, delimited by the high-water level, used for breeding, feeding, larvae drifting, rearing, sheltering, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(h) the Arctic Char *oquassa* (*Salvelinus alpinus oquassa*);

(3) among amphibians, the Spring Salamander, Adirondack / Appalachian population (*Gyrinophilus porphyriticus*); the habitat of the Spring Salamander, Adirondack / Appalachian population, corresponds to a territory consisting of a permanent or intermittent watercourse, a water source or discharge area, and adjacent terrestrial environments used for breeding, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(4) among turtles,

(a) the Wood Turtle (*Glyptemys insculpta*); the habitat of the Wood Turtle corresponds to a territory consisting of a watercourse and adjacent terrestrial and aquatic environments used for breeding, nesting, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(b) the Northern Map Turtle (*Gratemys geographica*); the habitat of the Northern Map Turtle corresponds to a territory consisting of watercourses, bodies of water, wetlands and adjacent terrestrial environments used for breeding, nesting, feeding, resting, moving or hibernating, as demarcated on a chart prepared by the Minister;

(5) among snakes,

(a) the Northern Watersnake (*Nerodia sipedonsipedon*);

(b) the Eastern Milksnake (*Lampropeltis triangulum*);

(6) among birds,

(a) the Golden Eagle (*Aquila chrysaetos*); the habitat of the Golden Eagle corresponds to a territory consisting of rock faces, cliffs, perches, valleys, watercourses, bodies of water, lakes and their banks or shores, forests, burns, coastal zones, plateaus, plains, prairies, marshes, swamps or peatlands used for nesting, feeding, raising the young, resting, moving, migrating or hibernating, as demarcated on a chart prepared by the Minister;

(b) the Harlequin Duck, Eastern population (*Histrionicus histrionicus*); the habitat of the Harlequin Duck, Eastern population, corresponds to a territory consisting of a watercourse and its banks or rocky coastal habitats used for nesting, feeding, raising the young, resting, moving, migrating, moulting or hibernating, as demarcated on a chart prepared by the Minister;

(c) the Eastern Whip-poor-will (*Antrostomus vociferus*);

(d) the Peregrine Falcon *anatum* (*Falco peregrinus anatum*); the habitat of the Peregrine Falcon *anatum* corresponds to a territory consisting of rock faces, cliffs, gentle slopes, valleys, coastal zones, plains, marshes, plateaus, peatlands, watercourses, lakes and their shores or banks, anthropogenic structures or perches used for nesting, feeding, raising the young, resting, moving, migrating or hibernating, as demarcated on a chart prepared by the Minister;

(e) the Barrow's Goldeneye, Eastern population (*Bucephala islandica*); the habitat of the Barrow's Goldeneye, Eastern population, corresponds to a territory consisting of small freshwater lakes, in particular, those rich in aquatic invertebrates and generally lacking fish communities, and a band of mature riparian forests surrounding the lakes and coastal waters of bays, estuaries and gulfs used for nesting, feeding, raising the young, moving, migrating, moulting or hibernating, as demarcated on a chart prepared by the Minister;

(f) the Bobolink (*Dolichonyx oryzivorus*);

(g) the Bicknell's Thrush (*Catharus bicknelli*); the habitat of the Bicknell's Thrush corresponds to a territory consisting of coniferous forests, in particular, those located in mountain and coastal zones, consisting of stands presenting a high density, or more open environments, and used for nesting, feeding, raising the young, resting, moving or migrating, as demarcated on a chart prepared by the Minister;

(h) the Olive-sided Flycatcher (*Contopus cooperi*);

(i) the Least Bittern (*Ixobrychus exilis*); the habitat of the Least Bittern corresponds to a territory consisting of permanent freshwater marshes and swamps characterized by a dense and emergent aquatic, herbaceous or woody vegetation, and areas of open water used for nesting, feeding, raising the young, resting, moving or migrating, as demarcated on a chart prepared by the Minister;

(j) the Bald Eagle (*Haliaeetus leucocephalus*);

(7) among mammals,

(a) the Woodland Caribou, Woodland ecotype (*Rangifer tarandus caribou*); the habitat of the Woodland Caribou, Woodland ecotype, corresponds to a forest territory frequented by caribou and used by caribou for calving, mating or winter feeding, as demarcated on a chart prepared by the Minister;

(b) the Eastern Red Bat (*Lasiurus borealis*); the summer habitat of the Eastern Red Bat corresponds to a territory including feeding areas, swarming sites, migration corridors and shelters consisting of trees, cavities or anthropogenic structures used for raising the young, breeding or resting during the day, as demarcated on a chart prepared by the Minister;

(c) the Polar Bear (*Ursus maritimus*);

(d) the Fin Whale (*Balaenoptera physalus*).”.

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

106315

Gouvernement du Québec

O.C. 983-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

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

Agricultural Operations
— **Amendment**

Regulation to amend the Agricultural Operations
Regulation

WHEREAS, under subparagraph 2 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec, and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of recovery or reclamation;

WHEREAS, under subparagraph 3 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec, and the regulations may, in particular, require any municipality or any person to recover and reclaim or to see to the recovery and reclamation of the designated classes of residual materials in accordance with the terms and conditions fixed by regulation;

WHEREAS, under subparagraph 2 of section 70 of the Act, the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec, and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination;

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

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation

may give rise to a monetary administrative penalty and that the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of that Act, the Government may in particular determine the provisions of a regulation the Government has made, in particular under the Environment Quality Act, whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Agricultural Operations Regulation was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Agricultural Operations Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, s. 30, 1st par. and s. 45, 1st par.)

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, 50.3.3 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 18 December 2023 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 lot on which the part to be cultivated is situated must include a parcel that is used to cultivate the crops to which the prohibition applies or that has been used to cultivate such crops at least once since the 2013 growing season;

(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 18 December 2023;

(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 at least 20% of the total areas cultivated by the operator must be entirely covered by rooted vegetation;

(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;

(c) on 1 December of each year, the area of that parcel must be entirely covered by rooted vegetation.”.

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:

“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)
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)
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 18 December 2023.

106319

Gouvernement du Québec

O.C. 984-2023, 14 June 2023

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

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

— Amendment

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

WHEREAS, under paragraph 10 of section 46.0.22 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, prohibit or limit the carrying out of any work, the erecting of any structures or the carrying out of any other interventions in wetlands and bodies of water or on flood protection works;

WHEREAS, under paragraph 11 of section 46.0.22 of the Act, the Government may, by regulation, in the cases and under the conditions specified, make the carrying out of any work, the erecting of any structures or the carrying out of any other interventions in wetlands and bodies of water subject to the issue of a permit by the municipality concerned;

WHEREAS, under paragraph 12 of section 46.0.22 of the Act, the Government may, by regulation, establish the standards applicable to the work, structures or other interventions carried out or erected in wetlands and bodies of water in order to ensure adequate protection of the safety, welfare or comfort of human beings or to prevent adverse effects on property;

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

WHEREAS, under subparagraph 8 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish boundaries for territories and prescribe environmental protection and quality standards specific to each one, in particular to take into account its characteristics, the cumulative effects of its development, the support capacity of its ecosystems, and the human disturbances and pressures affecting its drainage basins;

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

WHEREAS, under section 118.3.5 of the Act, without restricting the powers of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks in this respect, it is the duty of the municipalities to carry out and have carried out any regulation of the Government made under the Act ordering that such regulation or certain sections of that regulation is to be applied by all the municipalities, by a certain category of municipalities or by one or several municipalities, unless a municipal by-law dealing with the matters contemplated in the regulations aforementioned has been approved in conformity with section 118.3.3 of the Act and no building, repair or enlargement permit may be issued by a municipality if the building, repair or enlargement project does not fully comply with such regulations;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty, and the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them and the amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas and a draft 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 were published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulations with amendments;

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

THAT the Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas 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, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, 1st par.)

1. Section 18.1 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), 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.”

2. 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”.

3. 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).”

4. Section 38.9 is amended

(1) by replacing subparagraph 5 of the first paragraph by the following:

“(5) the enlargement of a main residential building, including above or below ground, except work for relocating rooms used by one person for living or facilities essential for the building.”;

(2) by inserting “residential” after “main” in the third paragraph.

5. Section 38.11 is amended in subparagraph 2 of the first paragraph

(1) by striking out “except in the case of a main building related to power transmission and distribution infrastructures, a waterworks systems, a sewer system or a rainwater management system.”;

(2) by inserting “residential” after “main”.

6. Section 51, as amended by section 14 of the Regulation to amend the Regulation respecting activities in wetlands, bodies of water and sensitive areas, made by Order in Council 1461-2022 dated 3 August 2022, is amended by striking out “or impermeabilizes the ground” in paragraph 14.

7. 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.”

8. 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 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 6 by adding “, if the same type of work is not already present on the lot concerned by the application” at the end of subparagraph 4 of the first paragraph;

2. Section 7 is amended 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.”

3. 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.

4. 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) and section 118 of this Regulation, where applicable;

(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;

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.”

5. Section 117 is amended by adding the following subparagraphs after subparagraph 4 of the first paragraph:

“(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.”.

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

106320

Gouvernement du Québec

O.C. 985-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

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

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

Snow, road salt and abrasives management

— Amendment

Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and Regulation to amend the Snow, road salt and abrasives management Regulation

WHEREAS, under subparagraph 10 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2), subject to subdivisions 2 and 3 of Division II of Chapter IV of Title I of the Act, no one may, without first obtaining an authorization from the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks, carry out a project involving any other activity determined by government regulation;

WHEREAS, under the second paragraph of section 23 of the Act, a regulation made under subparagraph 3 of the first paragraph of section 23 may also determine which of the information and documents referred to in subparagraphs 1 and 2 of the first paragraph of section 23 are public;

WHEREAS, under subparagraph 5 of the first paragraph of section 24 of the Act, when assessing a project's impacts, the Minister is to take into consideration, in particular, in the cases provided for by government regulation, the greenhouse gas emissions attributable to the project and the reduction measures the project may entail;

WHEREAS, under section 28 of the Act, in addition to the cases provided for in the Act, the Government may, by regulation and for any activity or class of activities it determines, prescribe the valid term of an authorization and also determine by regulation the activities or classes of activities for which the authorization may be renewed, subject to the terms and conditions determined in the authorization, and such a regulation may also specify the provisions of the Act that apply to a renewal;

WHEREAS, under the first, second and third paragraphs of section 31.0.6 of the Act, the Government may, by regulation, designate the activities referred to in section 22 or 30 of the Act that, subject to the conditions, restrictions and prohibitions determined in the regulation, are eligible for a declaration of compliance under subdivision 2 of Division II of Chapter IV of Title I of the Act, the person must file the declaration of compliance with the Minister at least 30 days before beginning the activity or, in the cases determined by government regulation, within any shorter time limit and attest that the activity will comply with the conditions, restrictions and prohibitions determined under the first paragraph of section 31.0.6 and the provisions of the regulation may vary according to the class of activities, persons or municipalities, the territory concerned or the characteristics of a milieu;

WHEREAS, under the first, second and fourth paragraphs of section 31.0.11 of the Act, the Government may, by regulation and subject to any conditions, restrictions and prohibitions specified in it, exempt certain activities referred to in section 22 of the Act from subdivision 1 of Division II of Chapter IV of Title I of the Act, such a regulation may exempt any part of the territory of Québec and any class of persons or activities it specifies from that

subdivision, and, if necessary, set out conditions, restrictions and prohibitions which may vary according to the type of activity, the territory concerned and the characteristics of a milieu, and a regulation made under section 31.0.11 may also prescribe any transitional measure applicable to the activities concerned that are in progress on the date of its coming into force;

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

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

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

WHEREAS, under subparagraph 25.1 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the terms according to which and the format in which the data, samples and analyses must be collected, compiled and sent to the Minister and the terms according to which and the format in which the calculations, verifications and any other monitoring measure must be done and sent to the Minister;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may

give rise to a monetary administrative penalty, the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them and the amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may determine the provisions of a regulation the Government has made in particular under the Environment Quality Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and a draft Regulation to amend the Snow, road salt and abrasives management Regulation were published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulations with amendments;

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

THAT the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact and the Regulation to amend the Snow, road salt and abrasives management Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, s. 28, s. 31.0.6, 1st, 2nd and 3rd pars., s. 31.0.11, 1st, 2nd and 4th pars., s. 31.22 and s. 95.1, 1st par., subpars. 3, 5 and 25.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, s. 30, 1st par. and s. 45, 1st. par.)

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 6 July 2023, 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 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 or sand pit 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 or sand pit 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. 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 provided for in section 8 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 18 December 2023 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.”.

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

14. 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.”.

15. Section 335.1 is amended by inserting “planned” before “cultivation” in the third paragraph.

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 m²;

(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;”

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 m².”

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. 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 and 9 to 13, which come into force on 18 December 2023.

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

Environment Quality Act
(chapter Q-2, s. 31.0.6, 1st, 2nd and 3rd pars.,
s. 31.0.11, 1st, 2nd and 3rd pars., and s. 95.1, 1st par.,
subpars. 3, 5 and 25.1)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(chapter M-11.6, s. 30, 1st par., and s. 45, 1st par.)

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 2 is amended by adding the following definition in alphabetical order:

““public highway” means a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2); (*voie publique*)”.

3. Section 7 is amended

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

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

4. 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;”.

5. 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 free at all times of any deposit of salt and abrasives resulting from handling and loading operations;”.

6. Section 13 is amended by striking out paragraph 3.

7. 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.

8. 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.”.

9. 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.”.

10. Section 16 is amended by striking out “or 12”.

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

12. 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.

13. 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 3 years, or to both the fine and imprisonment, or in any other case, to a fine of \$30,000 to \$6,000,000.”.

14. 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.

15. This Regulation comes into force on 18 December 2023.

106321

Gouvernement du Québec

O.C. 986-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

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

Halocarbons — Amendment

Regulation to amend the Regulation respecting
halocarbons

WHEREAS, under subparagraph 3 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, require any municipality or any person to recover and reclaim or to see to the recovery and reclamation of the designated classes of residual materials in accordance with the terms and conditions fixed by regulation;

WHEREAS, under subparagraph 6 of the first paragraph of section 70.19 of the Act, the Government may, by regulation, determine the information that must appear in a register, an annual management report and the rules relating to the contents of a management plan;

WHEREAS, under subparagraph 16 of the first paragraph of section 70.19 of the Act, the Government may, by regulation, control, restrict or prohibit the storage, handling, use, manufacturing, sale, treatment and elimination of hazardous materials;

WHEREAS, under subparagraph 18 of the first paragraph of section 70.19 of the Act, the Government may, by regulation, control, restrict or prohibit the presence of a hazardous material in a product that is manufactured, sold, distributed or used in Québec;

WHEREAS, under subparagraph 19 of the first paragraph of section 70.19 of the Act, the Government may, by regulation, exempt, on the conditions that it may determine, any hazardous materials, activities or classes of persons from the application of all or some of the provisions of the Environment Quality Act and the regulations under that section;

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

WHEREAS, under subparagraph 4 of the first paragraph of section 95.1 of the Act, the Government may make regulations to determine, for any class of contaminants or of sources of contamination, a maximum quantity or concentration that may be released into the environment, for all or part of the territory of Québec;

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

WHEREAS, under subparagraph 6 of the first paragraph of section 95.1 of the Act, the Government may make regulations to regulate or prohibit the use of any contaminant and the presence of any contaminant in products sold, distributed or utilized in Québec;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved in particular by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks by any person carrying on an activity governed by the Environment Quality Act or the regulations, determine the terms and conditions governing their sending;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty, the regulation may set out the conditions for applying the penalty

and determine the amounts or the methods for calculating them and the amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may determine the provisions of a regulation the Government has made in particular under the Environment Quality Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting halocarbons was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting halocarbons, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, s. 30, 1st par. and s. 45, 1st par.)

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 (SF₆) emissions which are prohibited as of 6 July 2024;”;

(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.”;

(3) by striking out “31 or” in paragraph 2.

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 halocarbon 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*.

106323

Gouvernement du Québec

O.C. 987-2023, 14 June 2023

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 — Amendment

Regulation to amend the Clean Air Regulation

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Environment Quality Act (chapter Q-2), the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved by any person carrying on an activity governed by the Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister of the

Environment, the Fight Against Climate Change, Wildlife and Parks by any person carrying on an activity governed by the Act or the regulations and determine the terms and conditions governing their sending;

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

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and that the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may in particular determine the provisions of a regulation the Government has made, in particular under the Environment Quality Act, whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Clean Air Regulation was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Clean Air Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, s. 30, 1st par. and s. 45, 1st par.)

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 and, where applicable, a device designed and certified to measure peat moisture content;

(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 operations are suspended until wind speed is less than 35 km/h and harrowing operations are suspended where peat moisture content is less than 50%;

(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 speed reaching or exceeding the speeds referred to in subparagraphs 3 and 4 of the first paragraph;

(4) peat moisture content where harrowing operations take place despite wind speed equal to or greater than 45 km/h.

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 and, where applicable, to use a device designed and certified to measure peat moisture content, 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 replacing “81, any of sections 88 to 90” by “88 or 89”;

(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*.

106324

Gouvernement du Québec

O.C. 988-2023, 14 June 2023

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)

Threatened or vulnerable plant species and their habitats —Amendment

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

WHEREAS, under paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01), on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks, and after consultation with the other ministers mentioned in the third paragraph of section 6 of the Act, the Government may, by regulation, determine the features or conditions by which the habitats of threatened or vulnerable species may be identified, according to their biological features, such as sex or age, or according to their number, density or location, the time of year or environmental features, and, as the case may be, determine which habitats of threatened or vulnerable species must be demarcated on a chart prepared according to sections 11 to 15 of the Act;

WHEREAS, in accordance with the third paragraph of section 6 of the Act, the other ministers were consulted;

WHEREAS, under subparagraphs 1 and 2 of the second paragraph of section 16 of the Act, the prohibition to have any specimen of a threatened or vulnerable plant species or any of its parts, including its progeny, in one’s possession outside its natural environment, or harvest, exploit, mutilate, destroy, acquire, transfer, offer to transfer or genetically manipulate it, does not apply to an activity exempted by regulation or an activity carried on in accordance with the standards or conditions of management prescribed by regulation;

WHEREAS, under subparagraphs 1 and 2 of the second paragraph of section 17 of the Act, the prohibition to carry on, in the habitat of a threatened or vulnerable plant species, an activity that may alter the existing ecosystem, the present biological diversity or the physical or chemical components peculiar to that habitat does not apply to an activity exempted by regulation or to an activity carried on in accordance with the standards or conditions of management prescribed by regulation;

WHEREAS, under subparagraph 1 of the first paragraph of section 39 of the Act, the Government may, by regulation, withdraw certain activities from the application of section 16 of the Act, in respect of a threatened or vulnerable plant species designated by virtue of the Act;

WHEREAS, under subparagraph 3 of the first paragraph of section 39 of the Act, the Government may, by regulation, prescribe management standards or conditions, as the case may be, applicable to activities contemplated in particular in subparagraph 1 of that paragraph;

WHEREAS, under subparagraph 7 of the first paragraph of section 39 of the Act, the Government may, by regulation, prescribe any provision of the regulations the violation of which is an offence;

WHEREAS, under the second paragraph of section 39 of the Act, the activities or the management standards or conditions prescribed in particular in subparagraphs 1 and 3 of the first paragraph of that section may vary according to the plant species, the kind of activity, the class of habitat of a plant species or its location, the time of year or environmental features;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Act respecting threatened or vulnerable species, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and it may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of that Act, the Government may in particular determine the provisions of a regulation the Government has made, in particular under the Act respecting threatened or vulnerable species, whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting threatened or vulnerable plant species and their habitats was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting threatened or vulnerable plant species and their habitats, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, s. 30, 1st par. and s. 45, 1st par.)

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 April 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 6 is amended by replacing “the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35)” by “the first paragraph of section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1)”.

3. 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-Beauregard (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”.

4. 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 present therein 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, as well as the cutting of trees or shrubs that could accidentally come in contact with electrical wires, 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.”.

5. Section 9 is amended by striking out “overhead”.

6. 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.”.

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

106325

Gouvernement du Québec

O.C. 989-2023, 14 June 2023

Dam Safety Act
(chapter S-3.1.01)

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

**Dam Safety
— Amendment**

Regulation to amend the Dam Safety Regulation

WHEREAS, under the first paragraph of section 2.3 of the Dam Safety Act (chapter S-3.1.01), the classification of dams provided for in section 2.2 of the Act is effected and reviewed by the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks in accordance with the conditions determined by government regulation;

WHEREAS, under the third paragraph of section 6 of the Act, the Government may, by regulation, determine the other information or documents to be submitted with an application for authorization;

WHEREAS, under the third paragraph of section 7 of the Act, the Government may, by regulation, determine the other information or documents that must be submitted with an application for approval;

WHEREAS, under the second paragraph of section 14 of the Act, the classification of every high-capacity dam is to be effected and kept current by the Minister according to the conditions and using the methods and parameters determined by the Government by regulation, including dam type, location, dimensions, impounding capacity, age, condition and consequences of dam failure for persons and property;

WHEREAS, under section 15 of the Act, the Government is to determine, by regulation, the safety standards applicable to high-capacity dams and, in particular, flood and earthquake resistance standards;

WHEREAS, under section 16 of the Act, every high-capacity dam must, at the intervals and on the other conditions determined by the Government by regulation, undergo a safety review by an engineer to assess its safety in terms of good practice and regulatory safety standards;

WHEREAS, under the first paragraph of section 17 of the Act, in addition to forwarding the safety review required under section 16 of the Act to the Minister within the time fixed by the Government by regulation, the dam owner must forward for approval, within the same time, an outline of the remedial measures the owner intends to take and an implementation schedule;

WHEREAS, under the first paragraph of section 19 of the Act, the owner of a high-capacity dam must have an impounded water management plan prepared by an engineer according to the conditions and within the time fixed by the Government by regulation, and must keep the management plan current;

WHEREAS, under the second paragraph of section 19 of the Act, in addition, the owner of the works must, in collaboration with the emergency preparedness authorities and in compliance with the conditions and time limits fixed by the Government by regulation, prepare and keep current an emergency action plan;

WHEREAS, under section 20 of the Act, every high-capacity dam must be monitored and maintained on a regular basis to ensure the timely detection and correction of any deficiency and to maintain the works in good repair, and the Government may, by regulation, determine the conditions applicable to the monitoring of the works, including monitoring frequency and the qualifications required of the persons who perform the monitoring;

WHEREAS, under the first paragraph of section 21 of the Act, a register for every high-capacity dam must be established, and kept current, in which the results of the observations and monitoring performed under section 20 of the Act and all other information as may be required by the Government by regulation are recorded;

WHEREAS, under the first paragraph of section 22.1 of the Act, in the cases and on the conditions it determines, the Government may, by regulation, exempt from any provision of Division III of Chapter II of the Act any set of high-capacity dams that have the common characteristics that the Government determines;

WHEREAS, under the third paragraph of section 29 of the Act, the Government, by regulation, is to determine the information to be contained in and the documents to be submitted with the declaration concerning the construction, structural alteration or removal of any low-capacity dam;

WHEREAS, under the second paragraph of section 31 of the Act, the Government, by regulation, is to prescribe the information to be recorded in the register, including the location, characteristics and classification of the dams, the documents it must contain and the conditions and time limits to be respected by the owners of the works in forwarding the information or documents to the Minister;

WHEREAS, under the third paragraph of section 31 of the Act, the Government, by regulation, is to determine the manner in which the register is to be made available to the public and the regulation is to also prescribe the procedure for the forwarding, to the local municipalities, regional county municipalities, urban communities or the Kativik Regional Government, of any information or document contained in the register concerning a dam situated in their territory;

WHEREAS, under subparagraph 3.1 of the first paragraph of section 36 of the Act, in addition to the other regulatory powers provided for in the Act, the Government may make regulations prescribing, in the cases it determines, the use of forms made available by the Minister;

WHEREAS, under subparagraph 5 of the first paragraph of section 36 of the Act, in addition to the other regulatory powers provided for in the Act, the Government may make regulations determining the annual fees payable to the Minister by dam owners to cover the costs incurred in the administration of the Act and the regulations, or the method and criteria to be used to calculate the fees, and determining the terms and conditions of payment;

WHEREAS, under subparagraph 6 of the first paragraph of section 36 of the Act, in addition to the other regulatory powers provided for in the Act, the Government may make regulations prescribing the time within which the Minister must make a decision pursuant to section 5, 7, 17 or 23 of the Act;

WHEREAS, under section 37 of the Act, the regulatory provisions made by the Government pursuant to the Act may vary according to the classes of dams, any of the parameters mentioned in the second paragraph of section 14 of the Act or the classes of dam owners that may otherwise be established by the provisions, and specify the conditions in which and time limits within which the provisions may be applied to existing works;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Dam Safety Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty, the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them and the amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may determine the provisions of a regulation the Government has made in particular under the Dam Safety Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Dam Safety Regulation was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Dam Safety Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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., ss. 15, 16, 17, 1st par., s. 19, 1st and 2nd pars., ss. 20, 21, 1st par., s. 22.1, 1st par., s. 29, 3rd par., s. 31, 2nd and 3rd pars., 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, s. 30, 1st par. and s. 45, 1st par.)

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” in the definition of “project” by “dams”;

(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 located on the rim of the same reservoir 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 referred to in 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 upper part of the dam that impounds water or protects the supports 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.”.

3. Section 5 is amended

(1) in the first paragraph

(a) by replacing “and the particulars of its location” in subparagraph 1 by “, the particulars of its location and, if applicable, the name of the project of which the dam is part”;

(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:

(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 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 person justifies a review;

(7) when the correction of an error in writing or calculation or any other clerical error affecting the classification or classification parameters justifies a review;

(8) annually when updating the dam age;

(9) 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 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 “structures” by “dams”;

(b) 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”.

13. Section 19 is revoked.

14. Section 20 is amended by replacing “with an earth-fill or rockfill component that” in the definition of “erodible dam” by “one of the components of which, including the supports of the dam,”.

15. Section 21 is amended by striking out “des dispositions” in the French text;

16. 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 18”;

(2) by replacing “The engineer’s certificate” in the second paragraph by “The demonstration by the engineer”.

17. Section 22 is amended by inserting “total available” after “to the” in subparagraph 2 of the first paragraph.

18. 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 replacing “The factors that the Minister shall consider” in the second paragraph by “The factors considered”.

19. Section 26 is amended by replacing the second paragraph by the following:

“The first paragraph applies only to new construction or reconstruction projects.”.

20. 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.”.

21. 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, taking into account the dams located on the rim of the same reservoir and belonging to another person, except

(1) dams whose failure consequence category is “very low” or “low” and which are not associated dams;

(2) dams on which the only discharge facility is a free weir; and

(3) 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;

(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.”

22. 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.

23. Section 34 is revoked.

24. 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 by “characteristics of the area”;

(b) by replacing subparagraph 5 by the following:

“(5) a description of the safety devices with which the dam is equipped and of the monitoring and warning procedures in the event of an actual or imminent dam failure that have been established by the owner, including

(a) a description of the emergency systems, emergency detector systems and back-up systems;

(b) a description of the prevention, potential dam failure detection and mitigation measures established by the owner;

(c) warning and dam personnel mobilization procedures for the various conditions that may lead to a dam failure;

(d) the procedure for warning civil protection authorities and, where applicable, residents; and

(e) the operation and decision centre.”

25. 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 “c and d” by “d and e”;

(b) by replacing “a and b” by “b and c”;

(c) by replacing “provision” by “paragraph”.

26. Section 40 is revoked.

27. 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 purposes of this section, the word “year” refers to a calendar year.”.

28. 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; and

(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.”.

29. 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”.

30. Section 44 is amended in the first paragraph

(1) by replacing “paragraph 1 of section 48” by “subparagraph 1 of the third paragraph of section 48”;

(2) by striking out “, paragraph 1 of section 49.0.1”.

31. Section 45 is amended, in the part preceding paragraph 1,

(1) by replacing “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”.

32. 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.

33. The following is inserted 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.”.

34. 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 in charge of the review;

(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 in charge of the review; 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 subdivision 1 of Division III; and

(6) drawing up or reviewing the emergency action plan, if such a plan must be drawn up for the dam concerned in accordance with subdivision 2 of Division III."

35. Section 49 is amended

(1) in the first paragraph

(a) by adding "applicable" at the end of subparagraph 5;

(b) by adding " , unless the dam failure consequence category is "very low" or "low"" at the end of subparagraph 5.1;

(c) by replacing subparagraph 6 by the following:

"(6) the stability calculations and geotechnical data required to support the opinions referred to in subparagraphs 5 and 5.1, taking into account the validation referred to in subparagraph *b* of subparagraph 2 of the third paragraph of section 48, unless the dam failure consequence category is "very low" or "low";

(6.1) the results of the analysis of the topography of the reservoir rim;";

(d) by replacing "if applicable, the recommendations of the engineer in charge" in subparagraph 8 by "the opinion of the engineer in charge concerning the need for remedial work to ensure the dam's safety and, if applicable, the engineer's recommendations";

(e) by striking out "to ensure the dam's safety" in subparagraph 8;

(f) by replacing "if applicable," in subparagraph 9 by "if remedial work is required to ensure the dam's safety,";

(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 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 section 33 or 39."

36. Sections 49.0.1 and 49.0.2 are revoked.

37. Section 50 is amended

(1) in the first paragraph

(a) by replacing "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”.

38. 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”.

39. 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.”.

40. 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”.

41. Section 57 is replaced by the following:

“**57.** In addition to the plans and specifications and the certificate required under section 6 of the Act, the following information and documents 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, rough mapping or characterization required under section 18 for the consequence category the engineer considers appropriate for the dam to be constructed;

(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 in charge 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 referred to 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 in charge 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) a recommendation from the engineer in charge concerning the classification of the dam following the work;

(11) 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 subdivision 1 of Division III, such a plan must be drawn up for the dam;

(12) 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 subdivision 2 of Division III, such a plan must be drawn up for the dam.”.

42. Section 58 is replaced by the following:

“**58.** In addition to the plans and specifications and the certificate required under section 6 of 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 in charge 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 referred to 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, rough mapping or characterization required under section 18 for the consequence category the engineer considers appropriate for the dam;

(6) detailed cost estimates for the planned work;

(7) a recommendation from the engineer in charge concerning the classification of the dam following the work;

(8) 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 in charge 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 in charge 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 subdivision 1 of Division III, such a plan must be drawn up for the dam.”.

43. The following is inserted after section 58:

“**58.1.** In addition to the plans and specifications and the certificate required under section 6 of 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 the structural alteration of a dam whose failure consequence category is “very low” or “low”, as indicated in the register, and that is not an associated dam, that is not an alteration under section 57:

- (1) a recommendation from the engineer in charge concerning the classification of the dam following the work;
- (2) the opinion of the engineer in charge concerning the stability of the dam and its foundation taking the nature of the proposed work into account;
- (3) detailed cost estimates of the proposed work.

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 in charge 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.”

44. Section 59 is amended by striking out subparagraph 3 of the first paragraph.

45. Section 60 is amended 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 subdivision 1 of Division III, such a plan must be drawn up for the dam.”

46. Section 62 is amended by replacing “9” in the third paragraph by “7”.

47. Section 69 is amended by striking out the second paragraph.

48. Section 70 is amended by adding “or by means of an electronic payment” at the end.

49. 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; and
- (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 referred to in the first paragraph to the Minister must use the appropriate form available on the website of the Minister’s department.”

50. Section 73 is amended by adding the following paragraph at the end:

“The owner or promoter required to send the declaration referred to in the first paragraph to the Minister must use the appropriate form available on the website of the Minister’s department.”

51. 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”.

52. 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 Division I of Chapter III, subject to the provision that the dam’s failure consequence category is determined on the basis of a prudent inventory of the characteristics of the area that would be affected by a dam failure.”.

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; and

(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.”.

53. 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 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.

54. 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 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.”.

55. 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, if such a review is required under section 47.1 for the dam concerned.

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.”

56. 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 or 39 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 establish, keep or maintain the register provided for in section 21 of the Act, in contravention of section 46 or 80;

(4) 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 or 39 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 establish, keep or maintain the register provided for in section 21 of the Act, in contravention of section 46 or 80,

(4) 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”.**57.** 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”.

58. 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
Population density		Extent of destroyed or severely damaged infrastructures and services
Uninhabited area	OR	Area containing minimal infrastructures or services such as <ul style="list-style-type: none"> - another dam in the Very Low Consequence category - a resources access road - farmland - a commercial facility without accommodations
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"> - another dam in the Low Consequence category - a local road
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 seasonal residences	OR	Area containing moderate infrastructures or services such as <ul style="list-style-type: none"> - another dam in the Moderate Consequence category - a feeder road - a railway line (local or regional) - an enterprise with less than 50 employees - a main water intake upstream or downstream of the dam that supplies a municipality
OR		

<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>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"> - another dam in the High Consequence category - a regional road - a railway line (transcontinental or transborder) - a school - an enterprise that has 50 to 499 employees 	High
<p>Permanently inhabited area with a population of more than 1,000 and less than 10,000</p>	OR	<p>Area containing major infrastructures or services such as</p> <ul style="list-style-type: none"> - another dam in the Very High Consequence category - an autoroute or national highway - an enterprise that has 500 or more employees - an industrial park - a dangerous substances storage site 	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"> - another dam in the Severe Consequence category - a hospital - a major industrial complex - a large dangerous substances storage site 	Severe
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”

(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.”.

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

106326

Gouvernement du Québec

O.C. 990-2023, 14 June 2023

Pesticides Act
(chapter P-9.3)

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

Pesticides Management Code

Permits and certificates for the sale and use of pesticides

— Amendment

Regulation to amend the Pesticides Management Code and the Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides

WHEREAS, under section 32 of the Pesticides Act (chapter P-9.3), the Government, by regulation, is to designate, among the classes of pesticides it establishes, those for which a permit or certificate is required and contents of the regulations may vary according to the factors referred to in section 101 of the Act;

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

WHEREAS, under section 105 of the Act, the Government is to enact by regulation a Pesticides Management Code which may prescribe rules, restrictions or prohibitions respecting activities related to the distribution, sale, manufacture, acquisition outside Québec, possession, storage, transportation or use of any pesticide, pesticide container or any equipment used for any of those activities as well as to the management of any waste consisting in whole or in part of pesticides or contaminated by pesticides;

WHEREAS, under section 105.1 of the Act, the Pesticides Management Code (chapter P-9.3, r. 1) may require a person who stores pesticides of a determined category or in a determined quantity to subscribe civil liability insurance, the kind, extent, duration, amount and other applicable conditions of which are determined in the said Code, and to furnish thereof to the Minister;

WHEREAS, under section 106 of the Act, the Pesticides Management Code may cause any rule elaborated by another government or by a body to be mandatory and in addition, the code may cause any instructions of the manufacturer of a pesticide or of equipment used for any activity referred to in the code to be mandatory;

WHEREAS, under section 107 of the Act, the Government may prescribe that the contravention of the provisions of this code which it determines constitutes an offence;

WHEREAS, under subparagraphs 1, 3, 8, 10, 11, 11.2, 12 and 13 of the first paragraph of section 109 of the Act, in addition to its other regulation-making powers under the Act, the Government may, by regulation,

— establish classes of pesticides;

— establish classes and subclasses of permits and certificates, and fix for each the date from which the permits or certificates become exigible;

— prescribe the requirements to be observed by the holder of a permit or certificate;

— indicate the registers that must be kept by all or some of the permit holders and determine the conditions which apply thereto;

— indicate the records or other documents to be preserved by all or certain permit holders and prescribe the applicable requirements and the time for which they must be preserved;

— determine the activities that require the supervision of a certificate holder and the applicable conditions;

— prescribe that contravention of the provisions of the regulations which it indicates constitutes an offence;

— prescribe any other measure required to facilitate the carrying out of the Act;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Pesticides Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty, the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them and the amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may determine the provisions of a regulation the Government has made in particular under the Pesticides Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Pesticides Management Code and a draft Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides were published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulations with amendments;

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

THAT the Regulation to amend the Pesticides Management Code and the Regulation to amend the Regulation respecting permits and certificates for the sale and use of pesticides, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, 1st par. and s. 45, 1st par.)

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 is amended

(1) by replacing “a tourist accommodation establishment within the meaning of section 1 of the Regulation respecting tourist accommodation establishments (chapter E-14.2, r. 1)” in subparagraph *c* of paragraph 2 of the definition of “protected immovable” by “an establishment in which at least one accommodation unit is offered for rent to tourists, in return for payment, for a period not exceeding 31 days, and the availability of the unit is made public by the use of any media”;

(2) by replacing “a camping establishment referred to in paragraph 9 of section 7 of the Regulation respecting tourist accommodation establishments” in subparagraph *c* of paragraph 3 of the definition of “protected immovable” by “an establishment that offers ready-to-camp units or campsites, constituted of fixed locations for tents or motorized or non-motorized recreational vehicles, including services”.

3. 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).”

4. 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.”

5. Section 4 is amended by replacing “and 29 to 33” in the first paragraph by “, 29 to 33, 35, 38, 48.1, 48.2, 48.3, 48.4, 50, 59, 60, 68, 76, 80, 86 and 86.3”.

6. 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 when they are available on the website of the Minister’s department.”

7. Section 6 is amended by striking out “pesticide”.

8. 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”.

9. 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.

10. Section 23 is amended by replacing “remunerated work” in the portion before subparagraph 1 of the first paragraph by “work for another person”.

11. Section 25 is replaced by the following:

“**25.** It is forbidden to sell at retail or offer for sale at retail Class 4 or 5 pesticides that contain

(1) one of the active ingredients listed in Schedule I and are intended to be applied for the maintenance of green areas;

(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 for the maintenance of green areas or indoor plants.

The prohibition does not apply to a pesticide used in solid form in traps, stations or containers that prevent any contact with a person or a non-target animal.”

12. 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.”

13. 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.

14. 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 sub-species of common reed (*Phragmites australis* (Cav.) Trin. ex Steud. subsp. *australis*);
 - (i) wild parsnip (*Pastinaca sativa*);
- (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 control plants 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.”

15. 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 work to control plants 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) the identification of the species and, where applicable, the sub-species to be controlled;
- (5) a description and analysis of the various possible phytosanitary interventions, including alternative pest control methods, and a description of the proposed interventions, including the pesticide application work;
- (6) the name and registration number of each pesticide to be applied;
- (7) the proposed quantity, dosage and number of applications of each pesticide and the type of equipment to be used;
- (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 and, where applicable, riparians concerned by the work;
- (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;
- (12) the contact information of any person in charge of providing information on the work.

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 zones, the littoral zone boundary, the wetland boundary and the populations of plant species that are targeted by the work;
- (2) a copy of the label of each pesticide 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 of each pesticide;

(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):”.

16. 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 or a non-target animal”;

(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.”.

17. 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.”

18. 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, except if the pesticide is used in solid form in traps, stations or containers that prevent any contact with a person or a non-target animal.

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, except if the pesticide is used in solid form in traps, stations or containers that prevent any contact with a person or a non-target animal.

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 solid form in traps, stations or containers that prevent any contact with a person or a non-target animal.

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 after the application of a pesticide.

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.”;
- (g) “Centre antipoison du Québec.”;

(h) “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 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.

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 solid form in traps, stations or containers that prevent any contact with a person or a non-target animal.”

19. Section 50 is amended

(1) by adding the following subparagraphs 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 “maintaining green areas “;

(c) by striking out “, except in the case of a golf course” in subparagraph 2;

(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.”.

20. Section 53 is amended by inserting “and registration number” after “name” in the second paragraph.

21. Section 59 is amended in the first paragraph

(1) by replacing “on wooden hydro or telephone poles” in subparagraph 6 by “in wooden poles used for the distribution or transmission of electrical power or telecommunications”;

(2) by replacing “fir white” in subparagraph 7 by “fir-paper”.

22. Section 60 is amended by replacing “on wooden hydro or telephone poles” in subparagraph 6 by “in wooden poles used for the distribution or transmission of electrical power or telecommunications”.

23. 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) in the second paragraph

(a) by replacing “at the regional office” in the portion before subparagraph 1 of the second paragraph by “by the Minister”;

(b) by replacing “the proposed date of” at the beginning of subparagraph 6 by “any date proposed for”.

24. The heading before section 67 is amended by replacing “Ornamental horticulture” by “Maintenance of green areas”.

25. Section 67 is amended

(1) by striking out “remunerated”;

(2) by inserting “or D4” after “C4”.

26. The heading before section 68 is moved after the section and amended by replacing “Ornamental horticulture and extermination” by “Maintenance of green areas and pest management”.

27. Section 68 is replaced by the following:

“**68.** A person who applies pesticides as described in a Subclass C4 or D4 permit may not apply a pesticide containing an active ingredient listed in Schedule I.

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 solid form in traps, stations or containers that prevent any contact with a person or a non-target animal.”.

28. 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) by inserting “or less” before “along the perimeter”;

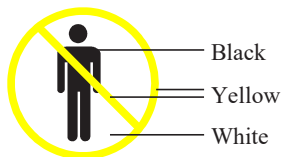
(3) in the third paragraph

(a) by striking out “a pesticide application on a golf course or”;

(b) by replacing “ornamental or decorative” by “decorative or ornamental”.

29. 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.

30. The following is inserted after section 72:

“5.1 Golf course maintenance

72.1. The holder of a Subclass C11 or D11 permit who prepares Class 1, Class 2 or Class 3 pesticides or who loads or unloads a sprayer containing such pesticides must do so in a containment works.

72.2. Until 5 July 2025, a person who applies pesticides as described in a Subclass C4 or D4 permit may not apply pesticides within 3 m from the boundary of a golf course or from a building used as a dwelling situated on such golf course.

As of 6 July 2025, a person who applies pesticides as described in a Subclass C11 or D11 permit may not apply pesticides within 3 m from the boundary of a golf course or from a building used as a dwelling situated on such golf course.”.

31. 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”.

32. Section 74.6 is amended

(1) by adding the following after paragraph 4:

“(4.1) the contact information of the person in charge of the work;”;

(2) 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.

33. 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.

34. 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.”.

35. 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”.

36. 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”.

37. 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.

38. The following is inserted after section 86.2:

**“CHAPTER IV.1
POSSESSION OF PESTICIDES**

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 sale or use.

It is forbidden for a permit holder or certificate holder who sells retail Class 5 pesticides to possess a pesticide of another class or whose retail sale is prohibited for the holder.

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 a 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 of 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 72.1, 72.2, 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 or gives access to treated premises in contravention of section 48;

(15) fails, after applying a pesticide, to notify the occupants concerned by the application of a pesticide in a building 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, 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 obtain an agronomic justification containing the information provided for in the second paragraph of section 88.1;

(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 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.”

39. 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 other penalty is otherwise provided for such an offence,

(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 a 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 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 72.1, 72.2, 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 or gives access to treated premises in contravention of section 48,

(15) fails, after applying a pesticide, to notify the occupants concerned by the application of a pesticide in a building 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, 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 containing the information provided for in the second paragraph of section 88.1,

(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 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.”

40. Section 88.1 is amended by replacing “3A” in the portion before subparagraph 1 of the first paragraph by “3B”.

41. Section 88.2 is revoked.

42. Schedule I is replaced by the following:

SCHEDULE I
(ss. 25, 31 and 68)

Prohibited active ingredients for green area management

Insecticides

Acephate
Acetamiprid
Afidopyropen
Piperonyl Butoxide
Carbaryl
Clothianidin
Dicofol
Dimethoate
Flupyradifurone
Imidacloprid
Lambda-cyhalothrin
Malathion
N-Octyl bicycloheptene dicarboximide
Fenbutatin oxide
Spiromesifen
Tetraniliprole
Thiamethoxam

Fungicides

Azoxystrobin
Benomyl
Benzovindiflupyr
Boscalid
Captan
Carbendazim
Chlorothalonil
Difenoconazole
Etridiazole
Fludioxonil

Fluopicolide

Fluopyram

Folpet

Mancozeb

Mandestrobin

Metconazole

Myclobutanil

Penthiopyrad

Propiconazole

Pydiflumetofen

Pyraclostrobin

Quintozene

Thiabendazole

Thiophanate-methyl

Triforine

Herbicides

2,4-D, in all its chemical forms

Bensulide

Bentazon

Chlorthal-dimethyl

Dichlobenil

Dithiopyr

Halosulfuron

MCPA, in all its chemical forms

Mecoprop, in all its chemical forms

Mecoprop-p, in all its chemical forms

Napropamide

Propyzamide

Simazine

S-Metolachlor

Trifluralin

Molluscicide

Metaldehyde

Plant growth regulator

Daminozide

- 43.** Schedule II is replaced by the following:

SCHEDULE II
(ss. 32, 32.1 and 72)

Authorized active ingredients inside or outside an establishment referred to in Section 32

Insecticides

Boric acid

Borax

Disodium octaborate tetrahydrate

- 44.** 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 control inside a building used as a dwelling

Insecticides

Dichlorvos

Propoxur

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

(1) the following provisions, which come into force on 6 July 2025:

(a) section 5, enacting “48.1, 48.2,” in section 4 of the Pesticides Management Code;

(b) sections 8 and 11;

(c) section 18, enacting sections 48.1 and 48.2 of the Code;

(d) subparagraph *c* of paragraph 2 of section 19;

(e) section 27;

(f) subparagraph *a* of paragraph 3 of section 28;

(g) section 29;

(h) section 30, enacting section 72.1 of the Code;

(i) section 38, enacting “48.1, 48.2,” in paragraph 6 of section 86.9 of the Code;

(j) section 39, enacting “48.1, 48.2,” in paragraph 6 of section 87.5 of the Code;

(k) sections 42 and 44;

(2) sections 12, 37 and 40, which come into force on 1 January 2025;

(3) section 38, enacting Chapter IV.1, paragraph 10 of section 86.9 and paragraph 10 of section 87.5, which come into force on 6 July 2024.

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, s. 30, 1st par. and s. 45, 1st par.)

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 when they are available on the website of the Minister’s department. A declaration referred to in sections 54 to 55.1 must also be submitted electronically.”

3. Section 3 is amended by replacing “that is exempt from registration under paragraph *e* of subsection 1 of section 4 of” in paragraph 1 by “whose use is limited to research work in accordance with”.

4. 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 that is not a biopesticide 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 or a biopesticide and that is not specifically Included in another class are included in Class 3B.”

5. Section 7 is amended in the first paragraph

(1) by replacing the words “users” and “human beings” wherever they occur by “a person”;

(2) by replacing “pyrethrin” in subparagraph *f* of subparagraph 2 by “pyrethrins”.

6. 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.”

7. Section 10 is revoked.

8. 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”.

9. Section 13 is amended by replacing the term “3A” wherever it appears in paragraph 1 by “3B”.

10. 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.

11. 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 “ornamental or decorative” in subparagraph *a* of paragraph 9 by “decorative or ornamental”;

(5) 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.”;

(6) by striking out the term “Class 1 to Class 3” wherever it appears.

12. Section 16 is amended

(1) by inserting the following paragraph at the beginning:

“A pesticide used for personal use by a natural person is exempted from the application of sections 14 and 15.”;

(2) 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”.

13. 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 or documents furnished for the issue or renewal of a permit under sections 17 and 18 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 or partnership.

The notice shall be made using the form provided for in section 17 and shall include the information or documents referred to in subparagraph 1 of the second paragraph of that section, 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.”.

14. Section 34.1 is amended by replacing the term “3A” wherever it appears in paragraph 1 by “3B”.**15.** 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 replacing “Certificate for” in paragraph 6 by “Certificate for Application by”;

(5) by striking out “in respect of a Class 1 to Class 4 pesticide,” in paragraph 8;

(6) 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.”;

(7) 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.

16. Section 36 is amended

(1) by replacing the term “3A” wherever it appears by “3B”;

(2) by replacing “for the Fumigation of Certain Gases” in paragraph 5 by “for Application by Fumigation”.

17. 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 38, of any change which makes the information furnished for the issue or renewal of the certificate under sections 38 and 41 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.”.

18. Section 43 is amended by replacing “3A” in paragraph 1 by “3B”.**19.** 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 for maintaining green areas to a holder of a Subclass C4 or D4 permit, except if the pesticide is intended to be injected in decorative or ornamental plants or is used in solid form in traps, stations or containers that prevent any contact with a person or a non-target animal;

(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, except if the pesticide is used in solid form in traps, stations or containers that prevent any contact with a person or a non-target animal;

(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 used in solid form in traps, stations or containers that prevent any contact with a person or a non-target animal;

(8) a Class 3B pesticide only to a person who meets either of the following conditions:

(a) the person holds a Subclass C8 permit;

(b) the person is exempt, under section 35 of the Pesticides Act, from the requirement to hold such a permit, but the person is the holder of a Subclass E1 or E2 certificate authorizing the person to apply the pesticide or the person employs a person holding such a certificate.”

20. 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.”

21. Section 47 is amended by inserting “or Class 3B” after “Class 3A” in subparagraphs 4 and 7 of the second paragraph.

22. 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.

23. 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.

24. Section 50 is amended by inserting “or Class 3B” after “Class 3A” in subparagraphs 5, 9 and 11 of the second paragraph.

25. 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.

26. 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.”

27. Section 55 is revoked.

28. 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 sold under paragraphs 3 and 4 of section 44,” at the beginning of subparagraph 6.

29. 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 notify the Minister of 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, for each application of 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 notify the Minister of 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.”

30. 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 notify the Minister of 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, for each application of 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 notify the Minister of 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.”

31. 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.

32. 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.

33. 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.

34. 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.

35. Classes C and D permits and Class CD certificates issued before 6 July 2023 include Classes 4 and 5 as of that date, with no further formality.

36. 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 10 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 11 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 15 of this Regulation, are respectively covered by the Subclass C4 permit, the Subclass D4 permit and the Subclass CD4 certificate until 6 July 2025.

37. As of 6 July 2025, a Subclass C11 or D11 “Other Applications” permit issued before 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.

38. This Regulation comes into force on the fifteenth days following the date of its publication in the *Gazette officielle du Québec*, except

(1) sections 4, 9 and 14, paragraph 1 of section 16, section 18, section 19, as it enacts paragraph 8 of section 44 of the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2), section 21, subparagraph *a* of paragraph 1 and paragraph 2 of section 22, sections 23, 24, 25 and 27, paragraph 1, subparagraph *a* of paragraph 2 as regards Class 3B and subparagraphs *b* and *d* of paragraph 2 of section 28, which come into force on 1 January 2025;

(2) section 19, as it enacts paragraph 7 of section 44 of the Regulation respecting permits and certificates for the sale and use of pesticides, which comes into force on 6 July 2025.

106327

Gouvernement du Québec

O.C. 991-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

Environmental standards for heavy vehicles

Quality of the atmosphere

— Amendment

Regulation to amend the Regulation respecting environmental standards for heavy vehicles and Regulation to amend the Regulation respecting the quality of the atmosphere

WHEREAS, under paragraph *c* of section 53 of the Environment Quality Act (chapter Q-2), the Government may make regulations applicable to the whole or to any part of the territory of Québec, to determine the manner in which certain classes of motor vehicles, engines and devices may be used and the manner of maintaining them, and prescribe, if need be, the installation of purification devices in accordance with the specifications which it determines and provide for the inspection of such devices;

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

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting environmental standards for heavy vehicles and a draft Regulation to amend the Regulation respecting the quality of the atmosphere were published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulations without amendment;

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

THAT 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, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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*.

106328

Gouvernement du Québec

O.C. 992-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

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

Quality of drinking water

— Amendment

Regulation to amend the Regulation respecting the quality of drinking water

WHEREAS, under the first paragraph of section 45 of the Environment Quality Act (chapter Q-2), the operator of a waterworks system and the operator of a public, commercial or industrial establishment supplied with water by a supply source independent of a waterworks system must, in making water available to the public or to his or her employees for human consumption, supply drinking water only, to the extent and in accordance with the standards provided by regulation of the Government;

WHEREAS, under paragraph 2 of section 46 of the Act, the Government may, by regulation, define physical, chemical and biological water quality standards according to different water uses for all or part of the territory of Québec;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may in particular determine the provisions of a regulation the Government has made, in particular under the Environment Quality Act, whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the quality of drinking water was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the quality of drinking water, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, 1st par.)

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 amended by striking out paragraph 2.

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

“

Manganese	0.12
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”

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
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”

5. This Regulation comes into force on 21 June 2024.
106329

Gouvernement du Québec

O.C. 993-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

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

Land Protection and Rehabilitation

Contaminated soil storage and contaminated soil transfer stations

Traceability of excavated contaminated soils

— **Amendment**

Regulation to amend the Land Protection and Rehabilitation Regulation, Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations and Regulation to amend the Regulation respecting the traceability of excavated contaminated soils

WHEREAS, under paragraph 2.1 of section 31.69 of the Environment Quality Act (chapter Q-2), the Government may make regulations to determine, for the purposes of section 31.51 of the Act, the cases in which and conditions under which there is a permanent cessation of an

industrial or commercial activity belonging to a category determined under paragraph 2 of section 31.69 of the Act, and to specify the cases where a cessation notice must be sent to the Minister;

WHEREAS, under paragraph 5 of section 31.69 of the Act, the Government may make regulations to regulate, in all or part of the territory of Québec, the treatment, recovery, reclamation and elimination of contaminated soils not subject to the provisions of Division VII of Chapter IV of Title I of the Act and of any materials containing such soils;

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

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

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks by any person carrying on an activity governed by the Environment Quality Act or the regulations, and determine the terms and conditions governing their sending;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and that the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may in particular determine the provisions of a regulation the Government has made, in particular under the Environment Quality Act, whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Land Protection and Rehabilitation Regulation, a draft Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations and a draft Regulation to amend the Regulation respecting the traceability of excavated contaminated soils were published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Land Protection and Rehabilitation Regulation and the Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations without amendment;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the traceability of excavated contaminated soils with amendments;

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

THAT 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, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, s. 30, 1st par., and s. 45, 1st par.)

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, s. 30, 1st par., and s. 45, 1st par.)

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

(1) by replacing “excavated” in the first paragraph by “transported outside the site of origin”;

(2) in the second paragraph

(a) by striking out “that is neither the signatory of the tracking slip, the natural person who completed the tracking slip, the soil excavator, or one of their employees,” in the portion before subparagraph 1;

(b) by replacing subparagraph 1 by the following:

“(1) a professional within the meaning of section 1 of the Professional Code (chapter C-26) or a person authorized by a professional order to carry out an activity reserved to the members of that order;”

(c) by adding “and is neither the signatory of the tracking slip, the natural person who completed the tracking slip, the soil excavator, or one of their employees” at the end of subparagraph 2;

(d) by inserting the following after subparagraph 2:

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

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

106330

Gouvernement du Québec

O.C. 994-2023, 14 June 2023

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

Hot mix asphalt plants

— Amendment

Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries, Regulation to amend the Regulation respecting pulp and paper mills and Regulation to amend the Regulation respecting hot mix asphalt plants

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Environment Quality Act (chapter Q-2), the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 4 of the first paragraph of section 95.1 of the Act, the Government may make regulations to determine, for any class of contaminants or of sources of contamination, a maximum quantity or concentration that may be released into the environment, for all or part of the territory of Québec;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks by any person carrying on an activity governed by the Environment Quality Act or the regulations, determine the terms and conditions governing their sending;

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

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

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them and the amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of that Act, the Government may determine the provisions of a regulation the Government has made, in particular under the Environment Quality Act, whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries, a draft Regulation to amend the Regulation respecting pulp and paper mills and a draft Regulation to amend the Regulation respecting hot mix asphalt plants were published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that they could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries and the Regulation to amend the Regulation respecting hot mix asphalt plants without amendment;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting pulp and paper mills with amendments;

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

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 and the Regulation to amend the Regulation respecting hot mix asphalt plants, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, s. 30, 1st par., and s. 45, 1st par.)

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 (C₁₀-C₅₀)”;

(2) by replacing “Oil and grease” in the table by “Petroleum hydrocarbons (C₁₀-C₅₀)”.

2. Section 6 is amended

(1) by replacing “oil and grease” in the portion before the table by “petroleum hydrocarbons (C₁₀-C₅₀)”;

(2) by replacing “Oil and grease” in the table by “Petroleum hydrocarbons (C₁₀-C₅₀)”.

3. Section 7 is amended by replacing the words “oil and grease” wherever they appear by “petroleum hydrocarbons (C₁₀-C₅₀)”.

4. Section 9 is amended

(1) by replacing “oil and grease” in the portion before the table by “petroleum hydrocarbons (C₁₀-C₅₀)”;

(2) by replacing “Oil and grease” in the table by “Petroleum hydrocarbons (C₁₀-C₅₀)”.

5. Section 15 is amended

(1) by replacing “oil and grease” in the first paragraph by “petroleum hydrocarbons (C₁₀-C₅₀)”;

(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 (C₁₀-C₅₀)”;

(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 ³ /day)		Suspended matter in water supply	Deposits measured (kg/day)					pH		
	Liquid effluent	Storm water		Petroleum hydrocarbons (C ₁₀ -C ₅₀)	Phenols	Sulfides	NH ₃ -N	Suspended matter	Measurement		Duration of overage (minutes)
									min	max	
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
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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 ₁₀ -C ₅₀)	Phenols	Sulfides	NH ₃ -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 Flow measurement (m ³ /day)	Petroleum hydrocarbons (C ₁₀ -C ₅₀)		Phenols		Volatile suspended matter	
		(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 1 January 2024.

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, s. 30, 1st par. and s. 45, 1st par.)

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 BOD₅ 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 BOD₅ 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) BOD₅:

(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 BOD₅ each day at the sampling stations referred to in section 48” by “the BOD₅ 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 122 is amended

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

(2) by replacing “in June and October” in the third paragraph by “in spring and fall”.

15. 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.

16. 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;”.

17. 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.”.

18. 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;”.

19. Section 141.1 is amended by striking out paragraph 2.

20. 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: _____

Parameters	Date of sampling or date of flow measurement	(A)	(B)	(C)
		Treated effluent (2)(4)	Untreated effluent (3)(4)	Final effluent (5)
Flow (m ³ /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 _{eq} /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:

”.

21. 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: _____

”.

22. Schedule XVII is amended by replacing “in June and October” in the first note under the Table by “in spring and fall”.**23.** This Regulation comes into force on 1 January 2024.

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 (C₁₀-C₅₀);”;

(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 18 December 2023.

106331

Gouvernement du Québec

O.C. 995-2023, 14 June 2023

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 — Amendment

Regulation to amend the Regulation respecting sand pits and quarries

WHEREAS, under subparagraph 2 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec, and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials mentioned in subparagraph 1 of the first paragraph of section 53.30 of the Act, any mode of recovery or reclamation;

WHEREAS, under subparagraph 2 of section 70 of the Act, the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec, and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination;

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

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

WHEREAS, under subparagraph 28 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe, for specified activities or classes of activities, the measures to be implemented on their cessation, as well as monitoring and post-closure management measures;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and that it may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of that Act, the Government may in particular determine the provisions of a regulation the Government has made, in particular under the Environment Quality Act, whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting sand pits and quarries was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting sand pits and quarries, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, s. 30, 1st par., and s. 45, 1st par.)

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) by replacing “ou les” in the French text by “ou des” in subparagraph *a*;

(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 section 23”;

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

“(f) in the case of a quarry only, category 1 concrete 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 for the construction of an infrastructure, in particular as a draining layer or for a parking, traffic or storage 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 using the soils referred to in subparagraphs *b* and *e* of subparagraph 3 of the first paragraph of section 42.”.

5. Section 44 is amended

(1) by replacing “of the land” and “the land” in subparagraph 1 of the first paragraph by “of the disturbed sand” and “the sand”, respectively;

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

“In addition, where an invasive exotic plant species is buried as part of backfilling using the 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 quarry of the materials referred to in section 23 and backfilling in a quarry carried out in accordance with”.

6. Section 46 is amended

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

“For any backfilling in accordance with subparagraph *f* of subparagraph 3 of the first paragraph of section 42, the operator of a quarry must hold the attestation referred to in section 25.1 of the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49) provided by the supplier of the concrete.”;

(2) in the second paragraph

(*a*) by inserting “referred to in the first paragraph and the attestation referred to in the second paragraph” after “register”;

(*b*) by adding the following at the end: “They must be provided to the Minister at the Minister’s request within the time indicated by the Minister.”.

7. Section 48 is amended

(1) in the first paragraph

(*a*) 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;”;

(*b*) by inserting the following after subparagraph 21:

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

(*c*) by replacing subparagraph 30 by the following:

“(30) to enter in a register the information and documents referred to in the first paragraph of section 46;

(30.1) to hold the attestation referred to in the second paragraph of section 46;

(30.2) to keep the information and documents referred to in the third paragraph of section 46 for the period provided for therein or to provide them to the Minister in accordance with that paragraph;”.

(2) 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 18 December 2023.

106332

Gouvernement du Québec

O.C. 996-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

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

Biomedical waste
— **Amendment**

Regulation to amend the Regulation respecting
biomedical waste

WHEREAS, under paragraph 2 of section 70 of the Environment Quality Act (chapter Q-2), the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination;

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

WHEREAS, under paragraph 8 of section 70 of the Act, the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec and the regulations may, in particular, determine the conditions or prohibitions applicable to the transportation of designated classes of residual materials;

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

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and that the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may in particular determine the provisions of a regulation the Government has made, in particular under the Environment Quality Act, whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting biomedical waste was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting biomedical waste, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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, s. 30, 1st par. and s. 45, 1st par.)

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

(1) in paragraph 3

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

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

(b) in subparagraph *d*

i. by replacing “medical care” by “medical, dental or veterinary care”;

ii. by inserting “or veterinary” after “in a medical”;

(2) by adding the following after paragraph 4:

“(5) biomedical waste referred to in any of paragraphs 1 to 4 contaminated by cytotoxic agents or medications.”

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 5 is amended by inserting “and biomedical waste contaminated by cytotoxic agents or medications” after “biomedical waste”.

4. Section 6 is amended

(1) by inserting “, other than waste contaminated by cytotoxic agents or medications,” after “Non-anatomical biomedical waste” in the first paragraph;

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

“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%).”

5. 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.”

6. 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.

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

8. 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.

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

10. Section 24 is amended

(1) by inserting “and biomedical waste contaminated by cytotoxic agents or medications” after “Anatomical biomedical waste” in the first paragraph;

(2) by inserting “, other than waste contaminated by cytotoxic agents or medications,” after “Non-anatomical biomedical waste” in the second paragraph.

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

12. Section 38 is revoked.

13. 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.”

14. Section 40 is amended by inserting “biomedical waste preserved in preserving agents,” after “other than” in the third paragraph.

15. Section 64.1 is amended by striking out paragraph 3.

16. 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 referred to in section 16” in paragraph 3 by “document, register or report referred to in section 16 or to send to the Minister at the Minister’s request”;

(3) by striking out paragraph 6.

17. 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”.

18. Section 66 is amended

(1) by replacing “17” by “16”;

(2) by striking out “or 38”.

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

20. Schedule I is replaced by the following:**“SCHEDULE I**
(Section 15)**ANNUAL REPORT OF THE BIOMEDICAL WASTE GENERATOR WHO TREATS BIOMEDICAL WASTE ON THE GENERATION SITE****SCHEDULE I**

Annual report of the biomedical waste generator who treats biomedical waste 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		
Name	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	Name and address of carrier	Name and address of recipient
kg		
kg		

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

CATEGORY 3- BIOMEDICAL WASTE CONTAMINATED BY CYTOTOXIC AGENTS OR MEDICATIONS		
Total quantity generated		kg
Total quantity incinerated on site		kg
Total quantity shipped out	Name and address of carrier	Name and address of recipient
kg		
kg		

CATEGORY 4- NON-ANATOMICAL WASTE		
Total quantity generated		kg
Total quantity incinerated on site		kg
Total quantity disinfected on site		kg
Total quantity shipped out	Name and address of carrier	Name and address of recipient
kg		
kg		

21. Schedule II is replaced by the following:

“SCHEDULE II
(Section 15)

ANNUAL REPORT OF THE OPERATOR OF A FACILITY THAT TREATS BIOMEDICAL WASTE OFF ITS GENERATION SITE, A FACILITY THAT STORES BIOMEDICAL WASTE OFF ITS GENERATION SITE OR OF A SYSTEM THAT TRANSPORTS BIOMEDICAL WASTE

<p>SCHEDULE II Annual report of the operator of a facility that treats biomedical waste off its generation site, a facility that stores biomedical waste off its generation site or of a system that transports biomedical waste</p> <p><i>Section 15 of the Regulation respecting biomedical waste</i></p>
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REFERENCE YEAR :	
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ACTIVITIES			
<input type="checkbox"/> Transport	<input type="checkbox"/> Storage	<input type="checkbox"/> Treatment by disinfection	<input type="checkbox"/> 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	Name and address of carrier <input type="checkbox"/> Same as above or:	Name and address of recipient <input type="checkbox"/> Same as above or:
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		
	_____kg		

22. Schedule III is replaced by the following:

“SCHEDULE III
(Schedule 23)

IDENTIFICATION LABEL FOR A GENERATOR OF BIOMEDICAL WASTE

	BIOMEDICAL WASTE
<u>CATEGORY OF WASTE</u>	
1- <input type="checkbox"/> HUMAN ANATOMICAL WASTE	
2- <input type="checkbox"/> ANIMAL ANATOMICAL WASTE	
3- <input type="checkbox"/> CONTAMINATED BY CYTOTOXIC AGENTS OR MEDICATIONS	
4- <input type="checkbox"/> NON-ANATOMICAL WASTE	
<input type="checkbox"/> SHARP OR BREAKABLE OBJECTS	
<u>GENERATOR</u>	
NAME OF ESTABLISHMENT OR FIRM NAME: _____ _____	
ADDRESS: _____ _____ _____	
NAME OF PERSON IN CHARGE: _____	
TELEPHONE NUMBER OF PERSON IN CHARGE: _____	

”

23. Schedule IV is revoked.

24. This Regulation comes into force on 18 December 2023.

106333

Gouvernement du Québec

O.C. 997-20230, 14 June 2023

Environment Quality Act
(chapter Q-2)

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

Operation of industrial establishments —Amendment

Regulation to amend the Regulation respecting the
operation of industrial establishments

WHEREAS, under the first paragraph of section 31.10 of the Environment Quality Act (chapter Q-2), the operation of an industrial establishment belonging to any of the classes determined by government regulation is subject to the authorization of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks under subparagraph 1 of the first paragraph of section 22 of the Act;

WHEREAS, under paragraph 2 of section 31.29 of the Act, the Government may make regulations to set the annual duties payable by holders of authorizations to operate an industrial establishment, which may vary according to one or more of the factors provided for in that section;

WHEREAS, under paragraph 3 of section 31.29 of the Act, the Government may make regulations to determine the periods during which annual duties must be paid, and the terms of payment;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

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

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and that the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may in particular determine the provisions of a regulation the Government has made, in particular under the Environment Quality Act, whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the operation of industrial establishments was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the operation of industrial establishments with amendments;

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

THAT the Regulation to amend the Regulation respecting the operation of industrial establishments, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the operation of industrial establishments

Environment Quality Act

(chapter Q-2, s. 31.10, 1st par., s. 31.29, pars. 2 and 3, 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, s. 30, 1st par., and s. 45, 1st par.)

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 adding 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 year 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) and cadmium (Cd)	75,000 (year 2025)
	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.

106334

M.O., 2023

Order 2023-1003 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated June 7, 2023

Approval of Éco Entreprises Québec's and RecycleMédias' schedule of contributions payable for 2023 for the "containers and packaging", "printed matter" and "newspapers" classes of materials

THE MINISTER OF THE ENVIRONMENT, THE FIGHT AGAINST CLIMATE CHANGE, WILDLIFE AND PARKS,

CONSIDERING section 53.31.1 of the Environment Quality Act (chapter Q-2), which provides that the persons referred to in subparagraph 6 of the first paragraph of section 53.30 of the Act are required, to the extent and on the conditions set out in subdivision 4.1 of Division VII of Chapter IV of the Act, to compensate the municipalities and the Aboriginal communities, represented by their band councils, for the services provided by the municipalities or Aboriginal communities to ensure that the materials designated by the Government under section 53.31.2 of the Act are recovered and reclaimed;

CONSIDERING that Éco Entreprises Québec and RecycleMédias are bodies certified by RECYC-QUÉBEC for the "containers and packaging", "printed matter" and "newspapers" classes of materials to represent the persons subject to an obligation of compensation under subdivision 4.1 of Division VII of Chapter IV of the Act;

CONSIDERING the first paragraph of section 53.31.12 of the Act, which provides that a certified body must remit to RECYC-QUÉBEC, in trust, the amount of the compensation owed to the municipalities and determined in accordance with the second paragraph of section 53.31.3 of the Environment Quality Act;

CONSIDERING the first paragraph of section 53.31.13 of the Act, which provides that a certified body may collect from its members and from persons who, without being members, carry on activities similar to those carried on by the members where the designated materials or classes of materials are concerned, the contributions necessary to remit the full amount of compensation, including any interest or other applicable penalties, and to indemnify the body for its management costs and other expenses incidental to the compensation regime;

CONSIDERING the first paragraph of section 53.31.14 of the Act, which provides that the contributions payable must be established on the basis of a schedule of contributions that has been the subject of a special consultation of the persons concerned;

CONSIDERING that Éco Entreprises Québec and RecycleMédias both conducted such a special consultation before establishing the schedule of contributions applicable for 2023 for the "containers and packaging", "printed matter" and "newspapers" classes of materials;

CONSIDERING the second paragraph of section 53.31.14 of the Act, which provides that, if there is more than one certified body, a single schedule must be established by all of the certified bodies not later than the date fixed by a government regulation;

CONSIDERING that Éco Entreprises Québec and RecycleMédias are the only two bodies certified by RECYC-QUÉBEC;

CONSIDERING the fourth paragraph of section 53.31.14 of the Act, which provides that the schedule of contributions may provide for exemptions or exclusions and specify the terms according to which the contributions are to be paid to the certified body;

CONSIDERING the sixth paragraph of section 53.31.14 of the Act, which provides that the schedule of contributions must be submitted to the Minister, who may approve it with or without modification;

CONSIDERING the first paragraph of section 53.31.15 of the Act, which provides that the proposed schedule must be sent by the certified body or, if there is more than one certified body, by all of the bodies, if they have come to an agreement on the deadline fixed under section 53.31.14, to RECYC-QUÉBEC, together with a report on the consultation prescribed under that section by the deadline fixed by government regulation, which may not be later than 31 December of the year in which the schedule in force expires;

CONSIDERING the second paragraph of section 53.31.15 of the Act, which provides that RECYC-QUÉBEC must give the Minister an opinion on the proposed schedule;

CONSIDERING that RECYC-QUÉBEC has given a conditional favourable opinion on the 2023 schedule of contributions established by Éco Entreprises Québec and RecycleMédias for the “containers and packaging”, “printed matter” and “newspapers” classes of materials;

CONSIDERING Order in Council 135-2007 dated 14 February 2007 by which the Government ordered that the Regulations Act (chapter R-18.1) does not apply to the proposed schedules or schedules of contributions established under section 53.31.14 of the Environment Quality Act;

CONSIDERING that it is expedient to approve the schedule without amendments;

ORDERS AS FOLLOWS:

The schedule of contributions established by Éco Entreprises Québec and RecycleMédias for the year 2023, attached to this Order and entitled 2023 Schedule of Contributions for the “containers and packaging”, “printed matter” and “newspapers” classes of materials, is hereby approved.

Québec, June 7, 2023

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



2023

**Schedule of Contributions
for « Containers and Packaging »,
« Printed Matter »
and « Newspapers » classes**

RULES GOVERNING THE FEES AND CONTRIBUTION TABLE

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Unified Schedule of Contributions
Éco Entreprises Québec – RecycleMédias

PREAMBLE

The *Environment Quality Act* (CQLR, c. Q-2) (the “**Act**”) contains provisions with respect to the compensation to municipalities and Native communities for the services that they offer to ensure the recovery and reclaiming of residual materials designated in the *Regulation respecting compensation for municipal services provided to recover and reclaim residual materials* (CQLR, c. Q-2, r.10) (the “**Regulation**”). This Regulation specifies the main principles and basic orientations regarding the contribution of enterprises to the financing of selective collection.

In force since 2005, the Regulation obliges enterprises that market containers, packaging, printed matter and newspapers (Targeted Persons) to compensate municipalities for the net costs for the selective collection, transport, sorting and treatment of materials targeted by the Regulation.

In March 2021, the *Act to amend mainly the Environment Quality Act with respect to deposits and selective collection* was sanctioned. This Act constitutes the first step towards modernizing the current selective collection system according to a model based on Extended Producer Responsibility (EPR), as announced by the *Ministre de l'Environnement et de la Lutte contre les changements climatiques* in February 2020. Not only did this act grant the government the facilitating powers necessary to regulate in order to elaborate, to manage and to finance a modernized selective collection system for Targeted Persons, this act also provides transitional and final provisions, of which certain come to modify division 4.1 of the Act in regard to compensation for municipal services. These modifications are necessary to ensure the most fluid transition possible between the current compensation regime and the modernized selective collection system, which will co-exist during a period of approximately three (3) years.

Considering the transitional and final provisions of the Act and to ensure the coordination between the current compensation regime and the future modernized system, the Regulation had to be substantially modified in December 2021. In the process, certain irritants in its application that had been raised by the stakeholders over the past few years, were also corrected.

Pursuant to section 53.31.12 of the Act, the bodies certified by the Société québécoise de récupération et de recyclage must remit to same Société, the amount of the monetary compensation owed to municipalities. In order to fulfill this obligation, the certified bodies may, pursuant to section 53.31.13 of the Act, collect from the Targeted Persons under the Regulation, and for similar activities of their members, the contributions necessary to remit a) the amount of compensation determined by the Société québécoise de récupération et de recyclage, including the interests and applicable penalties, as the case may be, b) the amount

necessary to indemnify the certified bodies for their management costs and other expenses related to the compensation regime, as well as, c) the amount payable to the Société québécoise de récupération et de recyclage as per section 53.31.18 of the Act.

From this approach, the certified bodies also have the responsibility, pursuant to section 53.31.14, to prepare and propose a schedule that may cover up to a period of three years, which also respects the objectives of the Act. The proposed rules in this schedule must be approved by the Government and are published afterwards in the *Gazette officielle du Québec*.

It is in this context that Éco Entreprises Québec (ÉEQ) was recertified on December 11, 2020, to represent persons having an obligation to compensate for the “Containers and Packaging” and “Printed Matter” classes of materials and collect from the latter the monetary compensations that will be remitted to municipalities.

RecycleMédias (“RM”) was recertified on December 21, 2021, to represent persons having an obligation to compensate for the class of “Newspapers”.

The Act imposes a number of requirements that guide ÉEQ’s and RM’s actions in the preparation of the Contribution Table for the enterprises, which are:

- The payable contributions must be established on the basis of a schedule that has been the subject of a special consultation with the “Targeted Persons”;
- The criteria taken into account to determine the schedule must evolve over the years in order to foster the accountability of the various classes of Targeted Persons in regards to the environmental consequences of the products they manufacture, market, distribute or commercialise, or the materials they otherwise generate, having regard to the content of recycled materials, the nature of materials used, the volume of residual materials produced as well as their potential for recovery, recycling or other forms of reclamation.

Section 53.31.14 of the Act states that the schedule may provide for exemptions and exclusions and that it may specify the terms according to which the contributions are to be paid to certified bodies. In the context of the government’s “Politique gouvernementale sur l’allègement réglementaire et administratif – Pour une réglementation intelligente”, adopted by Order in council (O.I.C. 1166-2017), ÉEQ and RM have worked in collaboration to propose a sole and unified Schedule of Contributions, all of which falls under the government’s actions seeking to reduce regulatory and administrative burdens on enterprises.

The schedule prepared and proposed by ÉEQ and RM has been drafted in a way to include all the elements enabling a person to determine whether they are targeted, to understand the scope of their obligations and to determine the amount of the payable contribution owed. To reach all those clarity and conciseness goals in a single document, ÉEQ and RM have reproduced certain provisions of the Act and the Regulation, and they also propose a chapter providing the definitions of certain terms employed.

With the same concern for clarity, ÉEQ and RM propose explanations to Targeted Persons that are available on their websites at www.eeq.ca and www.recyclemedias.com.

ÉEQ and RM favour alternative dispute resolution methods.

During the time where ÉEQ and RM are in possession of information that has been communicated to them in the scope of the compensation regime, they shall see to it that all agreed upon means are put in place to ensure the safety and confidentiality and ensure the respect of all other obligations provided for by the applicable laws pertaining to the confidentiality and conservation of this information.

The document hereafter constitutes the Schedule for the 2023 Obligation Year for “Containers and Packaging”, “Printed Matter” and “Newspapers” Classes (the “Schedule”) proposed by ÉEQ and RM to be approved by the government

1. DEFINITIONS

1.1. Definitions

1.1.1 In the Schedule, unless the context indicates otherwise, the following words and expressions mean or refer to:

- a) “Obligation Year”: the year 2023, year for which a Targeted Person is required to pay the Payable Contribution established on the basis of the Materials it marketed during the Reference Year defined in this Schedule;
- b) “Reference Year”: time period from January 1 to December 31, 2022, for which a Targeted Person must submit the quantities of materials for the establishment of the Payable Contribution related to the corresponding Obligation Year;
- c) “Classes of Materials”: Classes of materials targeted by the Compensation Regime, specifically “Containers and Packaging”, “Newspapers” and “Printed Matter”;
- d) “Ultimate Consumer”: the ultimate recipient or ultimate user of a Product or a Service;
- e) “Containers and Packaging” includes all flexible or rigid material, for example paper, carton, plastic, glass or metal, and any combination of such Materials that, as the case may be:
 - is used to contain, protect or wrap the Products during any stage from the producer to the Ultimate Consumer, notably for the presentation;
 - is intended for a single or short-term use and designed to contain, protect or wrap Products, such as storage bags, wrapping paper and paper or styrofoam cups.
- f) “Voluntary Contributor”: a natural person, partnership, cooperative or a legal person, defined at division 2.3 of the Schedule;
- g) “Payable Contribution”: the amount required to be paid to a Certified Body by a Targeted Person under the Schedule;

- h) “Retailer”: a person for whom the principal activity consists in the operation of one or several Points of Sale intended for an Ultimate Consumer;
- i) “Principal Distributor”: the person who mainly dedicates its principal activities to managing the inventory of Products and Services from various fabricants, manufacturers or suppliers, which will be sold or otherwise distributed to various retailers or operators of e-commerce platforms;
- j) “Éco Entreprises Québec”: body certified by RECYC-QUÉBEC that represents companies that market Containers, Packaging and Printed Matter in Québec;
- k) “Establishment”: a physical place wherein takes place, by one or many persons, an organized economic activity, whether or not it is commercial in nature, consisting in the production of goods, their administration or their alienation, or in the provision of Services. A place described in Appendix B of the Schedule is deemed to constitute an Establishment.
- l) “RECYC-QUÉBEC fees”: the administrative fees and other expenses of RECYC-QUÉBEC related to the Compensation Regime and payable to RECYC-QUÉBEC by RecycleMédias pursuant to section 53.31.18 of the Act and article 8.14 of the Regulation;
- m) “RecycleMédias fees”: the administrative fees and other expenses of RecycleMédias related to the Compensation Regime that are collected by RecycleMédias pursuant to section 53.31.13 of the Act;
- n) “Éco Entreprises Québec fees”: the administrative fees and other expenses of Éco Entreprises Québec related to the Compensation Regime that may be collected by Éco Entreprises Québec pursuant to section 53.31.13 of the Act;
- o) “Printed Matter”: Class of Materials includes paper and other cellulosic fibres, whether or not they are used as a medium for text or images;
- p) “Newspapers”: Class of Materials includes paper and other cellulosic fibres used as a medium for written current affairs periodicals published on newsprint, notably dailies and weeklies, as well as the Containers and Packaging used to deliver newspapers directly to the Ultimate Consumer or recipient (notably bags and elastic bands);
- q) “Act”: the *Environment Quality Act* (CQLR, c. Q-2), as amended from time to time;
- r) “Brand”: means a mark that is used by a person for the purpose of distinguishing or so as to distinguish Products or Services manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others, but does not include a certification mark within the meaning of section 2 of the *Trade-marks Act*, (R.S.C. 1985, c. T-13);
- s) “Materials”: containers, Packaging, Printed Matter or Newspapers included in a Class of Materials;

- t) “Name”: means the name under which any business is carried on, whether or not it is the name of a legal person, a partnership or an individual;
- u) “Body” or «Certified Body»: body certified by RECYC-QUÉBEC, specifically Éco Entreprises Québec and RecycleMédias;
- v) “Targeted Person”»: a natural person, partnership, cooperative or a legal person obligated by the Compensation Regime and subject, for the purposes of the Payable Contribution, to exemptions and other terms prescribed under Chapter 2 of the Schedule;
- w) “Point of Sale” : a physical retail or sale outlet or distribution by e-commerce directly or indirectly used to sell or distribute Services or Products in Québec;
- x) “First Supplier”: means a person who has a domicile or an Establishment in Québec and is the first to take title, or possession, or control, in Québec, of a Material or a Product that is targeted by the Schedule;
- y) “Product” : material good, excluding any Newspaper, intended for an Ultimate Consumer, whether directly or indirectly sold or distributed otherwise;
- z) “Digital Products”: websites (including any portal) and other digital products devoted primarily to current events, that are owned by the Targeted Person or another member of the Person’s corporate group;
- aa) “Practical owner of the Group”: is a franchisor or a person who has decisional power and real control of a franchise or a chain of Establishments operating under a banner name or as part of another similar form of affiliation or group of businesses;
- bb) “RecycleMédias”: body certified by RECYC-QUÉBEC to represent companies that market Newspapers in Québec;
- cc) “RECYC-QUÉBEC”: the Société québécoise de récupération et de recyclage, as designated in section 1 of the *Act respecting the Société québécoise de récupération et de recyclage* (CQLR, c. S-22.01);
- dd) “Compensation Regime”: the compensation regime prescribed by Chapter IV, Division VII, subdivision 4.1 of the Act and by the Regulation, as amended from time to time;
- ee) “Regulation”: *The Regulation respecting compensation for municipal services provided to recover and reclaim residual materials* (CQLR, c. Q-2, r.10);
- ff) “Group”: a collection of enterprises or group of enterprises belonging to physical persons or legal persons that may be juridically distinct and independent from one another, or not, for which their activity is controlled by a person, which through one or many officers, hold a certain financial power, management or economic control over the running of the group of enterprises;

- gg) "Service": service that is not a material good and that is intended for an Ultimate Consumer, whether it is sold or otherwise provided, either directly or indirectly;
- hh) "Distinguishing Guise": means the shaping of Containers or Packaging or the format of a Newspaper, the appearance of which is used by a person for the purpose of distinguishing or so as to distinguish Products manufactured, sold, leased, hired or performed, or Newspapers put on the market, by the person from those manufactured, sold, leased, hired or performed, or Newspapers put on the market, by others.

2. DESIGNATION OF PERSONS SUBJECT TO PAYING A CONTRIBUTION

2.1. Targeted Persons

- 2.1.1. The persons referred to in sections 3 and 6 of the Regulation, that are the owners of a Brand, a Name or a Distinguishing Guise are the only ones who may be required to pay a contribution for:
- 1) Containers and Packaging used for commercialising or marketing a Product or Service in Québec under that Brand, Name or Distinguishing Guise;
 - 2) Containers, Packaging and Newspapers identified by that Brand, Name or Distinguishing Guise;
 - 3) Containers and Packaging intended for a single or short-term use and designed to contain, protect or wrap Products, such as storage bags, wrapping paper and paper or styrofoam cups;
 - 4) Materials included in the Printed Matter class identified by that Brand, Name or Distinguishing Guise.

When a Product or a Service, a container, a Packaging, a Printed Matter or a Newspaper, that is mentioned in the first paragraph, is identified by more than one Brand, Name or Distinguishing Guise having different owners, the Targeted Person is the owner of the Brand, Name or Distinguishing Guise that is the most closely related to the production of the Product or the Service, the container, the Packaging, the Printed Matter or the Newspaper.

- 2.1.2. If the owner has no domicile or Establishment in Québec, the payment of the contribution can then be required from the First Supplier in Québec of the Products or the Services, or the Containers and Packaging, or the Printed Matter, or the Newspaper concerned, other than the manufacturer, whether or not that supplier is the importer.

When the First Supplier in Québec is operating a Point of Sale that is supplied or operated as a franchise or a chain of Establishments, under a banner name or as part of another similar form of affiliation or group of businesses or Establishments, the payment of the contribution can then be required from

the First Supplier acting as a Practical owner of the chain, banner or group in question, franchisor, owner of the chain or the banner, or the group of businesses or establishments which has a domicile or establishment in Québec. If the practical owner does not have a domicile or Establishment in Québec, the payment of the contribution can then be required from the First Supplier in Québec of the Products or the Services, or the Containers and Packaging, the Printed Matter, or the Newspaper concerned, other than the manufacturer, whether or not that supplier is the importer.

2.1.3. The following rules apply in respect of Containers and Packaging added at Point of Sale, whether or not the Containers and Packaging are subject to subparagraphs 1, 2 and 3 of section 2.1.1 of the Schedule, and section 2.1.2 of the Schedule:

- 1) Where a Point of Sale is supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or Establishments, the contribution for Containers and Packaging added at the Point of Sale is payable by the franchisor, owner of the chain, banner or group who has a domicile or Establishment in Québec. If this franchisor or owner of the chain has no domicile or Establishment in Québec, the contribution becomes payable by the person who proceeded to add those Containers and Packaging at the Point of Sale;
- 2) When a Point of Sale which has equal to or superior to 929m² of total floor area, is not operated as a franchise, a chain, a banner, or as part of another similar form of affiliation or group of businesses or Establishments, the contributions for Containers and Packaging added at this Point of Sale are payable by the person who proceeded to add those Containers and Packaging at the Point of Sale;
- 3) When a Point of Sale which has less than 929m² of total floor area, is not operated as a franchise, a chain, a banner, or as part of another similar form of affiliation or group of businesses or Establishments, no contribution is required for Containers and Packaging added at this Point of Sale.

2.1.4. Any Targeted Person who has a right of ownership in the Brand, Name or Distinguishing Guise and who sells, transfers or otherwise assigns a right to another person during the Reference Year, remains, with the other person, fully and solidarily liable for the payment of the Payable Contribution for the Materials marketed and other amounts stipulated in the Schedule, for the entire Reference Year, including the period following the sale, transfer or otherwise assignment, notwithstanding the fact that at the moment that this Schedules comes into force or afterwards:

- 1) The Targeted Person is no longer owner of the brand, the name of distinctive guise that identifies Materials stipulated in the Schedule; or

- 2) The Targeted Person no longer markets the Materials; or
 - 3) The Targeted Person is no longer the First Supplier in Québec of this Material.
- 2.1.5. Any Targeted Person who totally or partially sells, transfers, or otherwise assigns an enterprise to another person, during the Reference Year, remains, with the other person, fully and solidarily liable for the payment of the Payable Contribution for the Materials marketed and other amounts stipulated in the Schedule, during the entire Reference Year, including the period following the total or partial sale, transfer, or otherwise assignment, notwithstanding the fact that at the moment that this Schedule comes into force or afterwards:
- 1) The Targeted Person is no longer owner of the Brand, Name or Distinctive Guise that identifies Materials stipulated in the Schedule; or
 - 2) The Targeted Person no longer markets the Materials; or
 - 3) The Targeted Person is no longer the First Supplier in Québec of this Material.
- 2.1.6. When a Product is acquired outside of Québec, through a sale subject to the laws of Québec, by a person domiciled or having an Establishment in Québec who is not exercising an organized economic activity, by a municipality, or by a public body as defined in section 4 of the Act respecting contracting by public bodies, (chapter C-65.1), for their own use, the payment of the contributions pursuant to section 53.31.14 of the Environment Quality Act, (chapter Q-2) for the Containers and Packaging used for commercialising, marketing or any other type of distribution of this Product in Québec is required:
- 1) From the person who operates a transactional website, through which the Product was acquired, that allows a person that has neither domicile nor an Establishment in Québec, to commercialise, to market or otherwise distribute a Product in the province;
 - 2) from the person from whom the Product was acquired, whether or not this this person has a domicile or an Establishment in Québec, where applicable.

This is also the case, with the necessary modifications, for the containers and packaging acquired outside of Québec, through sale subject to the laws of Québec, by a person domiciled or having an Establishment in Québec that does not exercise an organized economic activity, by a municipality, or by a public body as defined in section 4 of the *Act respecting contracting by public bodies*, (chapter C-65.1), for their own use.

These persons cannot benefit from the exemption found at subparagraph 3) of section 2.2.2 of the Schedule.

2.2. Exempted Persons

2.2.1. In accordance with section 5 of the Regulation, the persons mentioned therein are exempt from paying a contribution for Containers and Packaging for which they already have obligations to ensure the recovery and reclamation of said Materials:

- 1) Persons who are already required under a regulation made under the Act to take measures or contribute financially towards measures to recover or reclaim certain Containers and Packaging;
- 2) Persons already required under a consignment system recognized under Québec law to take measures or contribute financially towards measures to recover or reclaim Containers or packaging targeted by this system, such as beer and soft drink non-refillable containers;
- 3) Persons who are able to establish that they participate directly in another system to recover and reclaim Containers and Packaging that operates on an established and regular basis in Québec, such as the program for the recovery of refillable beer bottles existing since November 24, 2004.

2.2.1.1. Is also exempt from paying a contribution, the First Supplier in Quebec that is subject to subparagraph 2° of the second paragraph of section 3 of the Regulation, other than the manufacturer, whether or not that supplier is the importer, of a Product or a Service, or a Container and Packaging, when the owner of the Brand, a Name or a Distinguishing Guise has a domicile or an Establishment in Quebec, but who commercialises, markets or otherwise distributes this Product or this Service, or Containers and Packaging, outside of Quebec, following which, these Containers and Packaging are then commercialised, marketed or otherwise distributed in this province.

2.2.2. Are also exempt from paying a contribution in regard to Containers and Packaging and Printed Matter:

- 1) The Targeted Persons subject to sections 2.1.1 and 2.1.2 of the Schedule whose gross sales, receipts, revenues or other inflows for Products marketed in Québec or Services provided in Québec were less than or equal to \$1,000,000 or who marketed in Québec one or more Materials of which the total weight of the Materials or group of Materials is less than or equal to one (1) metric ton;
- 2) The Targeted Persons subject to subparagraphs 2 and 3 of section 2.1.3 of the Schedule whose gross sales, receipts, revenues or other inflows for Products marketed in Québec or Services provided in Québec were less than or equal to \$1,000,000 or who marketed in Québec one or more Materials of which the total weight of the Materials or group of Materials is less than or equal to one (1) metric ton. In order to determine the gross sales, receipts, revenues or other inflows in Québec or the total weight of these Materials or group of Materials, the Targeted Persons who are subject to subparagraphs 2 or 3 of section 2.1.3 of the

Schedule must take into consideration the combined activities in Québec of all of its retail outlets that are supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or Establishments;

- 3) The Targeted Persons who are retailers and operate only one retail outlet and which location is not supplied or operated as a franchise or a chain of Establishments, under a banner name, or as part of another similar form of affiliation or group of businesses or Establishments. However, those Targeted Persons referred to under subparagraph 2 of section 2.1.3 of the Schedule, cannot benefit from the present exemption.

2.2.3. Targeted Persons who demonstrate to RecycleMédias that the contributions prescribed in division 3.5 of the Schedule have been paid in full, on their behalf, by a third party recognized by RecycleMédias as a Voluntary Contributor under division 2.3, are exempted from paying said contributions.

2.2.4. In order to promote freedom of the press and lighten the administrative burden of RecycleMédias, Targeted Persons who own the Brand, Name or Distinguishing Guise that identifies a Newspaper subject to contributions pursuant to the Schedule and who, during the Reference Year, marketed Newspapers weighing less than a total of fifteen (15) metric tons, are also exempted from the contribution payable for Newspapers.

2.3. Voluntary Contributor

2.3.1. The certified bodies may accept that a third party whose domicile and Establishment is outside Québec and who is the owner of a Brand, a Name or a Distinguishing Guise becomes a voluntary contributor, notably if that third party:

- 1) is not exempt from paying a contribution pursuant to chapter 5 of the Regulation or division 2.2 of the Schedule; and
- 2) submit to the Certified Body, pursuant to section 6.1.7 of the Schedule, a report for the Materials that it marketed, by notably submitting the data and information required, enumerated under sections 6.1.3 or 6.1.5 of the Schedule and in the delays established in sections 6.1.3 or 6.1.6 of the Schedule;
- 3) satisfies the conditions set out in the following sections.

2.3.2. A Voluntary Contributor may only act to fulfill obligations that, according to the Schedule, with regard to their Products and Services, Containers and Packaging or Printed Matter or Newspapers, identified by a Brand, a Name or a Distinguishing Guise, would be the responsibility of the First Supplier, but this does not have the effect of exempting the First Supplier from its obligations under the Schedule.

2.3.3. A third party may be recognized as a Voluntary Contributor after having entered into an agreement to that effect with a Certified Body, which includes, amongst other conditions:

- 1) That it undertakes to assume all of the obligations of a Targeted Person pursuant to the Schedule, notably the payment of any contribution, as well as, the filing of the Material Report required under the Schedule, except for the payment exemptions at section 2.2.2 or from the lump sum contribution based on revenues as per division 4.2 of the Schedule;
- 2) That it undertakes, in regard to the First Suppliers, to fulfill any obligation flowing from the agreement;
- 3) That it undertakes to abide by Québec laws and agrees that lawsuits be instituted in the Province of Québec, according to Québec laws.

The third party who has entered into such an agreement is deemed to be a Targeted Person pursuant to the Regulation and the Schedule, subject to the limits imposed in the present section.

2.3.4. The Certified Body may decide to enter into the agreement provided under section 2.3.3 of the Schedule with a third party, whose domicile or Establishment is outside Québec, and, while not being owner of a Brand, a Name or a Distinguishing Guise, is its principal distributor in Québec. Section 2.3.2 of the Schedule applies equally to this third party.

2.3.5. The First Supplier and the Voluntary Contributor are solidarily liable for the obligations they are subject to pursuant to the Schedule.

2.4. Publication of the names of Targeted Persons

2.4.1. Éco Entreprises Québec can make a list available including the names of any person who has fulfilled the obligations of division 6.1 of the Schedule and has consented to such disclosure.

2.4.2. RecycleMédias can publish on its website the names of any person, who according to it, meets the criteria of a Targeted Person under division 2.1 of the Schedule.

3. DESIGNATION OF CLASSES OF MATERIALS REQUIRING A CONTRIBUTION AND EXCLUSIONS TO THE SCHEDULE

3.1. « Containers and Packaging »: included in the Payable Contribution

3.1.1. The Containers and Packaging defined in subparagraph e) of the section 1.1.1 of the Schedule and listed in Appendix A, as well as the Containers and Packaging sold or given out free of charge as Products, must be included in the establishment of the Payable Contribution.

3.2. « Containers and Packaging » excluded from the Payable Contribution

3.2.1. The following Containers and Packaging are excluded from the establishment of the Payable Contribution:

- 1) Containers and Packaging whose Ultimate Consumer is an industrial, commercial or institutional establishment;
- 2) Containers and Packaging whose Ultimate Consumer is an agricultural establishment, notably rigid containers of pesticides for agriculture use approved by the Pest Management Regulatory Agency and rigid containers of fertilizers approved by the Canadian Food Inspection Agency subject to the programs enacted by CleanFARMS/AgriRÉCUP;
- 3) The pallets, tertiary or transport packaging, designed to facilitate the handling and transport of a number of sales units or bundled packaging conceived in order to prevent physical handling and transport damage. However, Containers and Packaging that are likely to be used not only for such transportation but also for delivery of products directly to the Ultimate Consumer, including paper, carton, polystyrene protection or plastic film, remain covered and must consequently be included in the establishment of the Payable Contribution;
- 4) Containers and Packaging sold as products which are implicitly meant to contain or package materials other than those designated by the Compensation Regime, such as household waste, organic compost and biomedical waste;
- 5) Long-life Containers and Packaging are considered as such Containers and Packaging designed to accompany, protect or store a Product throughout its life when the Product is designed to last for five (5) years or more;
- 6) Containers and Packaging accompanying a Product intended solely to be used or consumed by an Ultimate Consumer at the site of distribution or sale of the Product when such Containers or Packaging are taken into charge on that same site. As an example, but not limited to, such excluded Containers and Packaging are those accompanying food in a restaurant, but not those accompanying drive-thru and take-out orders.

3.3. « Printed Matter » included in the Payable Contribution

3.3.1. The Printed Matter defined in subparagraph o) of section 1.1.1 of the Schedule and listed in Appendix A, as well as any paper and other cellulosic fibres, whether or not they are sold or given out free of charge as Products, such as calendars and greeting cards, must be included in the establishment of the Payable Contribution.

Materials that can be identified by a Brand, a Name or a Distinguishing Guise are considered as Printed Matter that should be included in the establishment of the Payable Contribution.

3.4. « Printed matter » excluded from the Payable Contribution

3.4.1. The following Printed Matter are excluded from the Payable Contribution:

- 1) Printed matter whose Ultimate Consumer is an industrial, commercial or institutional establishment;
- 2) Books as well as Materials included in the “Newspapers” Class of Materials;
- 3) Printed Matter already included in the “Containers and Packaging” Class of Materials;
- 4) Printed Matter serving as personal identification documents, official documents or that contain personal information, such as birth certificates, passports and medical records;
- 5) Printed Matter generated while providing a Service or accompanying a Product intended solely to be used or consumed by an Ultimate Consumer at the site of distribution or sale of the Service or the Product when such Printed Matter is taken into charge on that same site.

3.5. « Newspapers » included in the Payable Contribution

3.5.1. The Newspapers defined in subparagraph p) of section 1.1.1 of the Schedule must be included in the calculation of Payable Contribution.

3.6. Fees included in the Payable Contribution

3.6.1. The RECYC-QUÉBEC fees, the RecycleMédias fees and the Éco Entreprises Québec fees must be included in the calculation of the Payable Contribution.

4. DETERMINATION OF THE CONTRIBUTION AMOUNT AND PAYMENT

4.1. Payable Contribution and reference year for the calculation of the contribution

4.1.1. For the Obligation Year 2023:

- 1) A Targeted Person that marketed Materials in the course of the year 2022 must pay a contribution for the Obligation Year 2023;
- 2) For the purpose of calculating the Payable Contribution for this Obligation Year 2023, the Materials that must be considered are those marketed in Québec between January 1st, 2022, and December 31st, 2022, inclusively, which year constitutes the Reference Year.

4.1.2. With respect to Containers, Packaging and Printed matter, the contribution amount payable by a Targeted Person due for the Obligation Year 2023 is determined by multiplying, for each Material, the quantity in kilograms that is marketed in Québec during the Reference Year applicable to this Obligation Year by the rate applicable to that Material pursuant to the

applicable Contribution Table for same Obligation Year, annexed in Appendix A of the Schedule, respectively, and then by adding together all of these amounts.

- 4.1.3. With respect to Newspapers, the contribution amount payable by a Targeted Person due for the Obligation Year 2023 corresponds to the quantity that is marketed in metric tons between January 1st 2022 and December 31, 2022 inclusively, this Year constituting the Reference Year, multiplied by the rate applicable pursuant to the applicable Contribution Table for same Obligation Year, annexed in Appendix A of the Schedule.

4.2. Lump Sum Payment option for the “Printed Matter”, “Packaging and Containers” Classes

- 4.2.1. Any Targeted Person who is not eligible for an exemption from payment under section 2.2.2 or any Targeted Person under the provisions of section 2.3.1, may choose, for the Obligation Year related to this Reference Year, either to pay the Contribution established under division 4.1 of the Schedule or opt to pay the lump sum payment set out as follows:

- 1) When the total weight of the Materials or group of Materials is less than or equal to 2.5 metric tons, the lump sum Payable Contribution is established at \$880;
- 2) When the total weight of the Materials or group of Materials is more than 2.5 metric tons but less than or equal to 5 metric tons, the lump sum Payable Contribution is established at \$1,770;
- 3) When the total weight of the Materials or group of Materials is more than 5 metric tons but less than or equal to 10 metric tons, the lump sum Payable Contribution is established at \$3,530;
- 4) When the total weight of the Materials or group of Materials is more than 10 metric tons but less than or equal to 15 metric tons, the lump sum Payable Contribution is established at \$5,310.

Alternatively, when the Targeted Person's, under division 2.1, gross sales, receipts, revenues or other inflows for the Products marketed or Services provided in Québec are greater than \$1,000,000 but equal to or less than \$2,000,000, it may choose to pay the lump sum payable contribution established at \$5,310.

In order to determine the gross sales, receipts, revenues or other inflows in Québec or the total weight for the Material or Targeted Materials, the Targeted Person subject to section 2.1.3 of the Schedule must take into consideration the combined activities in Québec of all its Point of Sales that are supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or Establishments.

This option is only available to a Targeted Person who market Printed Matter, containers or Packaging and does not apply to those who market Newspapers.

The revenue-based lump sum does not apply to a third party that qualifies as a Voluntary contributor as defined in division 2.3.

4.3. Dates of payment of the contribution owed to Éco Entreprises Québec

4.3.1. With respect to the Printed Matter, containers and packaging class, the Targeted Person must pay to Éco Entreprises Québec the amount of the Payable Contribution as determined pursuant to section 4.1.2 of the Schedule within the delays and according to the terms and conditions of payment indicated hereafter:

- a) 80% of the Payable Contribution must be paid no later than the last day of the third month following the effective date of the Schedule of Contributions.
- b) The balance of the Contribution must be paid no later than the last day of the fifth month following the effective date of the Schedule of Contributions.

4.3.2. Where the Targeted Person chooses to pay a lump sum pursuant to section 4.2.1 of the Schedule, the Targeted Person must pay 100% of such lump sum no later than the last day of the third month following the effective date of the Schedule of Contributions.

4.4. Dates of payment of the contribution owed to RecycleMédias

4.4.1. With respect to the Newspapers class, the Payable Contribution must be paid to RecycleMédias by the Targeted Person within ninety (90) days of receipt of any invoice. Each invoice must be paid in a single payment, unless RecycleMédias decides otherwise.

4.4.2. RecycleMédias may specify an alternative deadline for payment of the Payable Contribution.

4.5. Interest, administration fees and recovery amount

4.5.1. Under reserve of any additional amount required to be paid as the Contribution owed as per a revised invoice, any part of the Payable Contribution owed by the Targeted Person that has not been paid to the Certified Body in the period fixed under section 4.3.1, 4.3.2 or 4.4.1 of the Schedule, and pursuant to the payment terms provided for at division 4.6 of the Schedule, will bear interest at the rate fixed by section 28 of the *Tax Administration Act* (CQLR, c. A-6.002), and this in conformity with section 53.31.16 of the Act. The interest is calculated daily on the amount owed from the date at which this part of the Contribution must be paid until the date of payment, at the rate mentioned hereabove. Any change in the rate will immediately bring a change to the payable interest rate pursuant to the present section.

However, the daily interest calculated between the date the invoice is issued pursuant to the Schedule and the date of payment are cancelled if the amount required by this invoice is paid at the latest thirty (30) days following the date the invoice was issued.

- 4.5.2. Under reserve of any additional amount required to be paid in the Contribution owed as per a revised invoice, any Targeted Person who has not paid a part of the Payable Contribution in a period of ninety (90) days following the date at which said part of the Contribution is due pursuant to section 4.3.1, 4.3.2 or 4.4.1 of the Schedule, must pay, in addition to the interest required under section 4.5.1 of the Schedule, the administrative fees equivalent to 10% of the part of the Payable Contribution owed in order to compensate the administrative costs incurred by the Certified Body.
- 4.5.3. When referring to an amount owing to Éco Entreprises Québec, when a Targeted Person makes the written request and only minor administrative measures were necessary for Éco Entreprises Québec to claim a sum owed under the terms of the Schedule, a 50% reduction of the administrative fees that are due under section 4.5.2. can be applied.

The Targeted Persons that are subject to division 4.2 of the Schedule who have not been the object of any recovery measures by Éco Entreprises Québec under section 6.2.2 of the Schedule and who, voluntarily and in conformity with division 6.1 of the Schedule, register with Éco Entreprises Québec and submit a Materials Report to it, may be admissible to a credit equivalent to 100% of the administrative fees that are owed under the first paragraph upon the receipt of a written request.

- 4.5.4. Pursuant to section 53.31.16 of the Act, where a Certified Body commences a legal recourse to claim a sum it is owed, it may claim an amount equal to 20% of that sum.

4.6. Place and method of payment

- 4.6.1. Any payment, made according to the Schedule must be in Canadian legal currency.
- 4.6.2. Any payment, owed according to the Schedule may be made by cheque, pre-authorized debit, wire transfer or a centralized payment service.

In the event the payment is made by way of a wire transfer or by a centralized payment service, a written notice to that effect must be submitted to the Certified Body. If such notice is not forwarded, the Certified Body is exonerated from any liability if the amount of the payment is not applied.

5. CREDITS AND ECO-MODULATION MEASURES

5.1. Targeted Person eligible to credits and eco-modulation measures

- 5.1.1. Are eligible for the credits and other eco-modulation measures the Targeted Persons who have generated Containers, Packaging and Printed Matter during the Reference Year and having submitted a detailed report and paid in full their contribution due under the Schedule, within the prescribed deadlines, unless there is a prior written agreement with ÉEQ.
- 5.1.2. Are not eligible to credits and other eco-modulation measures, Targeted Persons who are exempt from paying the contribution under division 2.2 of the Schedule or who have taken advantage of a lump sum payment under division 4.2 of the Schedule. Are however eligible to credits and other eco-modulation measures, the Targeted Persons who are eligible to for a lump sum payment, but who have elected to submit a detailed report of their Materials.
- 5.1.3. ÉEQ has the authority to review all applications for credits, bonuses, and other eco-modulation measures and to request additional supporting documentation as required. The Targeted Persons applying for credit shall retain supporting data for their application for a period of five (5) years from the date they applied.

5.2. Credit for post-consumer recycled content

- 5.2.1. A Targeted Person that has generated Materials with a percentage of post-consumer recycled content that meets or exceeds the threshold set out in Appendix A is eligible to receive a credit of 20% of the Payable Contribution for the Materials concerned, where the Materials report was submitted within the prescribed delay.
- 5.2.2. The credit shall be issued by means of a separate invoice issued within one year of the deadline for submission of the concerned report. The supporting documents required for the determination of this post-consumer recycled content must be sent to the competent Certified Body before the deadline for payment of the contribution.

5.3. Ecodesign incentive bonus

- 5.3.1. A bonus of up to 50% of the contribution payable for the Containers or Packaging of a Product concerned by an ecodesign measure may be granted to any eligible Targeted Person who has carried out an ecodesign measure for Containers or Packaging and who demonstrates that their measures meet the requirements set out on the ÉEQ website, when the total contribution to the Schedule has been paid in full, within the prescribed delay.

The Targeted Person must provide the supporting documents to the Certified Body within the required delay.

- 5.3.2. A Targeted Person may submit a bonus application to Éco Entreprises Québec for several Products. A separate application must be submitted by the Targeted Person for each container or packaging concerned by an ecodesign process.

The Targeted Person may obtain a credit of up to \$25,000 per bonus application and may accumulate several credits up to a maximum amount of \$60,000 per Targeted Person.

A minimum amount of \$5,000 per Targeted Person will be awarded to any Targeted Person whose bonus applications are deemed eligible by the Certified Body. This minimum amount will be capped at the total amount of the contribution payable in the Reference Year, if it is less than \$5,000.

The ecodesign bonus is granted only for the reported quantities of Containers and Packaging marketed during the Reference Year.

5.4. Environmental Consequences - Newspapers

- 5.4.1. To make Targeted Persons accountable for the environmental consequences of the marketing of Newspapers, and to promote the adoption of responsible behavior, each Targeted person who is the owner of the Brand, Name or Distinguishing Guise that identifies the materials that are subject to contributions under this Schedule, and who marketed Materials with a total weight equal to or greater than fifteen (15) metric tons during the Reference Year, must show that it has and offers one or more Digital Products throughout the entire Obligation Year. If a Targeted person fails to do so, an amount equal to 1 % of the Payable contribution of such Targeted person shall be converted into an additional Payable contribution. The payment rules established for the additional Payable contribution in the present Schedule shall apply, subject to the necessary adjustments.

6. REGISTRATION AND REPORTING BY TARGETED PERSONS

6.1. Registration and reporting by Targeted Persons

- 6.1.1. All Targeted Persons must register with the competent Certified Body with respect to the Class(es) of Materials marketed in conformity with the procedure set out in section 6.1.7 of the Schedule before its first Report.
- 6.1.2. Registration with Éco Entreprises Québec must be made no later than the sixtieth (60th) day following the effective date of the Schedule to which the person is subject.
- 6.1.3. With respect to the Printed Matter and the Containers and Packaging classes, any Targeted Person must also submit to Éco Entreprises Québec, no later than the sixtieth (60th) day following the effective date of the Schedule, in order to establish the Payable Contribution under Chapter 5, a report on the Materials that were marketed during the Reference Year, by submitting the following data and information:

- a) A description of the methodology and data used to prepare the Targeted Person's Materials report;
 - b) A description of the Materials excluded from the Materials report used to establish the Targeted Person's Payable Contribution;
 - c) A description of deducted Materials from the Targeted Person's Materials report, as well as the number of kilograms or the percentage applied according to the Classes of Materials;
 - d) A description of the containers, packaging and printed matter that the Targeted Person marketed and that are not mentioned in the Materials report, as well as the quantity in kilograms of the marketed containers, packaging and printed matter;
 - e) A list of Brands, Names and Distinguishing Guises that are covered in the Targeted Person's Materials report;
 - f) A declaration as to the truthfulness of the information contained in the Targeted Person's Materials report.
- 6.1.4. Registration with RecycleMédias must be made by any Targeted Person who has marketed Newspapers (including any Targeted Person who is exempt from contributions under section 2.2.3 of the Schedule) by sending the information required in Appendix C of the Schedule no later than the thirtieth (30th) day after the Targeted Person becomes subject to the Schedule.
- 6.1.5. With respect to the Newspapers class, any Targeted Person (including any Reporting Person exempt from contributions under section 2.2.3 of the Schedule) shall also file a report of Materials that was marketed during the Reference Year, by transmitting to RecycleMédias the information required in Appendix D of the Schedule, including but not limited to:
- a) A list of the Brands, Names and Distinguishing guises covered by the Materials report of the Targeted Person;
 - b) a list and a description of the Materials excluded from the Materials report used to establish the Targeted Person's Payable Contribution;
 - c) A statement certifying that the content of the Materials report of the Targeted Person is true and accurate;
 - d) a list of the Digital Products that the Targeted Person owns and offers throughout the Obligation Year.
- 6.1.6. The Materials report for the 2023 Obligation Year for RecycleMédias must be done by the Targeted Person no later than March 31, 2024;
- 6.1.7. The registration and Materials report must be transmitted to the Certified Body electronically. This must be done by using the forms that are provided to this effect in the registration and reporting interfaces that are available on

Éco Entreprises Québec's website at www.eeq.ca or on RecycleMédias' website www.recyclemedias.com, all according to the submission procedures described on any of the websites.

6.2. Billing, credits, reimbursement and penalties

- 6.2.1. With respect to the Targeted Person subject to the jurisdiction of Éco Entreprises Québec, upon receipt of the Materials report from the Targeted Person, the Certified Body sends by e-mail to the Targeted Person who submitted the report one (1) or two (2) invoice(s) for the Payable Contribution, which is established based on the information contained in the Materials report, and in relation to the type of contribution established pursuant to sections 4.3.1 or 4.3.2 of the Schedule, as the case may be.

With respect to the Targeted Persons subject to the jurisdiction of RecycleMédias, the Certified Body sends to the Targeted Persons one or more invoices showing the Payable Contribution.

The present section cannot, however, be interpreted as exonerating the Targeted Person from paying the contribution within the period stipulated in sections 4.3 and 4.4 of the Schedule.

The present section also cannot be interpreted as denying a Certified Body of its right to review said Materials report and to send an imposed invoice or a revised invoice pursuant to sections 6.2.2, 6.2.3 and 6.2.4 of the Schedule.

- 6.2.2. Any failure to register, any failure to submit the Materials report and the submission of an incomplete, late, erroneous or fraudulent Materials report gives rise to the possibility that the Certified Body, at any time, may impose the amount of the Payable Contribution, by means of an estimate based on all elements in its possession, notably based on the installations or activities of the Targeted Person, or by way of a recognized fixed-price estimate method. These elements or methods remain confidential if personal information concerning a Targeted Person are used by the Certified Body to establish the imposed invoice. In this case, the Certified Body cannot be compelled to reveal these elements or methods. This imposed invoice is presumed valid and if it is contested, it belongs to the Targeted Person to establish that the invoice is ill-founded.

This imposed invoice includes interest and the administrative fees established pursuant to sections 4.5.1, 4.5.2 and 4.5.3 of the Schedule. Despite any contestation, any amount owed under the imposed invoice, must be paid in the thirty (30) days of the invoice being issued.

A penalty of up to \$5,000 may also be charged by a Certified Body to a Targeted Person for failure to register, failure to report materials, and any incomplete, late, erroneous or fraudulent Materials report. This penalty must be paid within thirty (30) days of the date the invoice was issued.

In the event that the Targeted Person subject to the first paragraph has previously been sent an imposed invoice under the terms of one or more previous Schedules, the Certified Body may require payment of an amount equivalent to an increase of at most 20% of the Payable Contribution in conformity with the first paragraph, as the case may be.

- 6.2.3. The competent Certified Body can, within a delay of three (3) years following the date when the Targeted Person submits the Materials report, review the Materials report submitted by the Targeted Person and require that the Targeted Person provide the necessary supporting documentation to the competent Certified Body within a delay of sixty (60) days. The Certified Body can also decide to make the necessary corrections after having informed the Targeted Person. Following these corrections, a revised invoice indicating the adjusted Payable Contribution is sent to the Targeted Person. This revised invoice is presumed valid and if it is contested, it belongs to the Targeted Person to establish that it is ill-founded.

Despite any contestation, the additional sum required to be paid for the contribution as indicated in the revised invoice must be paid by the Targeted Person to the competent Certified Body within a delay of thirty (30) days following the issuance of this invoice.

The amount owed bears interest at the rate fixed by section 28 of the *Tax Administration Act* (CQLR, c. A-6.002), and this in conformity with section 53.31.16 of the Act. The interest is calculated daily on the unpaid amount, starting from the date this amount must be paid until the date of payment, at the rate mentioned here above. Any change to this rate automatically brings a change to the payable interest rate pursuant to the present section.

In addition to interest, any Targeted Person that has not paid the sum required within the delay of ninety (90) days following the date at which this sum is due, must pay fees equivalent to 10% of the sum owed to compensate for the administrative fees incurred by the competent Certified Body.

- 6.2.4. In the event that a Targeted Person believes that it has grounds that could justify a revision of its Materials report by the Certified Body, it must submit, within a period of one (1) year following the deadline to submit the Materials report provided for at sections 6.1.3 or 6.1.6 of the Schedule, as the case may be, failing which its claim is forfeited, this amended Materials report for approval by a Certified Body. This predetermined time limit is of two (2) years when the amended Materials report seeks to correct a situation where more than one Targeted Person has submitted a Materials report relating to the same Material(s), which resulted in duplicate reports. All relevant documents and information allowing a Certified Body to proceed with a complete analysis and to render an enlightened decision must be filed in the same delay. If a Certified Body approves all or in part the said revised Materials report, a revised invoice of the Payable Contribution is then

transmitted to the Targeted Person. This revised invoice is presumed valid and where it is contested, it belongs to the Targeted Person to establish that it is ill-founded.

If, within a delay of one (1) year following the delay established in sections 6.1.3 or 6.1.6 of the Schedule, as the case may be, a Targeted Person submits more than one amended Materials report for approval to the Certified Body, said person is subject to pay administration fees corresponding to the greatest amount between \$250 and 5% of the difference between the existing contribution and the Payable Contribution indicated in the new revised Materials report submitted for approval, for a maximum of \$25,000. Those administrative fees are payable at the time of submission of the revised Materials report and prior to any analysis, by the Certified Body, of any revised Materials report.

When any revised Material report is approved by the competent Certified Body pursuant to the second paragraph, and a Targeted Person must pay a higher contribution than that of the previously accepted revised Materials report by the Certified Body, the Certified Body may renounce to the Targeted Person having to pay the administration fees due under the second paragraph of this section. The amount of administration fees already paid is to be credited to the Targeted Person, as the case may be.

Despite any contestation, the additional amount required to be paid for the contribution as indicated in the revised invoice must be paid by the Targeted Person within a delay of thirty (30) days following the issuance of this invoice. The amount owed will bear interest at the rate fixed by section 28 of the *Tax Administration Act* (CQLR, c. A-6.002), and in conformity with section 53.31.16 of the Act. The interest is calculated daily on the unpaid amount, starting from the date this amount must be paid until the date of payment, at the rate mentioned here above. Any change to this rate automatically brings a change to the payable interest rate pursuant to the present section.

In addition to interest, any Targeted Person that has not paid the sum required within the delay of ninety (90) days following the date at which this sum is due, must pay fees equivalent to 10% of the sum owed to compensate for the administrative fees it incurred by the Certified Body.

- 6.2.5. Once the amended Materials report is approved by a Certified Body, and it appears that the Targeted Person paid a contribution that was higher than it should have paid, the amount overpaid is credited to any Payable Contribution for the following Obligation Year, up to the adjusted contribution amount for the current Obligation Year. The Certified Body reimburses the Targeted Person, without interest, any amount exceeding this credit subject to any administration fees owed to the Certified Body pursuant to paragraph 2 of section 6.2.4. of the Schedule.

6.2.6. A Targeted Person to whom an imposed or revised invoice has been sent may attempt to arrive at an agreement with the competent Certified Body pursuant to chapter 7 of the Schedule if the dispute relates to the quantity or the qualification of Materials that should have been taken into account in the Materials report. This process does not exempt, however, the Targeted Person from their obligation to pay the amount indicated in the imposed invoice in the period indicated at section 6.2.2 of the Schedule, or the additional sum required to be paid as a contribution indicated in the revised invoice within the delay indicated at sections 6.2.3 or 6.2.4, as the case may be. In the event where an agreement is reached and results in an overage paid, section 6.2.5 of the Schedule applies with any necessary adjustments.

6.3. Verification and conservation of files

6.3.1. A Certified Body reserves the right to require, from any Targeted Person, as well as any person whom the Certified Body has reasonable grounds to believe is a Targeted Person, the books, registries, accounting documents and any other documents deemed necessary by the Certified Body in order to establish the Payable Contribution by this person.

Any person to whom such a request is made must render this information available to be consulted and photocopied by the Certified Body, during normal business hours, no later than sixty (60) days following the receipt of a written notice from the Certified Body to that effect.

6.3.2. Other than the information and documents that the Targeted Person must submit in support of its Materials report, the competent Certified Body reserves the right to require from the said person that it provide, within sixty (60) days following the receipt of a written notice, any supplementary information, such as, a complete list of Containers and Packaging, Printed Matter and Newspapers covered by the Schedule, whether or not this information was used in the preparation of the Materials report, the data tables, audit reports, list of declared Brands and list of Brands excluded from the Materials report and the distribution of percentages, which were used by the Targeted Person to complete its Materials report.

6.3.3. When a Targeted Person does not provide the information and documents required by the Certified Body within the delay set out in sections 6.3.1 or 6.3.2, as the case may be, said person is subject to pay administration fees corresponding to the greatest amount between \$250 and 1% of the contribution owed for the relevant Obligation Year following this default, for a maximum amount of \$25,000.

6.3.4. Any Targeted Person must keep a record of all documents and other supports used to prepare the Materials report for a period of at least five (5) years from the date that this Materials report is transmitted .

7. DISPUTE RESOLUTION

7.1 Procedure

- 7.1.1 In the case of a dispute between the Targeted Person and the Certified Body regarding the quantity or the qualification of the Materials that should have been taken into account in the Materials report following the issuance of an imposed invoice pursuant to section 6.2.2 of the Schedule, or following the issuance of a revised invoice pursuant to section 6.2.3 or 6.2.4 of the Schedule, the Targeted Person and the Certified Body will endeavour to resolve the dispute by way of discussions between their respective representatives in the thirty (30) days following the issuance of the invoice, a written notice of dispute or of a mutual agreement, which shall be recorded in writing.
- 7.1.2 If the dispute cannot be resolved during the prescribed period, the Certified Body may have recourse to the courts or to any alternative dispute resolution methods of its choice.
- 7.1.3 Non-payment or the failure by the Targeted Person to submit its Materials report shall not be subject to an arbitration.

8. ADJUSTMENTS

8.1 Adjustments

- 8.1.1 In the case where, for a particular Class of Materials, Éco Entreprises Québec collects, following the expiry of the twenty-four (24) month period following the date where the balance for the Payable Contribution is due as prescribed by section 4.3.1 of the Schedule, an amount that exceeds by 4% the required amount to be paid for this Class of Materials, for one (1) year where said amounts become due: a) the amount of the compensation determined by the Société québécoise de récupération et de recyclage, including the interest, administrative fees and applicable penalties, as the case may be, b) the amount necessary to indemnify Éco Entreprises Québec for its management costs and other expenses related to the compensation regime, as well as, c) the amount payable to the Société québécoise de récupération et de recyclage pursuant to section 53.31.18 of the Act (this last amount being identified in the present division, as being the “required amount”), Éco Entreprises Québec may issue a credit to Targeted Persons that have paid the contribution for the Obligation Year in which the surplus has accumulated. This credit will correspond to the amount collected above the exceeding 4% and is redistributed pro rata amongst the Payable Contributions by sub-class of Materials within each class, and then, by pro rata amongst the contributions paid by the Targeted Persons within each sub-class.

If Éco Entreprises Québec determines that it is likely to collect an amount exceeding 4% of the amount necessary, for a Class of Materials, following the expiry of the twenty-four (24) month period following the date on which the balance of the Payable Contribution is payable under section 4.3.1 of the

Schedule, Éco Entreprises Québec may, even before the expiry of the twenty-four (24) month period, apply all or part of this amount to the contribution due, for this category of materials, for the current or a subsequent Obligation Year.

- 8.1.2 In the case where RecycleMédias collects, for the Obligation Year, an amount exceeding 5% the amount necessary to pay in respect to the Newspapers class: a) the amount of the annual compensation determined by the Société Québécoise de recuperation et recyclage, including the interests and the administrative fees and applicable penalties, as the case may be, b) the RECYC-QUÉBEC fees and c) the fees of RecycleMédias, RecycleMédias may grant a credit to those Targeted Persons of the Newspapers class who have paid their Payable Contributions for the Obligation Year for which this excess has accumulated. This credit will correspond to the amount collected in excess of the 5% and will be distributed pro rata to the Payable Contributions paid by the Targeted Persons of the Newspapers class.
- 8.1.3 In the case where Éco Entreprises Québec does not collect the required amount for a Class of Materials following the expiry of the twenty-four (24) month period following the date where the balance for the Payable Contribution is due pursuant to section 4.3.1 of the Schedule, Éco Entreprises Québec can require from Targeted Persons for this Class of Materials the amount needed to satisfy the difference. This amount is distributed pro rata amongst the required contributions by a sub-class of Materials within this Class and then, by pro rata amongst the required contributions for each Targeted Person within each sub-class. This amount must be paid to Éco Entreprises Québec by the Targeted Persons within a delay of thirty (30) days following the transmission of an invoice to this effect by Éco Entreprises Québec. The divisions 4.5 and 4.6 of the Schedule are applicable for this amount by making the necessary modifications.

If Éco Entreprises Québec judges that it will most likely not be able to collect the amount necessary for a Class of Materials, at the expiry of a twenty-four (24) month period following the date at which the balance of the Payable Contribution is payable pursuant to section 4.3.1 of the Schedule, Éco Entreprises Québec can, even before the expiry of the twenty-four (24) month period, require an amount that it deems necessary to satisfy the difference. This amount is distributed pro rata amongst the required contributions by sub-class of Materials within this Class, and then, pro rata amongst the required contributions to be paid by the Targeted Persons within each sub-class. This amount must be paid to Éco Entreprises Québec by the Targeted Persons within thirty (30) days following the transmission of an invoice to this effect by Éco Entreprises Québec. The divisions 4.5 and 4.6 of the Schedule are applicable to this amount by making the necessary modifications.

8.1.4 In the event that RecycleMédias does not collect, for the Obligation Year, or determines that it is unlikely to collect, the amount necessary to pay in regards to the Newspapers class: a) the compensation amount determined by the Société Québécoise de récupération et de recyclage, including interest and administrative fees and applicable penalties, as the case may be, b) RECYC-QUÉBEC's fees, and c) RecycleMédias' fees, RecycleMédias may request from the Targeted Persons of the Newspapers class the amount required to make up the difference. This amount shall be distributed pro rata amongst the required contributions payable by each Targeted Person for the Obligation Year. In such a case, this amount shall be paid to RecycleMédias by the Targeted Persons of the Newspapers class within a period of thirty (30) days following the transmission of an invoice for this purpose by RecycleMédias. Chapter 4 of the Schedule shall apply to this amount, with the necessary adaptations.

9. EFFECTIVE DATE AND DURATION

9.1 Effective Date

The Schedule shall be effective on the day of its publication in the *Gazette officielle du Québec*.

9.2 Duration

The Schedule is valid for the 2023 Obligation Year.

APPENDIX A: 2023 CONTRIBUTION TABLE

Contributions for the period from January 1st through December 31st, 2022¹

A. Contributions for the classes of Printed Matter and Containers and Packaging					
Class of Materials	Sub-class of Materials	Materials	Annualized contributions €/kg	Credit for recycled content (Threshold to achieve ²)	
Printed Matter		• Newsprint inserts and circulars	22.095	80 %	
		• Catalogues and publications	28.944	50 %	
		• Magazines		50 %	
		• Telephone books		80 %	
		• Paper for general use		80 %	
		• Other Printed Matter			
Containers and Packaging	Paperboard ³	• Corrugated cardboard	25.784	n/a	
		• Kraft paper shopping bags		100 %	
		• Kraft paper packaging		100 %	
		• Boxboard and other paper packaging	32.918	n/a	
		• Gable-top containers	35.696	n/a	
		• Paper laminants	46.253	100 %	
		• Aseptic containers	42.274	n/a	
	• Cork and wood	59.746	n/a		
	Plastics		• Polyethylene terephthalate (PET) bottles	44.242	100 %
			• High-density polyethylene (HDPE) bottles and containers < 5L.	24.120	100 %
			• Plastic laminants	73.377	n/a
			• Plastic HDPE and Low-density polyethylene (LDPE) films	74.633	n/a
			• HDPE, LDPE plastic shopping bags		n/a
			• Expanded Polystyrene – food packaging	127.469	n/a
			• Expanded Polystyrene – cushioning packaging		n/a
			• Non expanded Polystyrene	44.242	n/a
			• PET containers		100 %
			• Polyvinyl chloride (PVC)		127.469

¹ For the calculation of the contribution for the 2023 Obligation Year, the Targeted Persons must, without fail, for the purposes of the application of chapters 4 and 6 of the Schedule, declare the materials that were marketed in Québec for the twelve (12) months comprised between January 1st and December 31st of the Reference Year, that is prescribed in division 4.1 of the Schedule.

² see division 5.2 of the Schedule.

³ Also includes other fibers.

A. Contributions for the classes of Printed Matter and Containers and Packaging				
Class of Materials	Sub-class of Materials	Materials	Annualized contributions €/kg	Credit for recycled content (Threshold to achieve²)
		• Polylactic acid (PLA) and other degradable plastics		n/a
		• Polypropylène (PP)	42.050	n/a
		• Other plastics, polymers and polyurethane	47.735	n/a
	Aluminum	• Food and beverages aluminum containers	20.669	n/a
		• Other aluminum Containers and Packaging		
	Steel	• Steel aerosol containers	24.075	n/a
		• Other steel containers		
	Glass	• Clear glass	25.681	n/a
		• Coloured glass	26.106	n/a
• Ceramic and porcelain		53.363	n/a	
B. Contribution for the Newspaper class				
Class of Maters	Matter		Annualized contributions €/kg	
Newspapers	• Newspapers		20,760	
	• Containers or packaging used to deliver Newspapers directly to Ultimate Consumer or recipient (including bags or rubber bands)		74.633	

APPENDIX B: ESTABLISHMENT IN QUÉBEC

For the purposes of this Appendix, a Targeted Person is referred to as “enterprise”.

If an enterprise does not have its head office, which constitutes its domicile, in the Province of Québec, it may still have one or several Establishments in the Province.

Here are some non-exhaustive examples provided solely as a guide to assist in determining whether an enterprise has an Establishment in Québec for the purposes of the Schedule:

- a) The enterprise indicates an address in Québec in the “Établissements” section of the report it filed with the Registraire des entreprises du Québec or in its corporate bylaws or regulations.
- b) Insurance companies or financial institutions:
An enterprise that offers insurance or financial products in Québec and holds a license issued by the Autorité des marchés financiers (“AMF”) is deemed to have an Establishment in Québec.
- c) The owner of immovable property in the province:
When an enterprise owns an immovable in Québec, that immovable is presumed to be an Establishment.
- d) An enterprise using equipment or machinery in the province:
When an enterprise does not have a fixed place of business in the province, it may still have an Establishment at the place where it uses an important quantity of machinery or material for a particular moment within a Reference Year. Said enterprise is then deemed to have an Establishment at such place.
- e) Commercial activities in the province related to raw materials:
When the activities of an enterprise consist of producing, growing, excavating, mining, creating, manufacturing, improving, transforming, preserving or constructing, in full or in part, anything in Québec, whether or not the sale of the thing occurs in Québec or elsewhere, this activity will allow us to conclude that the enterprise possessed an Establishment in Québec in the year in which the activity took place.
- f) A representative in Québec:
The Establishment of an enterprise signifies a fixed place or a principal place where it carries on business. An Establishment also includes an office, a residence, a branch, a mine, a gas or oil well, an agricultural endeavor, a woodlot, a factory, a storage facility or a workshop.
When an enterprise is operated or represented through an employee, an agent or a mandatary who is established at a particular place and has general authority to contract for his employer or mandator, or who possesses an inventory of merchandise belonging to the employer or mandator that is used to regularly fill orders that such employee, agent or mandatary receives, the enterprise is deemed to have an Establishment at this place, even if the orders are sometimes placed with a distribution center that is situated outside of Québec.
- g) Commission agent, broker, other independent agent or subsidiary:
An enterprise is not deemed to have an Establishment by the sole fact that it has a business relationship with someone else through a commission agent, a broker or any other independent agent, or by the fact that it maintains an office or a warehouse for the sole purpose of purchasing merchandise; it will also not be deemed to have an Establishment in a place for the sole reason that it controls a subsidiary that itself carries on business in the province.

Attention: A person acting as an “attorney for service” for a legal person that is registered at the Registraire des entreprises du Québec does not constitute an element that would be considered sufficient to determine that the legal person has an Establishment in Québec.

APPENDIX C: REGISTRATION WITH RECYCLEMÉDIAS OF A TARGETED PERSON

Name of the company;
 Nature of liability;
 Head office address and telephone number;
 If the head office is not in Québec, address and telephone number of the domicile or an Establishment in Québec;
 Company's website;
 Name and contact information for the company's primary contact.

APPENDIX D: MATERIALS REPORT FOR RECYCLEMÉDIAS

Obligation year;
 Reference year;
 The quantity of Newspapers marketed in Québec, in metric tons (distinguishing between papers and other cellulosic fibers, and then separately Containers and Packaging);
 A list of the Brands, Names, Distinctive Guises that are part of the Materials report of the Targeted Person;
 A list and description of the excluded Materials that have been omitted from the Targeted Person's Materials report;
 A statement of the Targeted Person certifying that the content of the Materials report is true and accurate;
 A list of the Digital Products that the Targeted Person owns and offers throughout the Reference Year 2023.

Notwithstanding the foregoing, as provided in section 6.3.2, RecycleMédias reserves the right to request the Targeted Person to provide additional information that was used by the Targeted Person to complete its Materials report.

106309

M.O., 2023**Order 2023-1002 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated 6 June 2023**

Act respecting the conservation and development of wildlife
 (chapter C-61.1)

Ministerial Order to amend the Tracking Dog Handler Pilot Project

THE MINISTER OF THE ENVIRONMENT, THE FIGHT AGAINST CLIMATE CHANGE, WILDLIFE AND PARKS,

CONSIDERING the first paragraph of section 164.1 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provides that the Minister may, by order, authorize pilot projects designed to experiment or innovate in the area of management, oversight, protection, conservation or development of wildlife or its habitat or to study, improve or define standards applicable to those areas;

CONSIDERING the second paragraph of section 164.1 of the Act, which provides that the Minister may also, within the scope of such pilot projects, authorize any person or body to offer or conduct wildlife and wildlife habitat management, oversight, protection, conservation or development activities in compliance with standards and rules prescribed by the Minister that differ from those set out in any Act or regulation whose administration falls under the Minister's responsibility;

CONSIDERING the third paragraph of section 164.1 of the Act, which provides that such pilot projects are to be conducted for a period of up to four years, which the Minister may extend by up to one year, the Minister may modify or terminate a pilot project at any time, and the Minister may also determine the provisions of a pilot project whose violation constitutes an offence and determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$500 nor more than \$3,000;

CONSIDERING the making of the Tracking Dog Handler Pilot Project (chapter C-61.1, r. 25.1);

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 22 March 2023, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of a draft Ministerial Order to amend the Tracking Dog Handler Pilot Project with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Ministerial Order with amendments;

ORDERS AS FOLLOWS:

The Ministerial Order to amend the Tracking Dog Handler Pilot Project, attached hereto, is hereby made.

Québec, 6 June 2023

BENOIT CHARETTE

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

Ministerial Order to amend the Tracking Dog Handler Pilot Project

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 164.1)

1. The Tracking Dog Handler Pilot Project (chapter C-61.1, r. 25.1) is amended in section 5 by striking out “with a view to killing it in order to put an end to its suffering and avoid its flesh going to waste”.

2. Section 6 is replaced by the following:

“**6.** A tracking dog handler must inform SOS Braconnage - Urgence faune sauvage by telephone at 1 800 463-2191 or by email at centralesos@mffp.gouv.qc.ca in the following cases:

(1) before beginning each day of a search

(a) during a hunting period with a type 6 or 11 implement within the meaning of the Regulation respecting hunting (chapter C-61.1, r. 12);

(b) outside a hunting period; or

(c) at night;

(2) after a search during which the handler has discharged a firearm.

For the purposes of subparagraph 2 of the first paragraph, the tracking dog handler must inform SOS Braconnage - Urgence faune sauvage within 5 hours after the discharge of the firearm.”

3. The following is inserted after section 6:

“**6.1.** When a tracking dog handler communicates with SOS Braconnage - Urgence faune sauvage in the cases listed in section 6, the handler must provide

(1) his or her name and telephone number;

(2) the attestation number;

(3) the search area;

(4) the date and time of the start or end of the search, as the case may be; and

(5) the name and telephone number, or the number of the hunter’s certificate, of the hunter who requires the tracking dog handler’s services to find an animal that is fatally injured.”

4. Section 7 is amended

(1) by replacing “telescope or laser sight” in paragraph 1 by “magnifying optical instrument”;

(2) by replacing paragraph 4 by the following:

“(4) make sure that the dog is kept leashed at all times.”

5. Section 12 is amended by replacing “15” in the second paragraph by “1”.

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

106305

Decisions

Decision 2283-2, 8 June 2023

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)

RESPECTING the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information

As the Commission d'accès à l'information was established under the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

As, in accordance with section 104.1 of that Act, the members of the Commission d'accès à l'information are chosen beforehand according to the procedure for selecting persons qualified for appointment as members of the Commission established by regulation of the Office of the National Assembly;

As the Office, by its Decision 1384 dated October 25, 2007, adopted the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information;

As it is expedient to change the means of dissemination of the recruitment notice, set out in section 1 of the Regulation, inviting interested persons to submit their candidacy for the position of member of the Commission;

As it is expedient to change the fees paid to selection committee members who are not Members of the National Assembly, members of the Commission d'accès à l'information or employees of a government department or body, as set out in section 20 of the Regulation;

As, in accordance with sections 8 and 10 of the Regulations Act (chapter R-18.1), a proposed regulation was published in the *Gazette officielle du Québec* on 29 March 2023;

As it is expedient that the Office adopt the amending regulation;

IT IS THE DECISION OF THE OFFICE:

To adopt the Regulation to amend the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information;

To publish the regulation in the *Gazette officielle du Québec*.

NATHALIE ROY
President of the National Assembly

Regulation to amend the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1, section 104.1)

1. Section 1 of the Regulation respecting the procedure for selecting persons qualified for appointment as members of the Commission d'accès à l'information, adopted by Decision 1384 dated 25 October 2007, is amended by replacing “in 3 daily newspapers in Québec” by “in one publication disseminated throughout Québec.”

2. Section 20 of the Regulation is amended by replacing “\$100” in the second paragraph by “\$200”.

3. This regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec*.

106317

