

**Regulation respecting ministerial authorizations and declarations of compliance in environmental matters****Environment Quality Act**

(chapter Q-2, ss. 22, 23, 23.1, 24, 28, 29, 30, 31, 31.0.2, 31.0.5, 31.5.5.1, 31.0.6, 31.0.7, 31.0.8, 31.0.12, 31.7.5, 31.16, 31.18, 31.22, 31.24, 31.26, 31.28, 31.79, 31.81, 31.83, 32, 46, 46.0.2, 46.0.11, 65, 70.8, 70.9, 70.14, 70.18, 70.19, 95.1, 115.27 and 115.34; 2017, chapters 4 and 14)

**PART I****SCOPE, DEFINITIONS AND GENERAL PROVISIONS**

1. Part I of this Regulation contains general provisions applicable to activities that require a ministerial authorization under section 22 of the Act, a declaration of compliance or an exemption from ministerial authorization. Part II specifies the information and documents that must be provided in support of an authorization application in order for it to be considered, the terms and conditions governing an application for the amendment, renewal or suspension of an authorization, and the terms and conditions governing the transfer of an authorization or the cessation of an authorized activity.

Schedule I to this Regulation determines the activities requiring prior authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act, in addition to the activities that already require prior authorization pursuant to subparagraph 1 to 9 of the first paragraph and the second paragraph of that section.

Schedule II to the Regulation determines the activities eligible for a declaration of compliance under section 31.0.6 of the Act, while Part III of the Regulation specifies the information and documents that must be provided in support of a declaration of compliance and the terms and conditions governing a declaration of compliance.

Schedule III to the Regulation determines the activities exempted, under section 31.0.11 of the Act, from the requirement of obtaining prior authorization pursuant to section 22 of the Act, while Part IV of the Regulation specifies the terms and conditions applicable to an exempted activity.

Part V of the Regulation specifies conditions for the implementation of an activity to prevent, abate or stop the release of contaminants into the environment, while Parts VI and VII determine monetary administrative penalties and penal sanctions.

2. This Regulation applies, in particular, to immovable property in a reserved area or an agricultural zone established in accordance with the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

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

"accumulation area" means an accumulation area within the meaning of section 107 of the Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2); (*aire d'accumulation*)

"Act" means the Environment Quality Act (chapter Q-2); (*Loi*)

"dwelling" means any construction intended for human habitation that is connected to an individual or collective system for the supply of drinking water and the treatment of waste water; (*habitation*)

"forest development activity" means an activity within the meaning of subparagraph 1 of the first paragraph of section 4 of the Sustainable Forest Development Act (chapter A-18.1); (*activité d'aménagement forestier*)

"marsh" means land flooded permanently or temporarily, and dominated by grass growing on a mineral or organic soil. Shrubs and trees, if any, cover less than 25% of the marsh's area. A marsh is usually riparian, that is, adjacent to a lake or watercourse, or isolated; (*marais*)

"mineral substances" means mineral substances within the meaning of section 1 of the Mining Act (chapter M-13.1); (*substances minérales*)

"Minister" means the minister responsible for the administration of the Environment Quality Act; (*ministre*)

"peatland" means a piece of land covered with moss, resulting from the accumulation of partially decomposed organic matter. The organic matter is at least 30 cm thick. The water table is usually at the same level as the soil or close to its surface. A peatland may be open (unwooded) or wooded; in the latter case, the trees are more than 4 m high with a cover equal to or greater than 25% of the peatland's area; (*tourbière*)

"professional" means a professional within the meaning of section 1 of the Professional Code (chapter C-26); (*professionnel*)

"project phase" means each phase in a project, including planning, construction, operation, closure and post-closure; (*phases d'un projet*)

"public establishment" means one of the following institutions, facilities or establishments:

"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, childcare centres and day care centres governed by the Educational Childcare Act (chapter S-4.1.1);

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

"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;

"tourist establishment": an establishment which offers to the public restaurant services or sleeping accommodations, including the rental of camping spaces.

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 are deemed to be tourist establishments; (*établissement public*)

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

"storm water management system" means a storm water management system within the meaning of section 2 of the Regulation respecting work related to a water management or treatment facility; (*système de gestion des eaux pluviales*)

"sewer system" means a sewer system within the meaning of section 2 of the Regulation respecting work related to a water management or treatment facility; (*système d'égout*)

"swamp" means land subject to seasonal floods or characterized by a soil permanently or temporarily saturated with water and dominated by a ligneous, shrub or arborescent vegetation growing on a mineral soil. The ligneous vegetal covers more than 25% of the marsh's area. A swamp may either be riparian, that is, adjacent to a lake or watercourse, or isolated. A swamp may be shrubbed or wooded; in the latter case, the trees are more than 4 m high with a cover equal to or greater than 25% of the swamp's area; (*marécage*)

"temporary industrial camp" means a temporary industrial camp within the meaning of section 2 of the Regulation respecting work related to a water management or treatment facility (*insert here the reference to the CQLR*); (*campement industriel temporaire*)

"unconsolidated deposit" means an unconsolidated deposit within the meaning of the second paragraph of section 108 of the Regulation respecting mineral substances other than petroleum, natural gas and brine; (*dépôt meuble*)

"waterworks system" means a distribution system within the meaning of section 1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40). (*système d'aqueduc*)

4. For the purposes of this Regulation,

(1) drilling sludge is considered to be mine tailings;

(2) all phosphorous ( $P_2O_5$ ) production must be determined under section 50.01 of the Agricultural Operations Regulation (chapter Q-2, r. 26);

(3) the terms "high-water mark", "littoral zone", "floodplain" and "lakeshore or riverbank" have the meaning defined in the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35). However, the term "floodplain" excludes the part of the floodplain that comprises the lakeshore, riverbank or littoral zone;

(4) the terms "livestock waste", "raising site" and "spreading site" have the meaning defined in the Agricultural Operations Regulation;

(5) the terms "biosolid", "green waste" and "agri-food plant waste" have the meaning defined in the Fertilizing Residuals Regulation (*insert here the reference to the CQLR*);

(6) the term "wetlands and bodies of water" has the meaning given in section 46.0.2 of the Act.

5. Every person or municipality that submits an application, declaration of compliance or activity report to the Minister under this Regulation must use the appropriate form made available on the website of the Minister's department, in order to submit the information and documents required by the Regulation in electronic form.

Any supplementary information or document submitted to the Minister during the analysis of an authorization application must also be sent in electronic form.

A person or municipality must keep the information and documents sent to the Minister and all the information and documents required for their production for a period beginning on the date they are created or sent and ending 7 years after the cessation of the activity concerned. Such information and documents must be made available to the Minister, at the Minister's request, within 10 days.

## **PART II**

### **MINISTERIAL AUTHORIZATION**

#### **CHAPTER I**

##### **GENERAL PROVISIONS**

6. Every person or municipality that submits an application to the Minister under this Part must, in accordance with section 23.1 of the Act, identify the information and documents provided in support of the application that the person or municipality considers to be a confidential industrial or trade secret, and justify that claim.

#### **CHAPTER II**

##### **ADMISSIBILITY OF AN APPLICATION**

##### **DIVISION I**

###### **GENERAL INFORMATION AND DOCUMENTS**

7. To ensure that an authorization application concerning a project that includes one or more activities referred to in section 22 of the Act is admissible for analysis, the applicant must provide to the Minister, in addition to the specific information and documents required by Divisions II to XXVIII of this Chapter depending on the type of activities included in the project, the following information and documents:

(1) information identifying the applicant, namely

(a) the applicant's name and contact information and, where applicable, those of the applicant's representative;

(b) if the applicant is not a natural person, the Québec business number (QBN) assigned to the applicant under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) if the applicant is a municipality, a certified copy of the resolution of the municipal council or a copy of the by-law authorizing the mandatary to sign the application;

(3) when the applicant is not the owner of the place covered by the application, the name and contact information of the owner and a copy of the document evidencing the owner's consent to use of the place;

(4) where applicable, a statement that the project has been authorized under the environmental impact assessment and review procedure or one of the environmental and social impact assessment and review procedures applicable in the James Bay and northern Québec region;

(5) a list of all the activities referred to in section 22 of the Act that are included in the project and will be covered either by a subsequent authorization application or a declaration of compliance, or that are exempted from the requirement of obtaining prior authorization from the Minister;

(6) in accordance with subparagraph 1 of the first paragraph of section 23 of the Act, the location of each activity included in the project that requires authorization, in the form of

(a) the coordinates of the site covered by the application and the cadastral designation of the lots and boundaries within which the activity will be conducted, the municipal zoning that applies and its geographical coordinates;

(b) the environmental characteristics of the site affected by the activity, in particular in the case of contaminated land, a natural sector, or a place where threatened or vulnerable species of flora or fauna, or species likely to be designated, are present;

(c) a scale plan of the site within a radius of 300m from the limits of the place where the activity occurs, indicating where applicable

(i) the location of each activity included in the project and its components, namely buildings, facilities, works, equipment, operating and storage areas, and areas reserved for any purpose other than access roads;

(ii) places of all kinds and their type including, in particular, dwellings, businesses, recreational establishments, public establishments, facilities, campgrounds, industries and public roads;

(iii) the location of withdrawal facilities for water for human consumption and the inner and intermediate protection zones for those facilities delimited in accordance with the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(iv) the location of the observation wells used to monitor groundwater and underground gases;

(v) the location of the sampling points to be used for monitoring activities;

(vi) wetlands and bodies of water and their designation, if applicable;

(vii) any area protected under the Natural Heritage Conservation Act (chapter C-61.01), the Parks Act (chapter P-9), the Sustainable Forest Development Act (chapter A-18.1), the Mining Act (chapter M-13.1), the Act respecting the conservation and development of wildlife (chapter C-61.1) or the Cultural Heritage Act (chapter P-9.002), or protected by a municipality under its by-laws;

(viii) the habitat of any threatened or vulnerable species referred to in the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2) for which a chart has been prepared pursuant to the Regulation respecting wildlife habitats (chapter C-61.1, r. 18), and the habitat of any threatened or vulnerable species referred to in the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3);

(ix) the location of any threatened or vulnerable species of flora or fauna or species likely to be designated;

(7) a plan showing the interior layout of each building needed to pursue the activity, including production equipment, treatment facilities for water and atmospheric emissions, loading and unloading areas, storage areas and points of discharge;

(8) in accordance with subparagraph 1 of the first paragraph of section 23 of the Act, a description of each activity included in the project that requires authorization, including

(a) the nature and details of the activity, including its technical and operational characteristics, for each project phase;

(b) where applicable, a description of the processes, inputs, equipment, facilities and works that the applicant intends to use and that are required to comply with the applicable regulatory provisions, specifying their function, type, model and capacity or power rating;

(c) where applicable, a description of the energy sources and the type and quantity of fuel that the applicant intends to use;

(d) where applicable, the nature and quantity of the residual materials likely to be generated by the activity, along with the residual materials management and site rehabilitation measures;

(e) the planned duration of the project and of each project activity, and an implementation schedule;

(9) in accordance with subparagraph 2 of the first paragraph of section 23 of the Act, the nature, quantity, concentration and location of all contaminants likely to be released into the environment during each activity included in the project that requires authorization, in particular in the form of a plan locating the points at which contaminants are released into the environment;

(10) where applicable, the nature, quantity, concentration and location of effluents likely to be released into the environment, a sewer system or a rainwater management system during an activity requiring authorization and, if the contaminants are released into a sewer system or rainwater management system, the identification of the system concerned;

(11) in the cases referred to in subparagraph 9 of the first paragraph of section 22 and in section 31.54.1 of the Act, a characterization study of the land;

(12) a description of the expected impacts of the activity requiring authorization on the environment and on the health of human beings and other living species, and the proposed mitigation measures;

(13) a description of the proposed monitoring, supervision and control measures, where applicable, in particular using a maintenance and inspection program, a sampling and analysis program and an emergency measures program, and a description of the observation wells used for monitoring purposes;

(14) in the cases provided for and in accordance with Division XXVII on climate tests, information and documents on greenhouse gas emissions attributable to the activity requiring authorization;

(15) in the cases provided for and in accordance with Division XXVIII on prior record, the declaration referred to in section 115.8 of the Act;

(16) when required by the activity, a favourable decision from the Commission de protection du territoire agricole du Québec if the project is located in an agricultural zone within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

(17) when the applicant has used the services of professionals or other competent individuals to prepare the project or the authorization application, their names and contact information, a brief description of their mandate and a statement that the information and documents they have provided are accurate and complete;

(18) a statement by the applicant that all the information and documents provided are accurate and complete;

(19) the fee payable pursuant to the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28) for the processing of the application.

An applicant for an authorization that has already provided some of the information or documents on the activity listed in the first paragraph or in a division of this Chapter as part of the environmental impact assessment and review procedure or one of the environmental and social impact assessment



and review procedures applicable in the territories referred to in sections 133 and 168 of the Act, does not need to provide them again to ensure that the application is admissible.

**8.** The information and documents listed in section 7 and in Divisions II to XXVIII of this Chapter are public, with the exception of any information and documents concerning the location of threatened or vulnerable species or confidential industrial or trade secrets within the meaning of section 23.1 of the Act.

**9.** When the holder of an authorization intends to carry on a new activity referred to in section 22 of the Act, the authorization is amended accordingly. For this purpose, the authorization holder must send to the Minister all the information and documents required under the provisions of this Chapter that apply to the new activity.

**10.** When a hydrogeological study is required under this Chapter, the study must be signed by an engineer or geologist.

The study must contain the following minimum information:

(1) a description of the hydrography, geology, local hydrogeology and hydrologic properties of the site;

(2) the location and a description of the characterization work completed and the wells used for observation purposes;

(3) the area of influence of the contaminants likely to be released during the activity;

(4) a piezometric map.

## **DIVISION II**

### **INDUSTRIAL ESTABLISHMENTS**

**11.** Every authorization application for an activity referred to in subparagraph 1 of the first paragraph of section 22 of the Act in connection with the operation of an industrial establishment referred to in Division III of Chapter IV of Title I of the Act must contain the following supplemental information and documents:

(1) if different from the information provided for the applicant, the information listed in subparagraphs *a* and *b* of subparagraph 1 of the first paragraph of section 7 for the industrial establishment covered by the application;

(2) the nature of the industrial activities covered by the application;

(3) the daily and annual maximum capacity of the industrial establishment covered by the application, within the meaning of the third paragraph of section 0.1 of the Regulation respecting the operation of industrial establishments (*insert here the reference to the CQLR*);

(4) a summary description of the depollution measures that the applicant intends to implement, along with details on the objectives of the measures, their implementation schedule and their current state;

(5) the measures proposed to prevent the accidental release of a contaminant into the environment.

In the case of an existing industrial establishment within the meaning of the second paragraph of section 31.25 of the Act,

(1) the first paragraph applies, adapted as required;

(2) for the purposes of subparagraph 9 of the first paragraph of section 7, the information on the nature, quantity, concentration and location of all contaminants released must have been gathered at least 2 years prior to the date of the authorization application and does not need to be provided if it has already been sent to the Minister;

(3) the authorization application must contain a description of the measures, devices or equipment put in place and used to reduce or eliminate the release of a contaminant into the environment;

(4) the operator must send its authorization application to the Minister within 6 months from the date of coming into force of the regulation covering the category of industrial establishments to which the industrial establishment belongs.

### **DIVISION III**

#### **WATER WITHDRAWALS**

**12.** Every authorization application for a water withdrawal activity referred to in subparagraph 2 of the first paragraph of section 22 of the Act, including the related work and works made necessary by the water withdrawal, must contain the following supplemental information and documents:

(1) for each withdrawal site for which the location will remain the same for the valid term of the authorization, the plans and specifications of the water withdrawal facility and the planned layout or, if the application concerns a facility for the withdrawal of groundwater not intended for human consumption that is laid out in accordance with the provisions of Chapter III of this Regulation, the report provided for in section 21 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(2) a technical report signed by an engineer or geologist containing the following information:

(a) a description of the scenario for the planned withdrawal of water for the total withdrawal and for each withdrawal site, including the withdrawal period or periods associated with the need for water and the volumes withdrawn, consumed and discharged;

(b) the maximum volume of water withdrawn and consumed per day compared to the needs to be met;

(c) the elements that show that the water withdrawal facility is suitable for the declared use;

(d) a description of the changes expected in the quality of the water when used and discharged into the environment, in particular with respect to any substances added to the water;

(3) if the authorization application concerns the withdrawal of water for human consumption or food processing,

(a) an indication, on the site plan required under subparagraph c of subparagraph 6 of the first paragraph of section 7, of the presence within a radius of 30 m around the withdrawal site, of a waste water treatment system referred to in the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);

(b) the initial characterization of water quality for the site of the withdrawal, signed by an engineer or geologist;

(c) an identification of the category of water withdrawal covered by the application as defined by section 51 of the Water Withdrawal and Protection Regulation;

(d) the location of the inner, intermediate and outer protection zones for the water withdrawals covered by the application, delimited in accordance with the Water Withdrawal and Protection Regulation when prepared by an engineer or geologist;

(e) an inventory of the activities performed in the inner protection zone delimited for the water withdrawal site covered by the application;

(f) an assessment of the intrinsic vulnerability of the groundwater, in accordance with section 53 of the Water Withdrawal and Protection Regulation when prepared by an engineer or geologist;

(g) an economic impact assessment for the activities performed in the protection zones of the withdrawal site with respect to the constraints imposed by the Water Withdrawal and Protection Regulation and, where agricultural activities are affected, the means the applicant has taken or intends to take to minimize the impact on the operators concerned, such as the signing of a financial assistance agreement;

(4) a hydrogeological study including the supplementary information listed in section 13 for the water withdrawals covered by that section.

**13.** The hydrogeological study referred to in paragraph 4 of section 12 is required for the following water withdrawals:

(1) groundwater withdrawals at a maximum rate of

(a) 379,000 litres or more per day when the water is withdrawn for agricultural or fish-farming purposes;

(b) 75,000 litres or more per day when the water is withdrawn for any other purpose;

(2) withdrawals in the St. Lawrence River Basin if the water is to be transferred outside that basin;

(3) withdrawals of water intended to be sold or distributed as spring water or mineral water.

The study must assess the following elements:

(1) the hydrological properties of the host environment, based in particular on testing in situ;

(2) the area of influence of the withdrawal;

(3) the ability of the aquifer to provide the required flow over the long term;

(4) the impact of the withdrawal on other users and on the environment.

In addition to the information listed in section 10, the hydrogeological study must include the following elements:

(1) a calculation of the expected piezometric reductions vertically aligned with the wells and for any pond, marsh, swamp or peatland present in the area of influence of the withdrawal;

(2) the hypotheses and equations used for the calculations;

(3) the reasons justifying each of the elements referred to in the second paragraph with respect to the work.

In the case referred to in subparagraph 1 of the first paragraph, when the average volume of water withdrawn, calculated in accordance with section 3 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2), is 379,000 litres or more per day, or when the water withdrawal is a category 1 withdrawal as defined by section 51 of the Water Withdrawal and Protection Regulation, and in the cases referred to in subparagraphs 2 and 3 of the said first paragraph, the study must also include

(1) a description of the surrounding context, within a minimum radius of 1 km and for the whole area of influence of the withdrawal, with regard in particular to meteorology, topography, hydrography, hydrology, geology and hydrogeology;

(2) the completion and analysis of a pump test using a minimum of 3 wells constructed within the aquifer used for water withdrawal that may be used to observe groundwater, in addition to the pumped well;

(3) a calculation of aquifer recharge and hydrological balance;

(4) an analysis of the behaviour of the aquifer with and without withdrawals, including a sensitivity analysis.

**14.** If the water withdrawal is subject to the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin (chapter Q-2, r. 5.1), the authorization application must also contain

(1) if the applicant is a local municipality situated outside the St. Lawrence River Basin, the name of the regional county municipality that includes the local municipality;

(2) if the applicant is not a municipality,

(a) the name of the local municipality that will serve the population using a waterworks system supplied with the water whose transfer is planned. If the local municipality is situated outside the St. Lawrence River Basin, the name of the regional county municipality that includes the local municipality must be indicated;

(b) a copy of any agreement entered into with the municipality concerning the ownership or transfer of the waterworks system supplied by the water whose transfer is planned, or concerning the supply of the municipality's waterworks system;

(3) when the municipality that will serve the population, under the proposed transfer, with water transferred out of the St. Lawrence River Basin is not the applicant for authorization, the agreement entered into between the municipality and the applicant and pertaining to obligations related to measures for the efficient use or preservation of water or pertaining to the return of the water in the Basin;

(4) concerning the withdrawal site and transfer location:

(a) a map or aerial photograph of the withdrawal site and of the proposed location of the transfer;

(b) maps or photographs of the territory to be supplied by the proposed water transfer and of the place where the water will be discharged;

(5) concerning the total volume of the water transferred from a new or increased withdrawal:

(a) the maximum volume of water transferred each day during the authorization period applied for, established respectively on the basis of an average for the calendar year and on the basis of a period of 90 consecutive days corresponding to the period in which the volume of transferred water is the highest;

(b) the monthly average volume of the transfer, specifying whether the proposed use will be continuous, seasonal or temporary;

(c) the location of the equipment to measure the volume transferred and the technique used to measure the transfer flow;

(6) the total volume of all the withdrawals made for the purpose of transferring water out of the St. Lawrence River Basin to supply the waterworks system covered by the authorization application during the 10-year period preceding the application, as well as the volumes of water consumed by reason of those withdrawals;

(7) the maximum volume consumed per day by reason of the proposed transfer, estimated respectively on the basis of an average for the calendar year and on the basis of a period of 90 consecutive days corresponding to the period in which water consumption is the highest;

(8) the volume of transferred water that will be returned to the St. Lawrence River Basin after use or discharged outside that Basin, along with the following information concerning the returned water:

(a) an indication of when the water will be returned;

(b) the total volume of water returned per day established in the form of an average during a calendar year and a percentage of the water transferred, including the proposed measurement methods;

(c) an estimate of the percentage of water transferred from the St. Lawrence River Basin that will be returned to the Basin in relation to the water that is discharged in the Basin and that comes from outside the Basin;

(d) a description of the water returned, including the water's origin, the place where it will be returned and the methods used to reduce the use of water coming from outside the Basin;

(e) a description of the location or locations where the water will be discharged;

(9) if the proposed water transfer involves an average quantity of water of 379,000 litres or more per day that is intended to supply a waterworks system serving a municipality referred to in subparagraph a of subparagraph 1 of the first paragraph of section 31.91 of the Act:

(a) a description of the measures for the preservation and efficient use of the water that the applicant for authorization undertakes to carry out, including timetables;

(b) a description of the follow-up indicators that will be used to monitor those measures for preservation and efficient use;

(c) an explanation of why the water transfer is necessary, which must include an analysis of the efficiency of the current uses of water, including the application of preservation measures that are judicious in terms of environment protection and economically feasible with regard to existing water supplies so as to reduce as much as possible the volume of water to be transferred;

(d) the reasons explaining why the quantities of water whose transfer is proposed are reasonable in relation to the proposed use. To that end, the application must also include a water use plan that includes:

(i) the proposed use of the water and the population projections supporting the daily volumes for the period covered by the application;

(ii) a description of the capacity of the waterworks system in terms of water withdrawal, treatment and distribution;

(iii) an evaluation of the savings resulting from an efficient use of water;

(e) a study, designed and prepared using a scientific method, concerning the impact of the transfer on the quality and quantity of water in the St. Lawrence River Basin and of the depending natural resources, including wildlife and plant species that depend for their survival on wetlands and bodies of water and wildlife habitats forming part of the Basin, as well as about the maintenance of water uses;

(10) if the transfer of water out of the Basin is intended to supply a waterworks system serving a municipality referred to in subparagraph *b* of subparagraph 1 of the first paragraph of section 31.91 of the Act:

(a) the reasons explaining why no supply source, accessible within the basin where the local municipality concerned is situated, is capable of meeting drinking water needs;

(b) a technical report signed by an engineer or geologist about the impact of the proposed transfer on the integrity of the Basin's ecosystem.

#### **DIVISION IV**

#### **WATER MANAGEMENT OR TREATMENT**

**15.** Every authorization application for an activity referred to in subparagraph 3 of the first paragraph of section 22 of the Act in connection with the establishment, alteration or extension of any water management or treatment facility referred to in section 32 of the Act must contain the following supplemental information and documents:

(1) the plans and specifications needed for the completion of the project, signed and sealed by an engineer, including a maintenance program;

(2) a technical report, signed by an engineer, including all the information required by sections 16 to 19, depending on the nature of the activity covered by the application;

(3) the certificate from the clerk or secretary-treasurer of the municipality in whose territory the facility is located, in the cases and on the conditions specified in the first paragraph of section 32.3 of the Act;

(4) the name and number of each waterworks system or sewer system concerned by the project.

**16.** The technical report referred to in paragraph 2 of section 15 must contain the following information if the project involves a waterworks system:

(1) the capacity of the works, including its ability to supply water to the people served in sufficient quantities or, if that is not the case, the justifying reasons and the measures that will be taken to make the implementation of the project acceptable;

(2) the reasons, where applicable, that justify the fact that a project designed to serve a subdivision used for residential purposes or a currently inhabited sector does not include the establishment of a sewer system, with an outline of the layout of each lot with respect to the implementation of waste water disposal systems, in accordance with the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);



(3) if the application concerns a facility to produce water for human consumption:

(a) the plan of the whole of the waterworks system connected to the production facility;

(b) a description of the existing equipment that will be retained, and its planned use;

(c) the characteristics of the raw water withdrawn and the identity of all substances requiring treatment;

(d) the ability of the facility to treat water intended for human consumption in accordance with the requirements for that purpose set out in the Regulation respecting the quality of drinking water (chapter Q-2, r. 40);

(4) the information on residual materials, contaminants and effluents listed in subparagraph *d* of subparagraph 8 and subparagraphs 9 and 10 of the first paragraph of section 7.

**17.** The technical report referred to in paragraph 2 of section 15 must include the following information in the case of a project for a sewer system:

(1) an updated flow diagram as far as the outfall, including pumping stations, overflows and the project location;

(2) a list and description of the overflows added, altered or affected by the project;

(3) performance records for the overflows altered or affected by the project and, when the project includes the addition of effluent flow or load, the records of the wastewater treatment plant for the 3 years preceding the year in which the application is submitted;

(4) a summary of the design data and the discharges of the wastewater treatment plant for the system;

(5) the hypotheses, the calculation methods and the records concerning the impacts of the project on the system, including, where applicable, the impacts on the wastewater treatment plant and on overflow events at the overflows affected by the project;

(6) if the implementation of the project results in an increase in system overflow events, a list of the work to be performed on the system to compensate for the additional effluent flow or load or, if no work has been planned, an indication, attested by the municipality concerned, of the implementation, by that municipality, of work under an overflow management plan to manage the increase in overflow events created by the project;

(7) the reasons, where applicable, that justify the fact that a project designed to serve a subdivision used for residential purposes or a currently built sector does not include the establishment of a waterworks system, with an outline of the layout of each lot with respect to the establishment of a water withdrawal facility, in accordance with the Chapter III of the Water Withdrawal and Protection Regulation;

(8) if the system includes the infiltration into the soil of more than 3,240 litres of water per day within the virological protection zone for groundwater withdrawals delimited in accordance with section 57 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2), the elements that show that the operation of the system once the work is completed will not constitute a source of contamination for withdrawals of groundwater for human consumption or for food processing.

**18.** The technical report referred to in paragraph 2 of section 15 must include the following information and documents in the case of a project involving a rainwater management system:

(1) a description of the subsequent phases if the project is part of a more extensive development project;

(2) one or more maps showing the direction of flow of rainwater in the minor and major drainage networks for the system;

(3) an estimate of the peak flows from the place covered by the application for 2, 10 and 100 year flood recurrence intervals in pre-development and post-development conditions;

(4) a characterization study of the environment drained by the system;

(5) a description of the rainwater management works planned, a description of their design parameters, and calculation examples for the sizing of the works and the reasons justifying their design;

(6) in cases where water from the planned rainwater management system will be directed towards a combined system, an analysis of the impact of the work on the frequency of overflow events at each combined sewer overflow situated downstream from the connection point, or in the frequency of diversions at the wastewater treatment plant, and the measures that will be taken to prevent any increase in this frequency;

(7) an assessment of the risks presented by certain activities performed in the environment drained by the system that are likely to generate contaminated runoff;

(8) an assessment of the impact of rainwater discharges on the flooding risks for the 20 year and 100 year flood recurrence intervals;

(9) for each works where rainwater retention is planned, a description of the flow regulators and the reasons justifying their selection, and an indication of the water levels reached for the 2, 10 and 100 year flood recurrence intervals;

(10) the reasons, where applicable, that justify the fact that a project designed to serve a subdivision used for residential purposes or a currently built sector does not include the establishment of a waterworks system and sewer system, with an outline of the layout of each lot with respect to the establishment of a water withdrawal facility, in accordance with the Chapter III of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2), and the establishment of waste water disposal systems in accordance with the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);

(11) the information on residual materials, contaminants and effluents listed in subparagraph *d* of subparagraph 8, subparagraph 9 and subparagraph 10 of the first paragraph of section 7.

**19.** Every authorization application for an activity referred to in paragraph 3 of section 22 of the Act in connection with the installation and operation of any other water treatment apparatus or equipment, in particular to prevent, abate or stop the discharge of contaminants into the environment or into a sewer system, must contain the following information and documents:

(1) the plans and specifications for the project, signed and sealed by an engineer, including the maintenance program;

(2) a technical report, signed by an engineer, including all the information required by sections 16 to 19, depending on the nature of the activity covered by the application and comprising

(a) a plan for the treatment process;

(b) an assessment of the loads and water flows produced by the establishment and the criteria and hypotheses used for the design of the water treatment apparatus or equipment;

(c) the elements that demonstrate the ability of the apparatus or equipment to treat the water produced by the establishment before its discharge into the environment or a municipal sewer system;

(d) the characteristics of the equipment already on site;

(e) a updated diagram showing the outflow as far as the wastewater treatment plant.

**DIVISION V**  
**WETLANDS AND BODIES OF WATER**

**20.** Every authorization application for an activity referred to in subparagraph 4 of the first paragraph of section 22 of the Act with respect to work, structures or other interventions in wetlands and bodies of water referred to in Division V.1 of Chapter IV of Title I of the Act must contain the following supplemental information and documents:

(1) the information and documents required by section 46.0.3 of the Act;

(2) if the activity is to be carried out on a water retaining works, the consent of the owner of the works;

(3) if the application concerns a peat extraction project, the map of the site required by subparagraph c of subparagraph 6 of the first paragraph of section 7 delimiting vegetation buffer zones, the zones that will be preserved in order to rehabilitate the site, the zones where constraints apply and ditches;

(4) if the application concerns work completed as part of a peat extraction project or a project to establish or operate a cranberry or blueberry farm, the rehabilitation measures and steps that will be implemented once operations cease, including a timetable for the work and an estimate of the time required for the ecological functions of the site to be reinstated.

**21.** The characterization study of the wetlands and bodies of water covered by the application and required under paragraph 1 of section 46.0.3 of the Act must include, in addition to the information listed in that paragraph, the following information:

(1) a description of the human disturbances or pressures experienced by the sites affected by the project and their ability to recover naturally or the possibility of restoring them in whole or in part;

(2) in the case of a water withdrawal of the construction of a water retaining works in a lake or watercourse, an estimate of the reserved flow needed for ecosystem maintenance.

**DIVISION VI**  
**HAZARDOUS MATERIALS MANAGEMENT**

*§ 1.- General provisions*

**22.** Every authorization application for an activity involving hazardous materials management referred to in subparagraph 5 of the first paragraph of section 22 of the Act, must contain the following supplemental information and documents:

(1) an identification of the categories of hazardous materials the activity will involve, determined in accordance with the prescriptions of Schedule 4 to the Regulation respecting hazardous materials (chapter Q-2, r. 32);

(2) information showing that the activity will comply with the standards prescribed by the Regulation respecting hazardous materials governing either the possession of hazardous waste under section 70.8 of the Act or the activities referred to in section 70.9 of that Act;

(3) where applicable, a description of the storage methods and of the equipment, buildings, systems, infrastructures and measures taken or envisaged to ensure security at the storage site against intrusions or accidents.

*§ 2.- Possession extended for more than 24 months*

**23.** Every application for authorization to extend possession of a hazardous material referred to in the first paragraph of section 70.8 of the Act for more than 24 months must be submitted to the Minister at least 90 days before the expiry of the 24-month period.

Subparagraphs 1, 2, 4 and 5, subparagraph *a* of subparagraph 6 and subparagraphs 9, 11, 12 and 13 of the first paragraph of section 7 apply to an application for authorization to extend possession of a hazardous material referred to in the first paragraph of section 70.8 of the Act for more than 24 months for which a register must be kept pursuant to section 104 of the Regulation respecting hazardous materials (chapter Q-2, r. 32).

The application must contain the following supplemental information and documents:

(1) the following information and documents for each category of hazardous materials:

(a) the 24-month expiry date provided for in the first paragraph of section 70.8 of the Act and the quantity that will be stored on that date;

(b) the duration of the storage requested and the maximum quantity that will be stored each year during that period;

(c) the reasons making it necessary to extend possession of the hazardous materials for more than 24 months;

(2) the plan for managing the hazardous materials referred to in the second paragraph of section 70.8 of the Act, which must include the following information and documents:

(a) a characterization of the hazardous material concerned, including:

- (i) a sampling schedule;
  - (ii) the name and address of the laboratory accredited by the Minister under section 118.6 of the Act that did the analysis;
  - (iii) the properties referred to in section 3 of the Regulation respecting hazardous materials and the results of the chemical analyses;
  - (iv) in the case of a hazardous material referred to in section 4 of the Regulation respecting hazardous materials, the results of the chemical analyses and the characteristics of the material;
  - (v) where applicable, the grounds for which a chemical analysis or test has not been done in respect of the hazardous material;
- (b) when the hazardous materials are stored outside, a characterization of the land on the periphery of the storage site, conducted in accordance with the guide provided for in section 31.66 of the Act by an accredited professional, and the decontamination or alleviation measures that have been taken or that are envisaged;
- (c) the final destination of the hazardous material or, if the destination is not known, a description of the steps taken or envisaged including, where applicable, any research projects or experiments, to remove the hazardous material from the storage site and, in the latter case, the quantity of hazardous materials used in such projects;
- (d) the steps in the implementation of the management plan and the related schedule, and the measures that will be taken to inform the Minister;
- (e) a statement that the information provided is accurate and the signature of the person having possession of the hazardous materials or of a person authorized for that purpose in the case of a person other than a natural person or municipality.

*§ 3.- Activities referred to in the first paragraph of section 70.9 of the Act*

**24.** Every authorization application for an activity referred to in the first paragraph of section 70.9 of the Act must contain the following supplemental information and documents:

- (1) if the applicant is not the owner of the land covered by the application, a copy of any document confirming the right to use the land for the activity concerned;
- (2) when one of the activities referred to in this paragraph requires the storage of the hazardous materials:
  - (a) the storage method for each category of hazardous materials involved in the activity;

(b) to total capacity of the storage site;

(c) a scale plan of the storage site showing:

(i) the planned layout of each indoor and outdoor storage area for the hazardous materials and their maximum storage capacity;

(ii) the location of each storage area, the storage methods used in each area, and the categories of hazardous materials stored there;

(iii) the distances between the storage areas;

(d) where applicable, the number of tanks used for storage of hazardous materials, a description of each tank, and its capacity in litres;

(3) in the case of the operation of a final disposal site for hazardous materials:

(a) the total capacity of the final disposal site;

(b) the following programs, which must cover all project phases:

(i) a program for monitoring, supervising and following the quality of surface and underground water, leachates and biogases;

(ii) a maintenance program for the equipment and systems with which the site will be equipped;

(4) in the case of the operation of a treatment project for hazardous materials:

(a) the objective and hourly and daily capacity of the treatment process;

(b) the sources of supply and the characteristics of the hazardous materials that will be treated including, when known, their properties in accordance with sections 3 and 4 of the Regulation respecting hazardous materials (chapter Q-2, r. 32) and the nature of the contaminants present in the materials;

(c) a description of the monitoring programs that will be applied on receipt of the hazardous materials to ensure that the materials delivered are the materials authorized;

(d) a schedule for the sampling and analysis of the materials resulting from the treatment process and the manner in which they will be managed;

(5) in the case of the use hazardous materials for energy purposes, after they have been procured for that purpose:

(a) where applicable, the treatments that will be applied to the hazardous materials before burning;

(b) the hourly feed rate for each fuel used, including the feed rate for the hazardous materials, in metric tonnes or kilolitres;

(c) the proposed replacement rate for each conventional fuel, calculated using the heat value of the hazardous materials compared to the overall heat value for all the fuel used;

(d) in the case of used oil, the sources of supply and a description of the monitoring programs that will be applied on receipt of the oil to ensure that it meets the quality standards provided for in Schedule 6 to the Regulation respecting hazardous materials;

(e) in the case of hazardous materials other than used oil:

(i) the sources of supply and the characteristics of the hazardous materials that will be treated including, in particular, their properties in accordance with sections 3 and 4 of the Regulation respecting hazardous materials and the nature of the contaminants present in the materials and, where applicable, their concentration;

(ii) a description of the monitoring programs that will be applied on receipt of the hazardous materials to ensure that the materials delivered are the materials authorized;

(iii) a schedule for the sampling and analysis of process ash, particles and liquids, as well as sludge, and the management method for each material;

(6) a financial guarantee in accordance with sections 120 to 123 of the Regulation respecting hazardous materials, in the amount determined in Schedule 10 to that Regulation, except in the case of an authorization application for the use of used oil for energy purposes when the nominal hourly rate of use is below 1 metric tonne or 1 kl;

(7) a document from an insurer or insurance broker stating that the applicant holds a civil liability contract in accordance with sections 124 and 125 of the Regulation respecting hazardous materials.

Subparagraph 6 of the first paragraph of section 7 does not apply to the operation of a mobile facility.



**DIVISION VII****APPARATUS OR EQUIPMENT DESIGNED TO PREVENT, ABATE OR STOP THE RELEASE OF CONTAMINANTS INTO THE ATMOSPHERE**

**25.** Every authorization application for an activity referred to in subparagraph 6 of the first paragraph of section 22 of the Act in connection with the installation and operation of an apparatus or equipment designed to prevent, abate or stop the release of contaminants into the atmosphere must contain the following supplemental information and documents:

(1) a description of the process with which the apparatus or equipment is linked;

(2) the plans and specifications of the apparatus or equipment that will be installed and used;

(3) the nature of the contaminants concerned;

(4) the quantity and concentration of the contaminants that are or will be released into the environment without the use of the apparatus or equipment;

(5) an estimate of the quantity and concentration of the contaminants that will be released into the environment when the apparatus or equipment is operating;

(6) the operating parameters and the methods for using the apparatus or equipment.

**DIVISION VIII****RESIDUAL MATERIALS ELIMINATION FACILITIES**

**26.** Every authorization application for an activity referred to in subparagraph 7 of the first paragraph of section 22 of the Act in connection with the establishment and operation of a facility for the elimination of residual materials referred to in the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) must include the following supplemental information and documents and those provided for in these subdivisions, depending on the type of facility covered by the authorization application:

(1) the plans and specifications for the facility and for any equipment or works designed to reduce, control, contain or prevent the deposit, release, emission or discharge of contaminants into the environment, signed and sealed by an engineer;

(2) for the location of the activity as required by subparagraph 6 of the first paragraph of section 7:

- (a) the current use of the land and zoning within a radius of 2 km;
  - (b) the location of every airport within a radius of 8 km;
  - (c) the location of rock outcrops and units of unconsolidated deposits as well as zones sensitive to erosion and ground movements;
  - (d) despite the radius determined in subparagraph c of this paragraph, a plan of the site within a radius of 1 km;
  - (e) the current drainage pattern and general topography of the land within a radius of 1 km;
- (3) in the description of the activity required by subparagraph 8 of the first paragraph of section 7:
- (a) the data on the client base for the project and on the nature and quantity of the residual materials whose elimination or transfer is planned;
  - (b) the maximum capacity of the facility;
  - (c) the estimated costs for the siting, operation, closure and post-closure management of the facility, in particular for monitoring and follow-up measures;
- (4) a descriptive specification for the operation of the facility, containing as a minimum:
- (a) the assignment of the workers required for the operation;
  - (b) the measures designed to ensure the maintenance and repair of machinery and its replacement, where applicable;
  - (c) the control measures for the residual materials accepted by nature, quality and origin, and the measures to be applied when the materials are unacceptable;
- (5) the information establishing that the activity will comply with the standards prescribed by the Regulation respecting the landfilling and incineration of residual materials.

*§ 1.- Engineered landfill and construction or demolition waste landfill*

**27.** In the case of an authorization application for the establishment or enlargement of an engineered landfill or a construction or demolition waste landfill, the authorization application must contain the following supplemental information and documents:

- (1) any document or information required under the conditions, restrictions or prohibitions determined by the government when issuing an authorization pursuant to section 31.5 of the Act;
- (2) a copy of the titles conforming the applicant's ownership of the lots or parts of lots covered by the application, and the location certificate for each lot or part of lot;
- (3) a description of the local geology of the land covered by the application, including
  - (a) a detailed stratigraphy;
  - (b) a geological survey performed using a representative number of stratigraphic borings (a minimum of 4 borings for the first 5 ha of land and an additional boring for each additional 5 ha or 5-ha portion);
  - (c) a soil characterization using a representative number of samples;
  - (d) an estimate of the volumes of materials available for the establishment and operation of the landfill;
- (4) a description of the physico-chemical and bacteriological characteristics of the surface water near any points of discharge into the environment, and the uses of the surface water;
- (5) a topographical survey of the land showing the contour lines at intervals of not more than 1 m;
- (6) a list of the servitudes encumbering the land and of the surface and underground equipment present;
- (7) the plans and profiles of the drainage systems with cross sections of the various components, their description and location of the points of discharge into the environment;
- (8) a hydrogeological study, containing the following information:
  - (a) the direction of flow and migration velocity of the groundwater;
  - (b) the relationship between the various hydrostratigraphic units and the surface hydrographic network;
  - (c) the groundwater susceptibility determined from a minimum of four observation wells for the first 5 ha of land and an additional well for each additional 5 ha or 5-ha portion;
- (9) a determination and a description of the geotechnical properties of the unconsolidated deposits, rock and residual materials and an assessment of the geotechnical constraints associated with the work to establish and operate the site;

(10) the analysis results from the groundwater samples taken from the land covered by the application for the purpose of verifying the parameters and substances mentioned in sections 57 and 66 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

(11) a study showing the integration of the landfill into the surrounding landscape;

(12) a technical report containing:

(a) a land development plan, at a scale between 1:1 000 and 1:1 500, showing among other things natural screens, the features to ensure integration into the landscape, the areas reserved for the removal or stockpiling of cover materials, the location of the buildings to be used by employees and for storing equipment, deforestation areas, vehicle traffic areas, weighing equipment, fences and gates, surface water, groundwater and biogas monitoring points and longitudinal and cross sections of the land showing its original and final contours;

(b) a description of the impermeable liner system for the disposal areas and of the leachate and water treatment system;

(c) a description of the final cover for the disposal areas, with cross sections of the components;

(13) the quality assurance and quality control programs to ensure the application of the provisions of sections 34 to 36 of the Regulation respecting the landfilling and incineration of residual materials;

(14) the descriptive specification referred to in paragraph 4 of section 26 must also contain:

(a) the control measures for the daily cover materials to ensure compliance with section 42 of the Regulation respecting the landfilling and incineration of residual materials;

(b) the systems inspection, maintenance and cleaning program to be implemented to ensure the application of section 44 of the Regulation respecting the landfilling and incineration of residual materials;

(c) the measures to monitor and supervise surface water, groundwater and biogas quality to ensure the application of sections 63 to 71 of the Regulation respecting the landfilling and incineration of residual materials, indicating in particular the location of the observation wells and the particulars of their installation.

### § 2.- Trench landfill

**28.** In the case of an authorization application for a trench landfill, the authorization application must contain the following supplemental information and documents:

(1) the documents and information referred to in paragraphs 3 to 10 and paragraphs 12 to 14 of section 27;

(2) if it is planned to establish the landfill entirely on a mine tailings site, any document or information showing that the physical constraints justify the implementation of substitution measures that meet the conditions set by section 89 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19).

### § 3.- Northern landfill

**29.** In the case of an authorization application for a northern landfill, the authorization application must contain the following supplemental information and documents:

(1) a description of the soil at the place where the landfill will be established down to a minimum depth of 30cm below the planned level of the residual materials;

(2) the information referred to in paragraphs 2, 6 and 7 of section 27.

### § 4.- Residual materials transfer station and residual materials incineration facility

**30.** In the case of an authorization application for a residual materials transfer station or a residual materials incineration facility, the authorization application must contain the supplementary information mentioned in paragraph 2 of section 27.

## **DIVISION IX**

### **RESIDUAL MATERIALS RECLAMATION FACILITIES**

**31.** Every authorization application for an activity referred to in subparagraph 8 of the first paragraph of section 22 of the Act in connection with the establishment and operation of a residual materials reclamation facility, including any storage or treatment of such materials for the purpose of reclaiming them, must contain the following supplementary information and documents and those provided for in these subdivisions, depending on the type of facility covered by the application:

(1) the plans and specifications of any facility required for the establishment and operation of a residual materials reclamation facility, including any equipment or works to reduce, control, contain or prevent the

deposit, release, emission or discharge of contaminants into the environment, signed and sealed by an engineer;

(2) in the description of the activity required by subparagraph 8 of the first paragraph of section 7:

(a) the description, nature and origin of the residual materials treated by the facility;

(b) the maximum volume of each residual material stored or reclaimed;

(3) the measures taken to indicate the presence of the facility, the contact information for its operator, and its business hours;

(4) when a weighing apparatus is present, the location and the program for the use, maintenance and calibration of the apparatus in order to provide accurate data;

(5) the plans and profiles of the drainage systems, with cross sections of the various components, their description and the location of the points of discharge into the environment;

(6) an odour management plan for organic residual materials, except fertilizing residuals, including the following minimum information:

(a) a description of the weather conditions associated with episodes of odours perceptible in the vicinity and a determination of the impacts of weather patterns and, more specifically, during the reception, conditioning, mixing and storage of organic residual materials;

(b) a description of the measures put in place to limit the emission of odours that cause odour nuisances beyond the limits of the landfill;

(c) a description of the protocol for following up on complaints about odour, which must include as a minimum the logging of complaints, and measures for corrective action and follow up;

(d) a description of the optimal facilities and operations for limiting odours;

(e) a description of the odour follow-up protocol;

(7) a financial guarantee in compliance with the Regulation respecting financial guarantees payable for the operation of a residual organic materials reclamation facility (chapter Q-2, r. 28.1) for the facilities referred to in that regulation.

*§ 1.- Residual materials transfer station for reclamation purposes, except a transfer station for hazardous materials*

**32.** In the case of an authorization application for a residual materials transfer station for reclamation purposes, except a transfer station for hazardous materials, the authorization application must contain the following supplemental information and documents:

(1) notwithstanding the radius determined in subparagraph c of subparagraph 6 of the first paragraph of section 7, a plan of the site within a radius of 1 km;

(2) in the description of each activity required by subparagraph 8 of the first paragraph of section 7, the contact information of the recipient of the residual materials to be transferred and the nature of the recipient's activities;

(3) in the mitigation measures required by subparagraph 12 of the first paragraph of section 7, a description of the measures implemented

(a) to limit the wind dispersal or scattering of residual materials and the emission of dust visible in the atmosphere at more than 2 m from the emission source;

(b) to prevent or eliminate any infestation of pests on the site and in the immediate surroundings.

*§ 2.- Residual materials reclamation facility*

**33.** In the case of an authorization application for a residual materials reclamation facility, except for organic materials and hazardous materials, including any activity for the sorting, stockpiling, storing or conditioning of such materials, the authorization application must contain the following supplemental information and documents:

(1) in the description of each activity required by subparagraph 8 of the first paragraph of section 7:

(a) a diagram of processes at the facility;

(b) in the case of an activity to reclaim used tires, a description of the reclamation activity associated with the project;

(2) in the case of a sorting activity, the reclamation potential of each sorted material;

(3) when residual materials from sieving or crushing are used as a cover, a copy of the agreements signed with the operator of the engineered landfill authorized to receive such materials and the related monitoring parameters;

(4) in the case of an activity to reclaim used tires, a justification for the storage capacity requested and an emergency measures plan.

### § 3.- *Organic materials reclamation facility*

**34.** In the case of an authorization application for an organic materials reclamation facility, except in the case of fertilizing residuals, including any activity for the sorting, stockpiling, storing or conditioning of such materials, the authorization application must contain the following supplementary information and documents and those provided for in these subdivisions, depending on the type of reclamation facility:

(1) notwithstanding the radius determined in subparagraph c of subparagraph 6 of the first paragraph of section 7, a plan of the site within a radius of 500 m;

(2) in the description of the activity required by subparagraph 8 of the first paragraph of section 7, the general topography of the land within a radius of 500 m;

(3) a hydrogeological study;

(4) in the mitigation measures required by subparagraph 12 of the first paragraph of section 7, a description of the measures implemented

(a) to limit the wind dispersal or scattering of residual materials and the emission of dust visible in the atmosphere at more than 2 m from the emission source;

(b) to prevent or eliminate any infestation of pests on the site and in the immediate surroundings.

### 1. ORGANIC MATERIALS RECLAMATION BY COMPOSTING FACILITY

**35.** In the case of an authorization application for an organic materials reclamation by composting facility, except in the case of fertilizing residuals, the authorization application must contain the following supplemental information and documents:



(1) in the description of the activity required by subparagraph 8 of the first paragraph of section 7:

(a) a description of the storage and handling operations;

(b) the general topography of the land within a radius of 500 m;

(2) a technical composting report signed by an accredited professional, describing the steps in the composting process and the elements that demonstrate that aerobic conditions are maintained;

(3) a program for the sampling and quality analysis of the compost, specifying in particular the parameters analyzed and the analysis frequency;

(4) a hydrogeological study.

## 2. ORGANIC MATERIALS RECLAMATION BY BIOMETHANIZATION FACILITY

**36.** In the case of an authorization application for an organic materials reclamation by biomethanization facility, except in the case of fertilizing residuals, the authorization application must contain the following supplemental information and documents:

(1) in the description of the activity required by subparagraph 8 of the first paragraph of section 7:

(a) a diagram of processes at the facility;

(b) a description of storing and handling operations;

(c) a description of the digestates and biogases that will be produced by the facility, including their chemical composition, and an estimate of their volume, temperature and humidity;

(d) an identification of the biogases that will be used after being produced, and a description of their quality, temperature and humidity;

(e) an identification of the users of the biogases produced by the facility;

(2) a control and monitoring program for digestates and biogases;

(3) the elements that demonstrate the ability of a wastewater treatment plant operated by a municipality to treat effluent from the facility;

(4) an emergency measures plan.

**DIVISION X****INDUSTRIAL AND COMMERCIAL ACTIVITIES INCLUDING A CATCHMENT INSTALLATION FOR SURFACE OR GROUNDWATER INTENDED FOR HUMAN CONSUMPTION**

**37.** In the case of an authorization application for an industrial and commercial activity in one of the categories listed in Schedule IV to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37), the application must, when the activity includes a catchment installation for surface or groundwater intended for human consumption less than 1 km downstream from the land, include a groundwater monitoring program to ensure compliance with the requirements of the Land Protection and Rehabilitation Regulation, comprising

(1) a description of the hydrogeological conditions prevailing on the land;

(2) the designation of the substances referred to in paragraph 2 of section 5 of the said Regulation and the location on the land of the points of emission of the substances;

(3) a detailed description of the monitoring well system, indicating in particular the number and location of the monitoring wells;

(4) except where the program has been prepared by an engineer or geologist, it must be filed with a certificate from an engineer or geologist stating that the data is accurate and the monitoring well system allows groundwater quality to be monitored in compliance with the requirements of the said Regulation.

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

**DIVISION XI****MINING ACTIVITIES**

**38.** Every authorization application for a mining activity referred to in Division II of Schedule I must contain the following supplemental information and documents:

(1) notwithstanding the radius determined in subparagraph c of subparagraph 6 of the first paragraph of section 7, a plan of the site within a radius of 1 km ;

(2) in the description of the activity required by subparagraph 8 of the first paragraph of section 7, where applicable:

(a) the maximum daily ore extraction capacity, or the total volume of ore extracted, in metric tonnes;

(b) the maximum daily ore treatment capacity;

(c) the volume of mine tailings produced, in metric tonnes, the way in which the tailings are managed and the justification for selection of that management approach;

(d) the area and capacity of the mine tailings accumulation areas, ore storage areas, overburden and concentrate areas, and water supply reservoirs, where applicable;

(e) the water management plan, including a summary of the water used and the water discharged;

(3) a characterization study of the ore deposit, ore, mine tailings and concentrates, where applicable;

(4) the plans and specifications needed for the implementation of the project;

(5) when the project includes the establishment of a mine tailings accumulation area:

(a) a hydrogeological study that includes an examination of possible hydrological links between the site and the receiving environments;

(b) a modelling study, signed by an engineer or geologist, showing that the impermeability measures in place will ensure that groundwater quality is not degraded;

(c) if a dike is to be built, the analyses concerning the stability of the dike, the load-bearing capacity of the underlying ground and an assessment of the settlement that may occur or, where applicable, the reasons why such analyses are not necessary;

(6) when the project includes an ore treatment plant, a hydrogeological study signed by an engineer or geologist establishing the hydrogeological characteristics and examining the possible hydrological links between the site and the receiving environments;

(7) if a dwelling or public establishment is located less than 1 km from the infrastructures, a predictive noise study prepared by a professional working in the field;

(8) a list of the mining titles obtained or in the process of being obtained under the Mining Act (chapter M-13.1).

The studies provided for in subparagraphs *a* and *b* of subparagraph 5 of the first paragraph may be replaced by a summary description of the surrounding hydrogeological context on the basis of the characterization study required by subparagraph 3 of the first paragraph.

## **DIVISION XII**

### **PITS AND QUARRIES**

**39.** Every authorization application for an activity referred to in Division III of Schedule I in connection with pits and quarries must contain the following supplemental information and documents:

(1) notwithstanding the radius determined in subparagraph *c* of subparagraph 6 of the first paragraph of section 7, a plan of the site within a radius of 600 m from the limits of the pit or quarry;

(2) in the description of the activity required by subparagraph 8 of the first paragraph of section 7:

(a) the nature of the surface mineral substances that will be extracted;

(b) the area of land that will be stripped for the operation;

(c) the quantity of topsoil and overburden to be stored;

(d) the average and maximum depth of the surface mineral substances to be extracted;

(e) the maximum quantities of surface mineral substances to be extracted and processed each year, expressed in cubic metres and metric tonnes;

(f) the piezometric level of the site of the pit or quarry or, if no operations are to take place below the water table, an estimate of that level;

(g) the maximum depth of the operation;

(3) a cross section showing the topography of the land, the surface mineral substances to be extracted and the level of the water table, where applicable;

(4) the date of the start of operations, including site preparation and layout activities, the date on which the operation of the pit or quarry will cease and the date of closure of the pit or quarry once rehabilitation or restoration activities have been completed;

(5) a plan for the rehabilitation or restoration of the pit or quarry in accordance with Chapter VI of the Regulation respecting sand pits and quarries (*insert here the reference to the CQLR*), depending on the option chosen, and including the schedule of work and, in the case of a project for a quarry located on the side of a hill, mountain, cliff or slope, a visual study to assess the integration of the quarry with the surrounding landscape;

(6) when the project for a pit or quarry involves the extraction of surface mineral substances below the water table, a hydrogeological study;

(7) a copy of the title of ownership, lease or other document giving rights to the surface mineral substance in the pit or quarry;

(8) when the planned site for a pit or quarry is located within a radius of 600 m, for a quarry, or 150 m, for a pit, from a dwelling or public establishment, a predictive noise study prepared by a professional working in the field;

(9) a financial guarantee in accordance with Chapter V of the Regulation respecting sand pits and quarries.

The plan required by subparagraph 1 of the first paragraph must be prepared and signed by a land surveyor, except if the operation is located on land in the domain of the State. The plan for an operation located on land in the domain of the State must be prepared using the geographical coordinates defined according to the North American Datum 1983 (NAD83), and its system of geodesic coordinates in effect, in compliance with the National Topographic System of Canada (NTS).

In the case of a pit from which several persons or municipalities wish to extract surface mineral substances, the authorization application must be submitted by the owner of the land.

### **DIVISION XIII**

#### **HYDROCARBONS**

**40.** Every authorization application for an activity referred to in Division IV of Schedule I in connection with hydrocarbons must contain the following supplemental information and documents:

(1) in the description of the activity required by subparagraph 8 of the first paragraph of section 7:

(a) the measures taken to manage traffic and road safety on the worksite;

(b) the road signs that will be put in place on the worksite;

(2) the technical program applicable to each project phase with respect to surveying, drilling, completion, fracturing, reconditioning, extraction tests, and use tests for underground reservoirs;

(3) the initial characterization study of the site carried out in accordance with sections 37 to 39 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(4) the initial characterization study of the ground where the activity will take place;

(5) a program to detect and repair leaks of gasses and liquids able to quickly detect any leak presenting a risk for the environment and providing for the planning of inspections of equipment, conduits, tanks and ponds, including a program to detect, quantify and repair and leak of VOCs, methane or ethane;

(6) a soil protection program specifying, for each project phase, the areas at high risk of contamination and appropriate protection measures using, for example, the installation of a leak containment system and quality control measures, which must be kept by the operator;

(7) a predictive noise study prepared by a professional working in the field;

(8) an emergency response plan compliant with the CSA standard Z731-F03 (C2014), "Emergency Preparedness and Response", published by the Canadian Standards Association;

(9) a copy of the notice of public consultation required by section 41;

(10) a report summarizing the comments obtained during the public consultation required by section 41, along with any changes made to the project following the consultation;

(11) a copy of the permanent closure program for a well or reservoir required under the Regulation respecting petroleum, natural gas and underground reservoirs (chapter M-13.1, r. 1).

**41.** When the application concerns exploration work, the applicant must, before submitting the application, inform and consult the public. For this purpose, the applicant must publish a notice in a newspaper distributed in the municipality where the work will be carried out, indicating

(1) the cadastral designation of the lot or lots where the project will be implemented;

(2) a plan and a description of the perimeter of the project site;

(3) an identification of the place where the information specified in subparagraph 2 will be made public in the territory of the municipality or on the website of the project proponent;

(4) an identification of the place where any person may obtain a copy of the information specified in subparagraph 2, on payment of the related fee;

(5) a summary of the project, including in particular the information provided for in subparagraph c of subparagraph 6 and subparagraph 8 of the first paragraph of section 7 and in section 40;

(6) the date, time and place in the municipality where a public meeting will be held, which may not be less than 20 days following the publication of the notice.

The applicant must invite the Minister or a representative of the Minister to the public meeting. The Minister or representative may act as moderator and, for that purpose, intervene on any matter concerning the conduct of the meeting.

The applicant must send, to the municipality concerned, a copy of the report summarizing the comments obtained during the public consultation and of any changes made to the project following the consultation. The municipality may provide copies of the report to any person on payment of the related fee.

#### **DIVISION XIV**

##### **HOT MIX ASPHALT PLANT**

**42.** Every authorization application for an activity referred to in Division V of Schedule I in connection with a hot mix asphalt plant must contain the following supplemental information and documents:

(1) the nominal capacity of the hot mix asphalt plant and the estimated rate of production, expressed in metric tonnes per hour;

(2) a description of the site and the method of use or elimination of recovered dust and sludge;

(3) an estimate of the quantity, expressed in kilograms per hour, of the particulate matter that will be emitted into the atmosphere;

(4) an estimate of the maximum level of noise emitted into the environment from the hot mix asphalt plant as well as from the equipment attached to it, in the following cases:

(a) the hot mix asphalt plant, and any areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, are built or installed less than 300 m from any territory zoned by the municipal authorities for residential, commercial or mixed purposes;

(b) the hot mix asphalt plant, as well as areas for the loading, unloading, and discharge of aggregate materials used for the needs of such a plant, were built or installed after 28 November 1979 less than 150 m from a school or other educational institution, place of worship, campground or any institution to which the Act respecting health services and social services (chapter S-4.2) applies or within the meaning of the Act respecting health services and social services for Cree Native persons (chapter S-5) or from any dwelling, unless the dwelling is owned by or rented to the owner or operator of the hot mix asphalt plant.

#### **DIVISION XV**

#### **SAWMILLS AND MILLS MANUFACTURING VENEER, PLYWOOD, PARTICLE BOARD OR OTHER PRESSED WOOD PRODUCTS**

**43.** Every authorization application for an activity referred to in Division XVI of Schedule I in connection with the construction and operation of a sawmill or mill manufacturing veneer, plywood, particle board or other pressed wood products must contain the following supplemental information and documents:

(1) in the plan of the site referred to in subparagraph c of subparagraph 6 of the first paragraph of section 7, the location

(a) of the ditches referred to in subparagraphs 2 to 4 of the second paragraph of section 103 of the Municipal Powers Act (chapter C-47.1) which will be used to drain water from the site;

(b) the sedimentation ponds that will be established;

(2) in the description of the activity referred to in subparagraph 8 of the first paragraph of section 7:

(a) the annual production capacity of the mill;

(b) a description of the work to be performed and the facilities to be established to manage and treat effluents discharged during operations;

(c) an identification and description of the water supply sources and an estimate of the daily quantities used;



(3) in the case of an enterprise with a production capacity of over 50,000 m<sup>3</sup>/year or the creation of an area for the permanent disposal of residual materials, if a facility for the withdrawal of water intended for human consumption is located less than 1 km downstream from the location of the activity, a hydrogeological study containing the following supplementary information:

- (a) an assessment of water vulnerability;
  - (b) an assessment of the permeability of the storage areas;
  - (c) an assessment of the potential migration of the contaminants produced by the activity;
- (4) the measures taken to protect the groundwater.

## **DIVISION XVI**

### **PESTICIDES**

**44.** Every authorization application for an activity referred to in subparagraphs 2 to 4 of the first paragraph of section 24 of Schedule I in connection with pesticides must contain the following supplemental information and documents:

(1) the identification of the permit and certificate holders that will apply pesticides;

(2) a map showing all the treatment zones;

(3) a map with a scale of at least 1:10 000 showing the following:

(a) the features of the area covered by the treatment, such as land tenures, agricultural, forest and urban zones, and infrastructures;

(b) human activities;

(c) the larval habitats requiring treatment, where applicable;

(4) in the description of the activity required by subparagraph 8 of the first paragraph of section 7:

(a) the identification of the problem;

(b) a presentation of the various possible solutions for eliminating the problem identified and a determination and assessment of the environmental impacts associated with each solution;

(c) the reasons justifying the use of pesticides to eliminate the problem identified, and the choice of the pesticides that will be used;

(d) a summary analysis of the compatibility of the activity with the applicable land use planning and development plans;

(e) a description of any later stages and related projects including, where applicable, the methods and measures applied to reduce the number of larval habitats in the area;

(5) a description of the pesticides used, their application, their storage, their recovery or elimination, in particular in terms of quantity, areas treated, dosage and equipment and methods used;

(6) if the activity is designed to control stinging insects:

(a) the methods chosen to reduce the number of larval habitats;

(b) the methods used to monitor larval development;

(c) a determination of the times scheduled for spraying;

(d) the methodology used to map larval habitats and determine the radius of action of each species of stinging insect targeted by the activity;

(7) if the activity involves aerial spraying:

(a) the methods used to verify weather conditions for the activity;

(b) a map showing the operational base, the flight corridors and the following zones within each corridor:

(i) the zones where human activities are conducted;

(ii) wetlands and bodies of water;

(iii) any area protected under the Natural Heritage Conservation Act (chapter C-61.01), the Parks Act (chapter P-9), the Sustainable Forest Development Act (chapter A-18.1), the Mining Act (chapter M-13.1) or the Act respecting the conservation and development of wildlife (chapter C-61.1), or by a municipality under its by-laws;

(iv) the habitats of a threatened or vulnerable species referred to in the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2) for which a plan is drawn up under the Regulation respecting wildlife habitats (chapter C-61.1, r. 18), and any habitat of a threatened or vulnerable species referred to in the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3);

(c) a description guidance system for the aircraft used for spraying;

(d) the measures established to reduce drifting;

(8) an emergency response plan in the event of a pesticide spill;

(9) a safety program to protect the health of persons exposed to the application of pesticides;

(10) the measures taken to raise public awareness about the application of pesticides.

#### **DIVISION XVII**

#### **AGRICULTURAL OPERATIONS, SPREADING, STORAGE AND COMPOSTING**

**45.** Every authorization application for an activity referred to in the first paragraph of section 25 of Schedule I in connection with agricultural operations, spreading, storage and composting must contain the supplemental information and documents provided for in the subdivisions of this Division.

#### *§ 1.- Establishment and operation of a raising site and increase in annual phosphorous production at a raising site*

**46.** In the case of an authorization application for the establishment and operation of a raising site or an increase in annual phosphorous ( $P_2O_5$ ) production at a raising site referred to in subparagraph 1 or 2 of the first paragraph of section 25 of Schedule I, the authorization application must contain the following supplemental information and documents:

(1) an assessment of the planned number of livestock units in accordance with the standards set out in section 29 of Part II of Schedule 1 to the Regulation respecting the environmental impact assessment and review of certain projects (*insert here the reference to the CQLR*);

(2) an agro-environmental fertilization plan in accordance with sections 23 and 24 of the Agricultural Operations Regulation (chapter Q-2, r. 26);

(3) a location grid, signed by an accredited professional, in the form of a table showing the shortest horizontal distances between the reference points for the location standards provided for in the Agricultural Operations Regulation and Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) and from facilities for raising animals and existing or future storage facilities;

(4) for the raising site covered by the project, the plans and specifications, signed and sealed by an engineer, of storage facilities, yards and floors, gutters, temporary manure storage facilities and equipment to evacuate livestock waste from each facility for raising animals;

(5) for the raising site covered by the project, a technical report signed by an engineer showing that all the storage facilities, yards and floors, gutters, temporary manure storage facilities and equipment to evacuate livestock waste from each existing facility for raising animals is compliant with the Agricultural Operations Regulation and the Water Withdrawal and Protection Regulation;

(6) a description of the handling of the livestock waste produced on the raising site, including the documents and agreements provided for in the Agricultural Operations Regulation for that purpose;

(7) information on the reclamation of livestock waste or its elimination in accordance with the Agricultural Operations Regulation, including the documents and agreements provided for that purpose;

(8) any other information showing that the activity will comply with the standards prescribed by the Agricultural Operations Regulation.

#### § 2.- *Spreading and storage of certain substances*

**47.** In the case of an authorization application for the spreading and storage of certain substances referred to in subparagraphs 3 and 4 of the first paragraph of section 25 of Schedule I, the authorization application must contain the following supplemental information and documents:

(1) les certificats de analyse pour la substance concernée;

(2) the verification report for the substance drawn up in accordance with the Fertilizing Residuals Regulation (*insert here the reference to the CQLR*);

(3) an agro-environmental recycling plan signed by an agronomist that meets the requirements of the Fertilizing Residuals Regulation;

(4) a description of the handling of the substances covered by the application at the raising site or spreading site, where applicable, including the related documents and agreements provided for in the Agricultural Operations Regulation (chapter Q-2, r. 26);

(5) a copy of any agreement or lease for the use of a facility for raising animals or storage facility not owned by the applicant;

(6) the plans and specifications, signed and sealed by an engineer, for the facilities used for storage of the substance covered by the application;

(7) a technical report, signed by an engineer, showing compliance with the Agricultural Operations Regulation, the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) and, where applicable, the Fertilizing Residuals Regulation;

(8) an odour management plan meeting the requirements of the Fertilizing Residuals Regulation;

(9) where applicable, a financial guarantee meeting the requirements of the Regulation respecting financial guarantees payable for the operation of a residual organic materials reclamation facility (chapter Q-2, r. 28.1);

(10) any other information showing that the activity complies with the Agricultural Operations Regulation, the Fertilizing Residuals Regulation and the Water Withdrawal and Protection Regulation.

*§ 3.- Installation, modification and operation, on a raising site or spreading site, of a vegetable washing system*

**48.** In the case of an authorization application for the installation, modification or operation, on a raising site or spreading site referred to in subparagraph 5 of the first paragraph of section 25 of Schedule I, of a vegetable washing system, the authorization application must contain the following supplemental information and documents:

(1) the plans and specifications signed and sealed by an engineer for the facilities used for the washing process and the treatment of effluent;

(2) a technical report signed by an engineer concerning the washing process and an assessment of the impact on the environment of the effluent discharged.

*§ 4.- Return of a parcel of land to cultivation and cultivation of a new parcel of land*

**49.** In the case of an application for authorization to return a parcel of land to cultivation or cultivate a new parcel of land referred to in subparagraphs 6 and 7 of the first paragraph of section 25 of Schedule I, the application for authorization must contain the following supplemental information and documents:

(1) the title of ownership of the parcel of land that is abandoned, where applicable, and the title of ownership of the parcel covered by the application;

(2) the cadastral designation of the parcel of land that is abandoned, where applicable, and the designation of the parcel covered by the application;

(3) a technical report signed by an agronomist containing the following information and documents:

(a) the area on which the cultivation of crops targeted by a prohibition is permitted under section 50.3 of the Agricultural Operations Regulation (chapter Q-2, r. 26);

(b) a historical record of the parcels of land currently under cultivation that are targeted by the project and the parcels of land that have been cultivated at least once since 1990 under the provisions of sections 50.1, 50.1.1 and 50.3 of the Agricultural Operations Regulation and a copy of the documents and information used to establish the historical record;

(c) a map or plan delimiting each parcel of land, indicating its area and the crops that may be cultivated;

(4) in the case of the cultivation of plants referred to in the third paragraph of section 50.3 of the Agricultural Operations Regulation,

(a) an agro-environmental fertilization plan compliant with sections 23 and 24 of that Regulation;

(b) confirmation that the production is organic, is covered by an organic pre-certification process by a recognized certification body, or uses no chemical pesticides, mineral fertilizers or fertilizing residuals.

## **DIVISION XVIII**

### **COMMERCIAL AQUACULTURE**

**50.** Every authorization application for an activity referred to in Division XXIV of Schedule I in connection with the construction and operation of an aquaculture site or commercial fishing pond must contain the following supplemental information and documents:

(1) the plans and specifications, signed and sealed by an engineer, of the planned buildings, works and facilities;

(2) in the description of the activity referred to in subparagraph 8 of the first paragraph of section 7:

(a) the information concerning the management of fish and their food;

(b) an identification and description of the water supplies required for the implementation of the project.

**DIVISION XIX**  
**SNOW ELIMINATION SITES**

**51.** Every authorization application for an activity referred to in Division XXVI of Schedule I in connection with a snow elimination site must contain the following supplemental information and documents:

(1) the plans and specifications of the facilities and equipment used, signed and sealed by an engineer;

(2) a hydrogeological study;

(3) if the place intended for the activity is on land:

(a) a groundwater and surface water monitoring program;

(b) the cleaning measures that will be established for the snow melt season;

(c) the identification of the site used for the disposal of the waste generated by the activity;

(d) the calculation of chloride dilution at the point of discharge;

(e) the measures established for the integration of the site into the landscape;

(f) a topographical survey of the land showing contour lines at intervals of not more than 1 m;

(g) an identification of the real and personal servitudes encumbering the land and the facilities on it;

(h) the site plan required by subparagraph c of subparagraph 6 of the first paragraph of section 7, at a scale between 1:1 000 and 1:5 000;

(i) the longitudinal and transversal sections of the land;

(j) the plans and profiles of the drainage system;

(4) if the activity requires the use of snow melters and discharges into a sewer system:

(a) a technical report signed by an engineer concerning the capacity of the treatment plant for the treatment of snow and snow melt;

(b) the measures put in place to integrate the site into the landscape;

(c) an identification of the real and person servitudes encumbering the land and the facilities on it;

(d) the site plan required by subparagraph c of subparagraph 6 of the first paragraph of section 7, at a scale between 1:1 000 and 1:5 000.

## **DIVISION XX**

### **CONTAMINATED SOIL BURIAL SITE**

**52.** Every authorization application for an activity referred to in Subdivision 1 of Division XXVII of Schedule I in connection with a contaminated soil burial site must contain the following supplemental information and documents:

(1) an identification of any gases likely to be present in the soil during the operation of the burial site;

(2) a program for sampling and analyzing gases, effluents, surface water and groundwater that includes:

(a) the sampling method, the number of samples required and the measurement frequency;

(b) a measurement of the concentration and flow of gases or liquid discharges from all capture systems at the burial site;

(c) the location of the sampling points for gases and all contaminants likely to be found in effluents, surface water or groundwater;

(3) the direction of flow of water from the wetlands and bodies of water identified under subparagraph iii of subparagraph c of subparagraph 6 of the first paragraph of section 7;

(4) the stratigraphy of the soil and rock at the planned burial site and their hydraulic conductivity;

(5) the presence of free groundwater having a high aquifer potential within the meaning of the second paragraph of section 8 of the Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18);

(6) the plan referred to in subparagraph c of subparagraph 6 of the first paragraph of section 7 must

(a) identify the buffer zone referred to in section 10 of the Regulation respecting the burial of contaminated soils;

(b) identify the water withdrawal facilities within a radius of 1 km from the inner boundary of the buffer zone referred to in subparagraph a;

(7) a geotechnical study of the site for the planned burial site;



(8) the plans and specifications of the final cover planned for the burial site, in accordance with the conditions set out in sections 38 and 39 of the Regulation respecting the burial of contaminated soils;

(9) an assessment of the integration of the burial site into the surrounding environment;

(10) a financial guarantee that is compliant with sections 48 to 53 of the Regulation respecting the burial of contaminated soils;

(11) the information showing that the activity will comply with the standards prescribed by the Regulation respecting the burial of contaminated soils and governing such a site.

## **DIVISION XXI**

### **CONTAMINATED SOIL STORAGE SITE AND TRANSFER STATION**

**53.** The applicant for authorisation for an activity referred to in subdivision 2 of Division XXVII of Schedule I in connection with a contaminated soil storage site or transfer station must first inform the public.

For that purpose, the applicant must publish in a newspaper circulated in the municipality where the transfer centre will be located, a notice containing

(1) the designation of the land;

(2) the applicant's name and contact information;

(3) a summary of the project stating at a minimum the information required under paragraphs 2, 6 and 8 of section 52;

(4) the date, time and place in the municipality where the public information meeting will be held, which may not take place sooner than 10 days after publication of the notice;

(5) a statement that the full text of the document introducing the project referred to in subparagraph 3 may be examined at the office of the municipality.

A report of the observations made at the public meeting must be deposited for examination purposes at the office of the municipality.

**54.** Every authorization application for an activity referred to in section 53 must contain the following supplemental information and documents:

(1) an identification of the contaminants present in the soils to be accepted at the storage site or the contaminated soil transfer station, along with the maximum storage capacity;

(2) a characterization study showing:

(a) the quality of the soils that may be altered because of the operation of the storage site, based on the contaminants likely to be present in the soils to be accepted;

(b) the quality of the groundwater before the establishment of the storage site or transfer station;

(3) a program to monitor incoming and outgoing soils at the storage site or contaminated soil transfer station, in order to determine

(a) the chronology of incoming and outgoing contaminated soils;

(b) the quantities of incoming and outgoing soils;

(c) the origin and destination of the soils;

(d) the nature and concentration of contamination in the soils;

(4) the location of the sampling points and the frequency of sampling of gases for analysis purposes;

(5) the location and a description of the surface water drainage system;

(6) the mitigation measures referred to in subparagraph 12 of the first paragraph of section 7 must also include measures to prevent the dust dispersal inside and in the vicinity of the storage site or contaminated soil transfer station;

(7) in the case of a contaminated soil storage site, the mitigation measures referred to in subparagraph 12 of the first paragraph of section 7 must also include:

(a) measures to protect the contaminated soils from bad weather;

(b) measures to recover, analyze and, where applicable, decontaminate run-off liquid from the contaminated soils;

(8) in the case of a contaminated soil transfer station:

(a) the location of soils within the building;

(b) the manner in which the soils are to be handled on being received and shipped to their treatment destination;

(c) the monitoring and control elements required under Division V of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

(d) the report on observations made during the public meeting required by section 53 and a copy of the notice published in accordance with that section;

(e) a geotechnical study of the site where the station will be established;

(9) information showing that the activity will comply with the standards prescribed by the Regulation respecting contaminated soil storage and contaminated soil transfer stations;

(10) the financial guarantee required under sections 26 and 63 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations.

## **DIVISION XXII**

### **BIOMEDICAL WASTE TREATMENT FACILITY**

**55.** Every authorization application for an activity referred to in Division XXVIII of Schedule I in connection with a biomedical waste treatment facility must contain the following supplemental information and documents:

(1) if the applicant is the owner of the place covered by the application, a copy of the title of ownership;

(2) the plans and specifications, signed and sealed by an engineer, of

(a) the equipment and buildings, including any apparatus or works designed to prevent, abate or stop the emissions of contaminants into the environment;

(b) the equipment used to clean vehicles, containers and biomedical waste containers;

(3) the extent of the region served by the facility;

(4) the quantity of biomedical waste covered by the application and of other waste, including ash, to be generated by the facility;

(5) an emergency measures plan containing the following elements:

(a) the points within the biomedical waste treatment site at which a contaminant may be emitted into the environment;

(b) the measures to be taken to prevent spills of biomedical waste, contaminant emissions, fires, or other accidents liable to affect the environment;

(c) the measures to be taken to stop environmental contamination at its source, to eliminate environmental effects and to repair environmental damage;

(6) the measures to be taken in the event that operations are cut back or cease for longer than 4 days;

(7) when the application concerns a facility that treats biomedical waste by incineration, a description of the method of operating the facility and the equipment, and a description of the manner of disposing of the biomedical waste and of the other residual materials, including ash and liquid discharge;

(8) when the application concerns a facility that treats biomedical waste by incineration off its generation site:

(a) the guarantee provided for in section 56 of the Regulation respecting biomedical waste (chapter Q-2, r. 12);

(b) a declaration signed by an engineer attesting that the planned design and operation of the equipment comply with the Act and its regulations.

### **DIVISION XXIII**

#### **USED TIRE STORAGE**

**56.** Every authorization application for the activity referred to in paragraph 3 of section 12 of Schedule I in connection with the storage of used tires must contain the following supplemental information and documents:

(1) a fire prevention and emergency measures plan including the information and documents provided for in section 2 of the Regulation respecting used tire storage (chapter Q-2, r. 20);

(2) a guarantee in compliance with the provisions of sections 13 to 20 of the Regulation respecting used tire storage.

### **DIVISION XXIV**

#### **STORAGE, DISPOSAL AND TREATMENT OF RESIDUAL MATERIALS FROM A PULP AND PAPER MILL**

**57.** Every authorization application for an activity referred to in Division XXX of Schedule I in connection with the storage, disposal and treatment of residual materials from a pulp and paper mill must contain the following supplemental information and documents:

(1) if the applicant is the owner of the place covered by the application, a copy of the title of ownership;

(2) the plan of the site required by subparagraph c of subparagraph 6 of the first paragraph of section 7 must also show the current configuration of the drainage and the topography of the land within a radius of 2 km;

(3) in the case of a facility for final disposal by landfilling, a hydrogeological study containing the following supplemental information and documents:

(a) a map at a scale of 1:20 000 showing the location of all the wells or sources of drinking water, as well as any natural reservoirs of drinking water within a radius of 2 km;

(b) a geological map illustrating the rock outcrops and the units of unconsolidated deposits within a radius of 1 km;

(c) a map of the zone studied showing the location of stratigraphic drill holes at a scale between 1:2 000 and 1:5 000;

(d) geological sections of the stratigraphic drill holes;

(e) the results and conclusions of in-situ and laboratory tests and the calculation methods used;

(f) a piezometric map of the sector concerned at a scale between 1:2 000 and 1:5 000;

(g) the results of water analysis and a siting proposal for the reference well and the observation wells;

(h) a report establishing that the land complies with the standards set out in sections 100 to 102 of the Regulation respecting pulp and paper mills (chapter Q-2, r. 27), the quality and extent of the current and potential use of groundwater and the vulnerability of groundwater to pollution;

(4) the plans and specifications for the project signed and sealed by an engineer containing the following information and documents:

(a) in the case of a facility for final disposal by landfilling:

(i) a topographic survey of the land establishing the contour lines at a maximum interval of 1 m;

(ii) a list of the servitudes encumbering the land and of the surface and underground equipment located on the land;

(iii) a site planning map at a scale between 1:1 000 and 1:1 500 indicating natural screens, embankments and other concealment screens, deforested areas, vehicle circulation areas, cover materials storage areas and the location of observation wells;

(iv) longitudinal and transversal sections of the land showing its initial and final profiles and the stages in the redevelopment of closed sites as operations advance;

(v) the plans and profiles of the outside runoff drainage system;

(vi) where applicable, the plans and specifications for the equipment and works intended to collect and treat leachate and to measure its flow, and the plans and specifications for biogas collection systems;

(b) in the case of a mill residual materials storage or combustion treatment facility:

(i) a map showing the location of the storage and treatment site;

(ii) the plans and specifications for fixed equipment that will be used to treat the residual materials, including any apparatus or works to control, contain or prevent the discharge of contaminants into the environment;

(iii) the plans and profiles of the runoff drainage systems other than those in the storage areas.

#### **DIVISION XXV**

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

**58.** In addition to the information and documents referred to in section 29 of the Act and section 7 of this Regulation, an authorization application for a research and experimentation project must contain the following supplementary information:

(1) a reference to any provision of the Act or one of the regulations under it from which the project derogates, along with the reasons justifying the derogation and a description of the mitigation measures and control measures that will be put in place to protect the environment and health;

(2) when a partner is associated with the project, the name and contact information of the partner and a description of the partner's involvement.

#### **DIVISION XXVI**

##### **GENERAL AUTHORIZATION**

**59.** The work provided for in section 31.0.5.1 of the Act for carrying out maintenance on a watercourse or in a lake to regulate the water level or maintain the lake bed may be covered by a general authorization to the extent that no activity referred to in the first paragraph of section 46.0.5 of the Act is carried out in a pond, marsh, swamp or peatland or on land listed in the register of protected area provided for in section 5 of the Natural Heritage Conservation Act (chapter C-61.01) or the register of designations provided for in section 24.1 of that Act.

**60.** Sections 46.0.3, 46.0.4 and 46.0.5 of the Act and subparagraphs 4 to 11 and 13 of the first paragraph of section 7 of this Regulation do not apply to an application for a general authorization, to the extent that the maintenance work on a watercourse or work in a lake to regulate the water level or maintain the lake bed aims only to maintain or restore the watercourse or lake to a dynamic balance, in particular by removing sediments, wood debris or residual materials, or to re-establish its ecological functions. In the case of a lake, the work planned must be scheduled at the mouth of an affluent or upstream from the outflow of the lake.

However, every municipality that applies for the issue of a general authorization for work under this section must submit to the Minister the following supplemental information and documents:

(1) a maintenance program for the sustainable management of the watercourses and lakes covered by the application including the following information:

(a) a description of the watercourses and lakes covered by the application, along with their characteristics and features;

(b) the identification and location of any sensitive environment such as a spawning ground and of any threatened or vulnerable species or species likely to be designated under the Act respecting threatened or vulnerable species (chapter E-12.01);

(c) the identification and location of any facility, works or equipment likely to be affected by the work, such as a bridge or water intake;

(d) the identification and location of the problems connected with the watercourses or lakes that require work;

(e) a description and the location of the planned maintenance work on a watercourse or work in a lake to regulate the water level or maintain the lake bed;

(f) where applicable, any work referred to in subparagraph e that was completed in the past;

(g) a technical description of the planned work including, when the work concerns the removal of sediments or the reprofiling of the lakeshore or riverbank, and the longitudinal and transversal sections of the land showing the current and planned profile of the watercourse or lake;

(h) the prioritization of the work based on the problems identified and a schedule of work;

(2) a declaration, signed by an accredited professional or the holder of a university diploma in biology or environmental science, attesting that the work will not be carried out in an environment referred to in section 61;

(3) a notice, signed by a professional or by the holder of a university diploma in geography, biology or environmental science who is qualified in the field of hydrogeomorphology, hydrology, hydraulics or the environment, showing that the planned work is suitable given the problems identified in the maintenance program and the characteristics and features of the watercourse or lake concerned, in particular as regards the sensitive environments it contains;

(4) in the case of a lake, a plan showing the current and planned bathymetry.

The information and documents provided for in subparagraphs 3 and 4 of the second paragraph are not required when the work covered by the application for a general authorization involves only the cleaning of a watercourse over a cumulative linear distance of less than 500 m or, in the case of a lake, over a cumulative area of less than 100 m<sup>2</sup>.

**61.** The maintenance program for the sustainable management of watercourses and lakes referred to in subparagraph 1 of the second paragraph of section 61 must be designed to take into account the hydrographical features of the watershed concerned.

A copy of the plan must be sent to any regional county municipality whose territory intersects the watershed concerned.

**62.** The information and documents provided for in subparagraphs *d*, *f* and *h* of subparagraph 1 and in subparagraphs 2, 3 and 4 of the second paragraph of section 60 are not required for an application for a general authorization for work to be completed before (*insert here the date occurring 2 years after the date of coming into force of this Regulation*).

## **DIVISION XXVII**

### **CLIMATE TEST**

**63.** For the purposes of this Chapter, "greenhouse gas" means a gas referred to in the second paragraph of section 46.1 of the Act, namely carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>), as well as nitrogen trifluoride (NF<sub>3</sub>) and the refrigerants listed in Table 1 of Schedule IV to this Regulation.

For the purposes of subparagraph 5 of the first paragraph of section 24 of the Act, the greenhouse gas emissions attributable to the project and the emissions reduction measures required by the project are taken into consideration in the analysis of an application referred to in section 64 or 65.



**64.** Every applicant intended to carry out one of the activities or use any equipment or process likely to emit greenhouse gases referred to in Schedule IV must provide, with the application, the following information and documents:

(1) the activity, equipment or process listed in Schedule II that is involved in the project;

(2) a report quantifying in detail the annual greenhouse gas emissions attributable to all the emission sources for the project covered by the application, for each project phase, completed by a person qualified in the field concerned;

(3) a description of the measures to reduce greenhouse gas emissions that the applicant intends to put in place for each phase of the activity along with a quantification of the resulting reductions in greenhouse gas emissions, carried out in accordance with the ISO 14 064 standard by a person qualified in the field concerned;

(4) possible variants for the activity and the associated greenhouse gas emissions, along with a detailed description of the variant chosen and the reasons justifying that choice;

(5) a demonstration that the reduction of greenhouse gas emissions was considered and optimized in the choice of the variant.

**65.** Every applicant not covered by section 64 that intends to use a combustion system for the activities must provide, with the application, the following information and documents:

(1) the technical specification sheet for the combustion system;

(2) the type of fuel used;

(3) an estimate of the annual consumption of each fuel used.

#### **DIVISION XXVIII** **PRIOR RECORD**

**66.** This Division does not apply to legal persons established in the public interest.

**67.** The declaration referred to in section 115.8 of the Act must include the following information:

(1) the information referred to in subparagraph 1 of the first paragraph of section 7 concerning the applicant or the holder of authorization;

(2) a description of any situation referred to in sections 115.5, 115.6 and 115.7 of the Act that applies to the applicant, the holder or, in the case of a legal person, one of its directors, officers or shareholders, along with the information referred to in paragraph 1 that concerns them;

(3) a declaration from the applicant or the holder of authorization attesting that all the information and documents provided are complete and accurate.

### **CHAPTER III**

#### **AMENDMENT OF AN AUTHORIZATION**

**68.** The holder of an authorization who applies for its amendment pursuant to under section 30 of the Act must submit to the Minister the following information and documents:

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

(2) a complete description of the planned change requiring the amendment of the authorization and a presentation of the reasons for the change;

(3) an assessment of the impacts of the change on the nature, quantity, location or concentration of contaminants discharged into the environment;

(4) an assessment of the impacts of the change on the quantity of greenhouse gas emissions attributable to the project;

(5) a description of the measures, apparatus or equipment needed to ensure that the project meets the conditions, restrictions, prohibitions and standards applicable to it;

(6) an update of the information and documents referred to in section 7 and of the specific provisions applicable to the activity concerned;

(7) if the information referred to in paragraph 6 consists of estimates of data provided for the purpose of the authorization application, the actual data collected in the course of the activity for which the change is requested, from less than 1 year prior to the application for amendment;

(8) in the cases provided for and in accordance with Division XXVIII concerning the applicant's prior record, the declaration referred to in section 115.8 of the Act;

(9) in the case of an authorization for research and experimental purposes, the updated protocol required under the second paragraph of section 31 of the Act;

(10) when the applicant has used the services of professionals or other qualified persons to prepare the application for amendment, their names and contact information, a brief description of their mandates and a declaration attesting that the information and documents they provide are complete and accurate;

(11) a declaration from the applicant attesting that all the information and documents provided are complete and accurate;

(12) the fee payable pursuant to the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28) for processing the application.

**69.** In the case of an application for the amendment of an authorization concerning the operation of an industrial establishment referred to in section 31.10 of the Act, sections 31.20 and 31.21 of that Act and section 69 of this Regulation, adapted as required, apply to cases in which the object of the application for amendment is

(1) to delay for more than six months the date of application of a standard concerning the release of contaminants established by the Minister pursuant to the first paragraph of section 26 of the Act;

(2) to obtain amendments to a standard concerning the release of contaminants established by the Minister pursuant to the first paragraph of section 26 of the Act.

## **CHAPTER IV**

### **RENEWAL OF AN AUTHORIZATION**

#### **DIVISION I**

##### **GENERAL PROVISION**

**70.** The holder of an authorization who applies for its renewal must send the Minister the following information and documents:

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

(2) an update of the information and documents referred to in section 7 and of the specific provisions applicable to the activity referred to in the renewal;

(3) if the information referred to in paragraph 2 consists of estimates of data provided for the purpose of the authorization application, the actual data collected in the course of the activity for which the renewal is requested, from less than 1 year prior to the application for renewal;

(4) a declaration attesting that there has been no change in the authorized activities covered by the application for renewal;

(5) in the cases provided for and in accordance with Division XXVIII concerning the applicant's prior record, the declaration referred to in section 115.8 of the Act;

(6) when the applicant has used the services of professionals or other qualified persons to prepare the application for renewal, their names and contact information, a brief description of their mandates and a declaration attesting that the information and documents they provide are complete and accurate;

(7) a declaration from the applicant attesting that all the information and documents provided are complete and accurate;

(8) the fee payable pursuant to the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28) for processing the application.

**71.** Unless otherwise provided for in this Chapter, every application for renewal must be submitted to the Minister at least 120 days before the expiry of the valid term.

## **DIVISION II**

### **INDUSTRIAL ESTABLISHMENTS**

**72.** In the case of an application for the renewal of an authorization covering the operation of an industrial establishment referred to in section 31.10 of the Act, the holder of the authorization must submit the application for the renewal of the authorization to the Minister at least 180 days prior to the expiry of the valid term.

**73.** In the case provided for in section 31.20 of the Act, the Minister, within 90 days of sending the authorization proposal concerning the operation of an industrial establishment, must publish the notice required by that section to announce the holding of a public consultation on the renewal application, in a daily or weekly newspaper distributed in the region in which the industrial establishment is situated and on the website of the Minister's department.

The notice of consultation must contain the following information:

(1) the consultation period for the application for the renewal of an authorization;

(2) the Internet address where the application for the renewal of an authorization may be consulted;

(3) the address of the places where the file may be consulted and the days and hours when the places are open;

(4) to allow any group, person or municipality to submit comments on the application for renewal:

- (a) a postal address and E-mail address for submitting comments;
- (b) the time limit for submitting comments.

The file for the application for the renewal of an authorization which is submitted for public consultation must, in addition to the Minister's authorization proposal, contain the following information and documents:

(1) a copy of the notice referred to in the second paragraph;

(2) the application for the renewal of an authorization submitted to the Minister by the applicant, with the exception of the information referred to in sections 23.1 and 118.5.3 of the Act that is not public information;

(3) a list of the other information held by the Minister concerning the nature, quantity, quality and concentration of the contaminants discharged into the environment by the industrial establishment, which is available on request.

**74.** Sections 31.20 and 31.21 of the Act and section 69 of this Regulation also apply to any subsequent application for the renewal of an authorization intended

(1) to delay for more than six months the date of application of a standard concerning the release of a contaminant established by the Minister pursuant to the first paragraph of section 26 of the Act;

(2) to obtain amendments to a standard concerning the release of contaminants established by the Minister pursuant to the first paragraph of section 26 of the Act.

## **CHAPTER V**

### **TRANSFER OF AN AUTHORIZATION**

**75.** The holder of an authorization that intends to transfer an activity authorized in accordance with section 31.0.2 or 31.7.5 of the Act to a person or municipality must send to the Minister a notice of transfer containing the following information and documents:

(1) the number and date of issue of the authorization to be transferred;

(2) the scheduled date of the transfer;

(3) the name of the transferee and all the information listed in subparagraphs 1 and 2 of the first paragraph of section 7 in respect of the transferee;

(4) in the cases provided for and in accordance with Division XXVIII concerning the applicant's prior record, the declaration referred to in section 115.8 of the Act, completed by the transferor;

(5) where applicable, a declaration attesting that the transferee holds the guarantee or liability insurance required by a regulation made under the Act when carrying on the activity covered by the authorization;

(6) a declaration from the holder of the authorization attesting that all the information and documents provided are complete and accurate.

## **CHAPTER VI**

### **SUSPENSION OR REVOCATION OF AN AUTHORIZATION**

**76.** The holder of an authorization that applies for its suspension or revocation under section 122.2 of the Act must send to the Minister or, where applicable, to the government, the following information:

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

(2) the reasons for the requested suspension or revocation;

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

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

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

## **CHAPTER VII**

### **VALID TERM OF AN AUTHORIZATION**

#### **DIVISION I**

##### **WATER WITHDRAWALS**

**77.** Notwithstanding the first paragraph of section 31.81 of the Environment Quality Act (chapter Q-2), the valid term of an authorization issued for the withdrawal of water for the operation of a fish-farming site on land is fixed at 15 years when, for each tonne of annual production, the operation targets an annual discharge of phosphorous, in its effluents, of 4.2 kg or less and withdraws a volume of water of 10,000 litres per hour or less.

Similarly, the valid term of the first authorization issued for the withdrawal of water for sale or distribution as spring water or mineral water, or to be an ingredient identified as spring water or mineral water in the manufacture, conservation or treatment of food products within the meaning of the Food Products Act (chapter P-29), is fixed at 11 years.

## **DIVISION II**

### **CONTAMINATED SOIL TRANSFER STATIONS**

**78.** The valid term of an authorization issued for the establishment and operation of a contaminated soil transfer stations is 5 years.

The authorization may be renewed in accordance with Chapter IV.

Section 53, adapted as required, applies to the renewal of an authorization only when the application concerns the extension or modification of a transfer station.

## **CHAPTER VIII**

### **CESSATION OF AN ACTIVITY**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

**79.** In addition to the activities for which a cessation of activities is provided for in the Act, this Division applies to the following activities:

(1) the extraction of peat or the operation of a cranberry or blueberry farm;

(2) biomethanization;

(3) the recycling of out-of-service vehicles;

(4) the operation of a hot mix asphalt plant;

(5) the operation of a concrete plant;

(6) the storage, crushing and sieving of concrete, brick and bituminous concrete;

(7) the storage of used tires referred to in the Regulation respecting used tire storage (chapter Q-2, r. 20);

(8) the operation of an enterprise using residual materials in its inputs;

(9) the activities referred to in Schedule III to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);

(10) the operation of aquaculture sites or commercial fishing ponds on land;

(11) the operation of a pit or quarry;

(12) the storage of treated wood;

(13) the operation of a composting site;

(14) any activity other than an activity referred to in subparagraph 13 in connection with the management of residual materials for reclamation purposes;

(15) the operation of a residual materials incineration facility referred to in Chapter III of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

(16) the operation of a northern landfill referred to in Chapter II of the Regulation respecting the landfilling and incineration of residual materials;

(17) the operation of a residual materials transfer station referred to in Chapter II of the Regulation respecting the landfilling and incineration of residual materials;

(18) livestock raising activities;

(19) activities involving the storage, treatment, reclamation and disposal of livestock waste on a raising site;

(20) activities connected with fertilizing residuals.

This Chapter also applies to all water withdrawal activities. However, when water is withdrawn to supply a waterworks system, section 32.7 of the Act, adapted as required, applies to a cessation of activities.

**80.** In accordance with section 31.0.5 of the Act, the holder of an authorization that intends to permanently cease an activity must inform the Minister no more than 30 days following the cessation of activities, by sending the Minister a notice containing the following information and documents:

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

(2) the date of cessation of the activity;

(3) the reasons for the cessation of the activity;

(4) a declaration from the holder of the authorization attesting that the holder will comply with the cessation measures prescribed by the Minister in the authorization, where applicable;



(5) a declaration from the holder of the authorization attesting that all the information and documents provided are complete and accurate.

### **PART III**

#### **DECLARATIONS OF COMPLIANCE**

#### **CHAPTER I**

##### **GENERAL PROVISIONS**

**81.** The following restrictions and prohibitions apply to the activities eligible for a declaration of compliance referred to in Schedule II:

(1) the activity must not be likely to destroy or cause any other harm to a threatened or vulnerable wildlife species referred to in the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2), to a threatened or vulnerable plant species referred to in the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3) or to a plant or wildlife species referred to in the List of plant and wildlife species which are likely to be designated as threatened or vulnerable (chapter E-12.01, r. 5);

(2) the activity must not be associated with a project subject to the Regulation respecting the environmental impact assessment and review of certain projects (*insert here the reference to the CQLR*), unless the order authorizing the project exempts the activity from authorization;

(3) the activity is not subject to the environmental and social impact assessment and review procedure applicable in the James Bay and northern Québec region, if it was authorized there in accordance with that procedure;

(4) the activity does not include the use of pesticides in Class 1 pursuant to the paragraph 2 of section 3 of the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2).

#### **CHAPTER II**

##### **CONTENT OF A DECLARATION**

**82.** Every declarant of an activity eligible for a declaration of compliance listed in Schedule II must include in the declaration of compliance, in addition to the specific information and documents required by that Schedule, the following information and documents:

(1) information identifying the declarant, namely:

(a) the declarant's name and contact information and, where applicable, those of the declarant's representative;

(b) if the declarant is not a natural person, the Québec business number (QBN) assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1) to the legal person or partnership and, where applicable, to the establishment covered by the declaration;

(2) when the declarant has used the services of professionals or other competent individuals to prepare the project or the declaration, their names and contact information and a brief description of their mandate, along with a declaration attesting that all the information and documents provided are complete and accurate;

(3) a description of the activity covered by the declaration of compliance and the work involved in completing the activity, including in particular the number of the section in Schedule II that refers to the activity and the schedule for the implementation of the activity;

(4) information on the location of the activity, namely:

(a) the address of the place concerned;

(b) the cadastral lot number;

(c) the geographical coordinates;

(d) the municipal zoning;

(5) a declaration attesting that all the information and documents provided are complete and accurate;

(6) the fee payable pursuant to the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28).

### **CHAPTER III**

#### **MANNER AND FORM APPLICABLE**

**83.** Any person or municipality that continues an activity carried on by a declarant must inform the Minister in accordance with section 31.0.9 of the Act and submit, in addition to the attestation and the guarantee referred to in that section, the following information and documents:

(1) the identifying information provided for paragraph 1 of section 82 and, where applicable, the information on mandated persons referred to in paragraph 2 of that section, and the information on the previous declarant;

(2) the information provided for in paragraphs 3 and 4 of section 82 concerning the description and location of the activity;

(3) the written consent of the previous declarant;

(4) the date on which the new declarant will begin to carry on the activity;

(5) the fee payable pursuant to the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28).

#### **PART IV** **EXEMPTIONS**

##### **CHAPTER I** **GENERAL PROVISIONS**

**84.** The restrictions and prohibitions provided for in section 81 apply to the exempted activities referred to in Schedule III.

**85.** In the case of a project that includes an activity exempted from part of section 22 of the Act and an activity subject to another part of that section, the project will be analyzed on the basis of the subject activity only.

##### **CHAPTER II** **DECLARATION OF ACTIVITIES**

**86.** For the purposes of Schedule III, a person or municipality that carries on an exempted activity for which a declaration of activities is required must send to the Minister, not later than 30 days after beginning the activity, a declaration including the following information and documents:

(1) the information identifying the person or municipality, namely:

(a) the person's or municipality's name and contact information and, where applicable, those of the person's or municipality's representative;

(b) if the person or municipality is not a natural person, the Québec business number (QBN) assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1) to the legal person or partnership and, where applicable, to the established covered by the declaration;

(2) when the person or municipality has used the services of professionals or other competent individuals to prepare the project or the declaration, their names and contact information and a brief description of their mandate, along with a declaration attesting that all the information and documents provided are complete and accurate;

(3) a summary description of the activity covered by the declaration of activities, indicating in particular the number of the section in Schedule II that refers to the activity and the schedule for the implementation of the activity;

(4) information on the location of the activity, namely:

(a) the address of the place concerned;

(b) the cadastral lot number;

(c) the geographical coordinates;

(d) the municipal zoning.

## **PART V**

### **GENERAL CONDITION FOR OPERATION**

**87.** All apparatus, equipment, facilities and works used in carrying on an activity referred to in this Regulation must be in good operating condition and maintained in accordance with the manufacturer's recommendations.

They must also allow compliance, at all times, with the standards for the discharge of contaminants prescribed by the Act and its regulations.

**88.** The following operations are prohibited when carried out on a lakeshore or riverbank, in a floodplain or in the littoral zone of a lake or watercourse:

(1) management work on a watercourse as part of a construction project for fewer than 8 dwelling units;

(2) beach rebuilding work that is not a protection measure against erosion unless it is carried out for public access purposes or for commercial, industrial, municipal or public purposes.

## **PART VI**

### **MONETARY ADMINISTRATIVE PENALTIES**

**89.** 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 fails to keep, for the prescribed period, or to make available to the Minister on request, within the required time, the information and documents referred to in the third paragraph of section 5 in accordance with that section.

The penalty provided for in the first paragraph may also be imposed on any person or municipality that fails to send to the municipality concerned a copy of the report referred to in the third paragraph of section 41 or to send to the regional county municipality referred to in the second paragraph of section 61 a copy of the plan concerned.

**90.** 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 send to the Minister a notice of transfer of authorization in accordance with section 75;

(2) fails to inform the Minister of the permanent cessation of its activities, in the manner and within the time prescribed by section 80;

(3) fails to send to the Minister a declaration of activities including all the information and documents prescribed by section 86 or Schedule III.

**91.** 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) uses or installs apparatus or equipment referred to in section 87 that is not in good operating condition;

(2) fails to maintain apparatus or equipment referred to in section 87 in accordance with the manufacturer's recommendations;

(3) uses, during production hours, apparatus or equipment referred to in section 87 that is not functioning in a way that complies with the prescribed discharge standards.

## **PART VII**

### **PENAL SANCTIONS**

**92.** Every person who contravenes the third paragraph of section 5 or section 41 or the second paragraph of section 12 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.

**93.** Every person who contravenes section 75 or section 80 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.

**94.** Every person who contravenes section 87 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.

**95.** Every person who, pursuant to this Regulation, makes a declaration, communicates information or files a document that is false or misleading, commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, notwithstanding article 231 of the Code of Civil 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.

**96.** Every person who contravenes any other requirement imposed by this Regulation also commits an offence and is liable, where no other penalty is provided for by this Part or the Act, to a fine of \$1,000 to \$100,000 in the case of a natural person or, in other cases, to a fine of \$3,000 to \$600,000.

#### **PART VIII** TRANSITIONAL PROVISIONS

**97.** In the case of an activity referred to in Schedule I for which no ministerial authorization was required under the Environment Quality Act (chapter Q-2) prior to (*insert here the date of coming into force of this Regulation*) but for which an authorization referred to in section 22 of that Act is required after that date, the operator does not need to submit an application to continue the operation, but must submit an application for authorization

(1) to enlarge or replace a building, facility or works necessary to the implementation of the activity;

(2) to enlarge the site where the activity is carried on;

(3) to add a new process or new equipment or make changes to those already in use if this leads to an increase in the maximum annual production capacity.

**98.** Every person or municipality that, on (*insert here the date of coming into force of this Regulation*), holds a certificate of authorization issued in the name of another person must send to the Minister, within 90 days, a notice containing the information provided for in subparagraphs 1 and 2 of the first paragraph of section 7.

#### **PART IX** FINAL PROVISIONS

**99.** This Regulation replaces the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3).

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

**SCHEDULE I****OTHER ACTIVITIES REQUIRING PRIOR AUTHORIZATION**

(s. 1)

1. The activities listed in this Schedule require prior authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

2. In particular, an authorization under section 22 of the Act is required for any activity authorized following the environmental impact assessment and review procedure or one of the environmental and social impact assessment and review procedures applicable in the territories referred to in sections 133 and 168 of the Act, unless the government, in its authorization, exempts all or part of the activity from that obligation, in accordance with the requirements prescribed for that purpose in section 31.6 of the Act.

**DIVISION I****WATER WITHDRAWAL**

3. An authorization is required for any withdrawal of water for human consumption, despite the fact that the water is withdrawn at a maximum rate of less than 75,000 litres per day, to serve

(1) a temporary industrial camp for over 80 persons, when the facilities of the camp are authorized under subparagraph 3 of the first paragraph of section 22 of the Act;

(2) any other establishment, facility or waterworks system supplying over 20 persons.

**DIVISION II****MINING ACTIVITIES**

4. An authorization is required for any mining activity.

**DIVISION III****PITS AND QUARRIES**

5. An authorization is required for the following activities in connection with pits and quarries:

(1) establishing a pit or quarry within the meaning of the Regulation respecting sand pits and quarries (*insert here the reference to the CQLR*), and operating it;

(2) extending the operating site of a pit or quarry or extending a pit or quarry beyond the boundaries prescribed in an authorization, and operating it;

(3) extending a pit or quarry established before 17 August 1977 on a lot or part of lot that did not belong, on that date, to the owner of the place where the pit or quarry is located, and operating it;

(4) beginning the treatment of surface mineral substances in a pit or quarry;

(5) storing and treating concrete, brick other than refracting brick, or a bituminous coated material from construction or demolition work in a pit or quarry;

(6) as part of the rehabilitation or restoration of a pit or quarry:

(a) backfilling a quarry with soil from land containing contaminants from a human activity in a concentration at or below the limit values prescribed in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);

(b) vegetating land stripped for the operation of a pit or quarry by adding fertilizing residuals to the topsoil;

(c) laying out a pond, marsh, swamp or peatland;

(d) laying out a burial site for residual materials;

(e) laying out a recreational space or completing a construction.

#### **DIVISION IV** **HYDROCARBONS**

**6.** An authorization is required for the following activities in connection with hydrocarbons:

(1) stratigraphic survey work;

(2) well drilling or re-entry work;

(3) well completion work;

(4) fracturing work;

(5) hydrocarbon extraction tests and use tests for underground reservoirs;

(6) well reconditioning work;

(7) the construction or use of a pipeline;

(8) any other activity connected with hydrocarbon extraction.



**DIVISION V**  
HOT MIX ASPHALT PLANT

7. An authorization is required for the construction and operation of a hot mix asphalt plant within the meaning of the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48).

**DIVISION VI**  
CONCRETE PLANT

8. An authorization is required for the construction and operation of a concrete plant.

**DIVISION VII**  
STORAGE, CRUSHING AND SIEVING OF CONCRETE, BRICK AND BITUMINOUS COATED MATERIALS

9. An authorization is required for the storage, crushing and sieving of concrete, brick and bituminous coated materials outside a pit or quarry.

**DIVISION VIII**  
PETROLEUM, GAS AND COAL PROCESSING

10. An authorization is required for the construction and operation of:

- (1) a petroleum refinery;
- (2) a plant for the manufacture and processing of petrochemical products;
- (3) a plant for the manufacture and processing of industrial gases;
- (4) a plant for the processing of petroleum;
- (5) a plant for the manufacture and processing of coal.

**DIVISION IX**  
PLASTIC AND POLYSTYRENE

11. An authorization is required for the construction and operation of:

- (1) a plant for the manufacture of plastics and any product composed of plastic;
- (2) a plant for the manufacture of polystyrene products.

**DIVISION X**  
TIRES AND RUBBER

- 12.** An authorization is required for the construction and operation of:
- (1) a plant for the manufacture of rubber products;
  - (2) a plant for the manufacture of tires;
  - (3) an outdoor storage site for used tires when the site contains at least 2,000 used tires, or at least 136 m<sup>3</sup> of used tires.

**DIVISION XI**  
CHEMICAL PRODUCTS AND EXPLOSIVES

- 13.** An authorization is required for the construction and operation of:
- (1) a plant for the manufacture of chemical products;
  - (2) a plant for the manufacture of explosives.

**DIVISION XII**  
PAINT, ADHESIVES AND LIQUID COATINGS

- 14.** An authorization is required for the construction and operation of:
- (1) a plant for the manufacture of paint, adhesives and liquid coatings;
  - (2) a shop for the application of paint or liquid coatings referred to in section 27, 30, 34 or 35 of the Clean Air Regulation (chapter Q-2, r. 4.1).

**DIVISION XIII**  
CAR WASH

- 15.** An authorization is required for the operation of a car wash.

**DIVISION XIV**  
TEXTILES

- 16.** An authorization is required for the construction and operation of a textile manufacturing establishment.

**DIVISION XV****AGRI-FOOD**

17. An authorization is required for the construction and operation of:

- (1) a plant for the manufacture of agri-food products;
- (2) a slaughterhouse.

**DIVISION XVI****SAWMILLS AND MILLS MANUFACTURING VENEER, PLYWOOD, PARTICLE BOARD OR OTHER PRESSED WOOD PRODUCTS**

18. An authorization is required for the following activities:

- (1) the construction and operation of a sawmill;
- (2) the construction and operation of a mill manufacturing veneer, plywood, particle board or other pressed wood products;
- (3) the creation, enlargement or operation of a site for the final disposal of residual materials connected with an activity referred to in paragraph 1 or 2.

**DIVISION XVII****STORAGE AND CONDITIONING OF WOOD**

19. An authorization is required for the following activities:

- (1) the storage of treated wood;
- (2) the conditioning of wood.

**DIVISION XVIII****ROAD INFRASTRUCTURES**

20. An authorization is required for the following activities:

- (1) the construction, widening, straightening or reconstruction of a road infrastructure located less than 60 m from a lake, watercourse, marsh, swamp or peatland over a length of 300m or more;
- (2) the construction, widening, straightening or reconstruction of any other road infrastructure located outside the urbanization perimeter if
  - (a) the planned roadway will have more than four lanes;

- (b) the planned right-of-way will be more than 35 m wide;
- (c) the infrastructure will be more than 1 km long.

**DIVISION XIX****TRANSMISSION, TRANSFORMATION AND STORAGE OF ELECTRICITY**

**21.** An authorization is required for the following activities:

(1) the construction, relocation or operation of an electric power control or transformer station or an electricity storage system with a voltage above 120 kV;

(2) the construction or relocation of electricity transmission and distribution lines with a voltage above 120 kV and lines with a higher voltage longer than 2 km.

**DIVISION XX****ELECTRICITY PRODUCTION**

**22.** An authorization is required for the construction, operation or increase in capacity of

- (1) a wind farm or wind generator with a capacity of 100 kW or more;
- (2) a solar energy facility with a nominal capacity of 10 kW or more;
- (3) a power station burning fossil fuels;
- (4) a hydroelectric power station.

For the purposes of this section, the replacement or modification of technical equipment connected to such a hydroelectric power station that does not affect its management approach is not included in the operation of the power station.

**DIVISION XXI****DITCHES**

**23.** Prior authorization under section 22 of the Act is required for work to lay out a ditch, drain or sewer to catch runoff or divert groundwater if carried out less than 30 m from a pond, marsh, swamp or peatland.

**DIVISION XXII****PESTICIDES**

**24.** An authorization is required for the following activities:

(1) the construction, replacement and operation of a plant manufacturing pesticides referred to in the Pesticides Act (chapter P-9.3);

(2) work involving the use of Class 1 pesticides as defined in paragraph 2 of section 3 of the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2);

(3) work involving the use of a phytocide or insecticide whose sole active ingredient is *Bacillus thuringiensis* (variety *Kurstaki*), by aerial spraying in a forest environment or for non-agricultural purposes;

(4) work involving the use of pesticides in an aquatic environment having a surface outlet into a drainage basin.

**DIVISION XXIII****AGRICULTURAL OPERATIONS, SPREADING, STORAGE AND COMPOSTING**

**25.** An authorization is required for the following activities:

(1) the establishment and operation of a raising site;

(2) the increase of the annual phosphorus ( $P_2O_5$ ) production of a raising site, and the subsequent operation of the site, to raise the annual phosphorus ( $P_2O_5$ ) production to more than 1,600 kg or to make the production equal to or above one of the following production thresholds: 2,100 kg, 2,600 kg, 3,100 kg, 3,600 kg or 4,100 kg, or the 4,200 kg production threshold increased by 1,000 kg or a multiple of 1,000 kg, calculated according to the following formula:  $[4,200 \text{ kg} + (1,000 \text{ kg} \times 1, 2, 3, 4, \text{ etc.})]$ ; however, where an increase is such that more than one threshold will be reached or exceeded, only the highest threshold reached or exceeded will require authorization. In addition, an authorization issued for reaching or exceeding a threshold is valid until an authorization for an increase to reach or exceed a subsequent higher threshold is required;

(3) the spreading and storage on a spreading or raising site of matters other than

(a) livestock waste;

(b) wastewater from farm dairies;

(c) crop residues from agricultural operations within the meaning of the Agricultural Operations Regulation;

(d) mineral fertilizers;

(e) fertilizing substances certified compliant with the CAN/BNQ 0413-200, CAN/BNQ 0413-400 or BNQ 0419-090 standard;

(f) compost prepared on a raising site or spreading site using only livestock waste, farm products, crop residues, peat-based growing mediums or a mixture of such materials in accordance with the Agricultural Operations Regulation;

(g) pesticides in accordance with the Pesticides Act (chapter P-9.3);

(4) the spreading and storage in any place not referred to in subparagraph 3 of substances other than

(a) mineral fertilizers;

(b) fertilizing substances certified compliant with the CAN/BNQ 0413-200, CAN/BNQ 0413-400 or BNQ 0419-090 standard;

(5) the establishment, modification or operation, on a raising site or spreading site, of a vegetable washing system;

(6) the return of a parcel of land to cultivation or the cultivation of a new parcel of land following the moving, by the owner, of a raising site or spreading site referred to in subparagraph 1, 2 or 2.1 of the second paragraph of section 50.3 of the Agricultural Operations Regulation;

(7) the cultivation of plants in the territory of a municipality listed in Schedules II to V to the Agricultural Operations Regulation and referred to in the third paragraph of section 50.3 of that regulation.

For the purposes of subparagraph 2 of the first paragraph:

(1) in the case of a raising site that existed before 1 January 2011 for which the operator is required to establish an agro-environmental fertilization plan under section 22 of the Agricultural Operations Regulation, the increase is calculated by subtracting from the annual phosphorus ( $P_2O_5$ ) production provided for in the project, the production resulting from the number of animals present and planned on the site and specified in the yearly phosphorus report for the first growing season following that date. The latter report is used to calculate whether any subsequent threshold has been reached or exceeded, for the entire lifetime of the raising site; and

(2) in the case of a raising site established after 1 January 2011 for which the operator is required to establish an agro-environmental fertilization plan under section 22 of the Agricultural Operations Regulation, the increase

is calculated by subtracting from the annual phosphorus ( $P_2O_5$ ) production provided for in the project, the production resulting from the number of animals present and planned on the site and specified in the yearly phosphorus report for the first growing season of the raising site. The latter report is used to calculate whether any subsequent threshold has been reached or exceeded, for the entire lifetime of the raising site.

However, an increase in the annual phosphorous production within the limits authorized in an authorization issued before 5 August 2010 is not covered by this section.

#### **DIVISION XXIV** COMMERCIAL AQUACULTURE

**26.** An authorization is required for the establishment and operation of an aquaculture site or commercial fishing pond.

#### **DIVISION XXV** MUNICIPAL WASTEWATER TREATMENT WORKS

**27.** An authorization is required for the following activities in connection with the operation of a municipal wastewater treatment works within the meaning of the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) when, to allow an intervention lasting more than 24 hours to modify, repair or maintain the works,

(1) an overflow event or diversion with an expected volume of more than 10,000 m<sup>3</sup> will occur within the inner or intermediate protection zone of a water withdrawal facility delimited pursuant to the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2); or

(2) an overflow event or diversion with an expected volume of more than 100,000 m<sup>3</sup> will occur elsewhere than in the inner or intermediate protection zone of a water withdrawal facility delimited pursuant to the Water Withdrawal and Protection Regulation.

#### **DIVISION XXVI** SNOW ELIMINATION SITES

**28.** An authorization is required for the establishment and operation of a snow elimination site.

For the purposes of this section, a snow elimination site is a place to which snow is moved after being collected for the purpose of being eliminated.

**DIVISION XXVII**  
CONTAMINATED SOIL

§1. – *Contaminated soil burial site*

**29.** An authorization is required for the establishment and operation of a contaminated soil burial site.

§2. – *Contaminated soil storage site or transfer station*

**30.** An authorization is required for the establishment and operation of a contaminated soil storage site or transfer station within the meaning of section 2 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r.46).

§3. – *Treatment of contaminated soils*

**31.** An authorization is required for the establishment and operation of a treatment site and for the in-situ treatment of contaminated soil on the site of origin.

**DIVISION XXVIII**  
BIOMEDICAL WASTE

**32.** An authorization is required for the operation of a transportation system, storage facility, or treatment facility by disinfection or incineration for biomedical waste referred to in the Regulation respecting biomedical waste (chapter Q-2, r. 12).

**DIVISION XXIX**  
CEMETERIES, MAUSOLEUMS AND CREMATORIUMS

**33.** An authorization is required for the following activities:

- (1) the establishment and operation of a cemetery or mausoleum;
- (2) the construction and operation of a crematorium.

**DIVISION XXX**  
STORAGE, DISPOSAL AND TREATMENT OF RESIDUAL MATERIALS  
FROM A PULP AND PAPER MILL

**34.** An authorization is required for the establishment of a facility for the storage, final disposal by landfilling or treatment by combustion of residual materials from a pulp and paper mill within the meaning of section 1 of the Regulation respecting pulp and paper mills (chapter Q-2, r. 27).



**DIVISION XXXI**  
**COMBUSTION SYSTEM**

**35.** An authorization is required for the installation and use of the following combustion systems:

(1) a system having a capacity of 3,000 kW or more (10,238,535 BTU/hour);

(2) a system using used oil or substances other than fossil fuels, wood, wood waste within the meaning of section 55 of the Clean Air Regulation (chapter Q-2, r. 4.1) or granules produced from lignocellulosic crops.

**SCHEDULE II****ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE**

(ss. 1 and 81 to 83)

**DIVISION I****GENERAL PROVISION**

1. The activities listed in this Schedule are eligible for a declaration of compliance under section 31.0.6 of the Act provided they meet the conditions prescribed for each activity.

A declaration of compliance must include, in addition to the information and documents listed in section 81 of this Regulation, the supplemental information and documents provided for in this Schedule for each activity.

**DIVISION II****WATER MANAGEMENT OR TREATMENT FACILITY****§1.- *Waterworks system***

2. The following activities in connection with a waterworks system operated by a municipality are eligible for a declaration of compliance:

(1) the establishment or extension of a waterworks system used to distribute water intended for human consumption, on the conditions set out in the second paragraph;

(2) the following modifications to a waterworks system, on the conditions set out in the third paragraph:

(a) the addition of a pumping station;

(b) the addition of a booster station;

(c) the addition of superchlorination station ;

(d) the addition of a reservoir or basin;

(e) the replacement of a reservoir or basin by a reservoir or basin of greater capacity.

The specifications for the work referred to in subparagraph 1 of the first paragraph must be prepared in accordance with the standardized technical specification BNQ 1809-300 – Construction – General Technical Clauses – Water and Sewer Pipes or meet the requirements set out in the standardized technical specification.

The completion of the work referred to in subparagraph 2 of the first paragraph must not result in a modification to the treatment of the water or an increase in the production capacity of the water withdrawal facility.

## §2.- Sewer system

3. The following activities in connection with a sewer system are eligible for a declaration of compliance, on the general conditions set out in section 4 of this Schedule and, where applicable, of the specific conditions set out in sections 5 and 6 of this Schedule:

(1) the establishment and extension of a sewer system used to collect and transport wastewater, when connected to a wastewater treatment plant;

(2) the following modifications to a sewer system:

(a) a modification to a wastewater treatment plant;

(b) the establishment of equipment to treat septic tank sludge on the site of a wastewater treatment plant.

4. The following general conditions apply to the activities referred to in section 3 of this Schedule:

(1) the sewer system must be subject to the Regulation respecting municipal wastewater treatment works;

(2) the activity must not be likely to cause an overflow of wastewater into the environment.

5. The following specific conditions apply to the activities referred to in paragraph 1 of section 3 of this Schedule:

(1) the specifications for the work must be prepared in accordance with the standardized technical specification BNQ 1809-300 – Construction – General Technical Clauses – Water and Sewer Pipes or meet the requirements set out in the standardized technical specification;

(2) no overflow or diversion works is added to the sewer system;

(3) the sewer system is of the separate system type;

(4) the sewer system is the property of the municipality concerned or is in the process of becoming the property of the municipality concerned under a transfer agreement;

(5) the work does not entail an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, or in the frequency of diversions at the wastewater treatment plant or, if the work does entail such an increase, it is carried out under a plan to manage overflow events and diversions adopted by the municipality concerned and filed with the Minister, which plan must, once carried out, have the effect of not increasing the frequency of overflow events or diversions, and must include as a minimum

- (a) a delimitation of the sectors concerned;
- (b) a list of the overflows and diversion works concerned; and
- (c) a work schedule covering a maximum period of five years after the date the plan is filed with the Minister.

6. The following specific conditions apply to the activities referred to in paragraph 2 of section 3 of this Schedule:

(1) the work will not lead to a decrease or increase in the treatment capacity of the wastewater treatment plant or, as the case may be, will not modify the conditions, restrictions and prohibitions listed in the depollution attestation issued to the operator of the wastewater treatment plant;

(2) in the case of the activity referred to in subparagraph *b*, the residual water from sludge dewatering will be treated by a wastewater treatment plant covered by a depollution attestation issued to its operator.

### §3.- *Rainwater management system*

7. The following activities in connection with a rainwater management system are eligible for a declaration of compliance on the general conditions set out in section 8 of this Schedule and, where applicable, on the specific conditions set out in section 9 of this Schedule:

(1) the establishment of a rainwater management system dependent on a combined sewer system;

(2) the extension of a rainwater management system.

8. The following general conditions apply to the activities referred to in section 7 of this Schedule:

(1) the specifications for the work must be prepared in accordance with the standardized technical specification BNQ 1809-300 – Construction – General Technical Clauses – Water and Sewer Pipes or meet the requirements set out in the standardized technical specification;

(2) the implementation of the activity is not likely to cause the discharge of wastewater into the environment;

(3) the rainwater drained by the system does not come from sites where activities referred to in subparagraphs 1, 5, 7, 8 and 9 of the first paragraph of section 22 and subparagraphs 1, 2 and 3 of the second paragraph of that section are carried on, from a service station site, vehicle recycling or cleaning site, loading zone, marina or storage or handling area for hazardous materials, salts, sands or aggregates;

(4) if rainwater is infiltrated into the soil, the bottom of the works used for infiltration is situated at least one metre above bedrock level and above the seasonal peak groundwater level established on the basis of the oxidation-reduction level observed.

When the system is dependent on a combined sewer system, the sewer system must be connected to a wastewater treatment plant operated by a municipality. The general conditions set out in section 4 of this Schedule and the specific conditions set out in paragraphs 1, 2, 4 and 5 of section 5 of this Schedule also apply.

**9.** The following specific conditions apply to the activities referred to in paragraph 2 of section 7 of this Schedule:

(1) the design of the extension to the rainwater management system must be carried out in accordance with the Regulation respecting the extension of a storm water management system eligible for a declaration of compliance (*insert here the reference to the CQLR*) and must make it possible

(a) to reduce annually, for the surfaces drained by the rainwater management system, the concentration of suspended matters in the rainwater before its discharge to the receiving lakes or watercourses by at least 80%, for 90% of annual precipitation events;

(b) to minimize the accelerated erosion of receiving lakes and watercourses;

(c) not to increase the frequency of flooding of the receiving lakes and watercourses and to not reduce the level of service of the infrastructures crossing the lakes and watercourses located in the zone of influence of the project to extend the rainwater management system;

(2) to achieve the objectives mentioned in paragraph 1, only the rainwater management works determined by the Regulation respecting the extension of a storm water management system eligible for a declaration of compliance may be used.

#### §4.- *Additional content of the declaration of compliance*

**10.** The declaration of compliance for the activities referred to in this Division must include the following supplemental information and documents:

(1) a declaration from an engineer attesting compliance with the conditions set out in this Division and the restrictions and prohibitions set out in section 80 of this Regulation and, where applicable, compliance with the regulatory standards;

(2) the impacts of the work on the environment and the measures planned to reduce the impacts;

(3) the name and number of each waterworks system or sewer system concerned by the activity;

(4) a summary of the steps taken to transfer the facilities to a municipality.

**§5.- *Special provision***

**11.** The activities referred to in this Division must be completed outside the boundaries of

(1) a wildlife habitat, except a fish habitat, referred to in the Regulation respecting wildlife habitats (chapter C-61.1, r. 18), the habitat of a threatened or vulnerable wildlife species referred to in the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2), or the habitat of a threatened or vulnerable plant species referred to in the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3);

(2) a protected area under the Natural Heritage Conservation Act (chapter C-61.01), a park established under the Parks Act (chapter P-9), an exceptional forest ecosystem or a biological refuge classified or designated under the Sustainable Forest Development Act (chapter A-18.1), an outstanding geological site classified under the Mining Act (chapter M-13.1) or a wildlife preserve established under the Act respecting the conservation and development of wildlife (chapter C-61.1);

(3) the territory of a regional park under the authority of a regional county municipality, unless the activities are authorized by the regional county municipality;

(4) the inner protection zone for groundwater withdrawals delimited in accordance with section 54 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(5) the littoral zone or the shore or bank of a lake or watercourse, or a pond, marsh, swamp or peatland, unless a point of discharge is established in the cases that so permit;

(6) a floodplain, unless all the volumes of fill removed for the completion of the work are disposed of outside the floodplain and the site is returned to its initial state, to the extent that the work is compliant with paragraphs *c* and *d* of section 4.2.1 and section 4.3 of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

### **DIVISION III**

#### **HAZARDOUS MATERIALS**

**12.** The following activities are eligible for a declaration of compliance on the conditions set out in the second paragraph if they are connected with hazardous materials:

(1) the operation of a service for the transportation of hazardous materials;

(2) the transportation of hazardous materials by the person who generated the waste to a site belonging to a third person.

The following conditions apply to the activities referred to in the first paragraph:

(1) the carrier must be registered in the Registre des propriétaires et des exploitants de véhicules lourds and have a satisfactory safety rating;

(2) the declarant must hold a guarantee of \$100,000 in accordance with sections 120 to 123 of the Regulation respecting hazardous materials (chapter Q-2, r. 32);

(3) the declarant must hold civil liability insurance of \$1,000,000 in accordance with sections 124 and 125, adapted as required, of the Regulation respecting hazardous materials.

The declaration of compliance for an activity referred to in the first paragraph must include the following supplemental information and documents:

(1) the contact information of the carrier and the carrier's identification number in the Registre des propriétaires et des exploitants de véhicules lourds assigned by the Commission des transports du Québec under the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3);

(2) the number and type of vehicles used;

(3) the address and place where the vehicles will be stored;

(4) where applicable, the address of the place belonging to a third party where the materials will be transported and the name and contact information of the third party;

(5) the categories of hazardous materials, determined in accordance with the prescriptions of Schedule 4 of the Regulation respecting hazardous materials, that the declarant plans to transport;

(6) the guarantee referred to in subparagraph 2 of the first paragraph;

(7) a declaration from an insurer or insurance broker attesting that the declarant holds the insurance policy referred to in subparagraph 3 of the first paragraph.

**13.** The storage of hazardous materials is eligible for a declaration of compliance, after possession has been taken of them, on the following conditions:

(1) the hazardous materials must not result from a manufacturing process or a purification process for air emissions, effluents or residues used in a sector referred to in Schedule 3 of the Regulation respecting hazardous materials (chapter Q-2, r. 32), or from the maintenance of those process;

(2) the quantities of hazardous materials stored must comply with the following thresholds, for each place indicated:

(a) in the case of a collection site under the responsibility of a municipality, the quantity stored must be equal to or more than 3,000 kg but less than 40,000 kg;

(b) in the case of a place for the collection and storage of electronic products referred to in Division 1 of Chapter VI of the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1), where the products are managed exclusively for the purpose of a recovery and reclamation program under that Regulation, the quantity stored must be equal to or more than 3,000 kg but less than 40,000 kg;

(c) in the case of a place for the collection and storage of products referred to in the Regulation respecting the recovery and reclamation of products by enterprises, other than those referred to in subparagraph *b*, where the products are managed exclusively for the purposes of a recovery and reclamation program under that Regulation, the quantity stored must be equal to or more than 1,000 kg but less than 40,000 kg;

(d) in the case of any other place, the quantity stored must be equal to or more than 1,000 kg but less than 5,000 kg;

(3) the hazardous materials do not contain PCBs and are not contaminated by PCBs, unless they are fluorescent lamp ballasts containing PCBs in a collection site under the responsibility of a municipality and the quantity of ballasts stored is less than 100 kg;

(4) the hazardous materials must be entrusted to carriers accredited for the purpose under the Act and its regulations;

(5) the storage of the hazardous materials must comply with the standards applicable under the Regulation respecting hazardous materials and, where applicable, in accordance with the recovery and reclamation program under the Regulation respecting the recovery and reclamation of products by enterprises that is applicable to those materials.



The declaration of compliance for an activity referred to in the first paragraph must include the following supplemental information and documents:

(1) the type of site covered by the declaration;

(2) an identification of each category of hazardous materials that will be stored, determined in accordance with the prescriptions of Schedule 4 of the Regulation respecting hazardous materials (chapter Q-2, r. 32);

(3) an estimate of the maximum quantity of hazardous materials that will be stored;

(4) the name and contact information of the carriers whose services will be used by the declarant.

#### **DIVISION IV**

##### **RESIDUAL MATERIALS ELIMINATION FACILITY**

**14.** The construction and operation of an incineration facility is eligible for a declaration of compliance if its nominal capacity is equal to or less than one tonne per hour and if it incinerates only inedible meat in accordance with the provisions of the Regulation respecting food (chapter P-29, r.1).

**15.** A declaration of compliance for the activities referred to in this Division must include a declaration from an engineer attesting that the facility complies with the Act and the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19).

#### **DIVISION V**

##### **BIOMEDICAL WASTE**

**16.** The following activities in connection with the transportation of biomedical waste are eligible for a declaration of compliance:

(1) the transportation of 5 kg or more of biomedical waste referred to in subparagraphs *a* and *a.1* of paragraph 3 of section 1 of the Regulation respecting biomedical waste (chapter Q-2, r. 12) by an operator not referred to in paragraph 2 or 3 of section 41 of Schedule III;

(2) the transportation of 100 kg or more of biomedical waste per month by an operator referred to in paragraph 2 or 3 of section 41 of Schedule III.

A declaration of compliance for the activities referred to in the first paragraph must include the following supplemental information and documents:

(1) the type of biomedical waste to be transported;

(2) the type and number of vehicles and containers that the applicant plans to use;

(3) a copy of the registration certificate and the serial number of each vehicle used;

(4) the capacity of each vehicle and container used, by weight and volume;

(5) the type of refrigeration equipment in each vehicle used;

(6) the materials of which the inside of each vehicle compartment is made and a description of the collecting basin for leaks;

(7) the address at which the vehicles used are to be stored; and

(8) a declaration attesting that:

(a) a sign is affixed to each vehicle used, in accordance with section 38 of the Regulation respecting biomedical waste (chapter Q-2, r. 12);

(b) the vehicles used are equipped with the equipment referred to in section 39 of the Regulation respecting biomedical waste;

(c) the vehicles used are equipped with a locking system to prevent public access to the compartments containing biomedical waste.

**17.** The storage of biomedical waste off its generation site is eligible for a declaration of compliance, unless it is exempted under section 46 of Schedule III.

A declaration of compliance for an activity referred to in the first paragraph must include the following supplemental information and documents:

(1) the date on which the operation of the storage facility begins;

(2) the location and capacity of the waste storage areas;

(3) a declaration attesting that

(a) a locking system is installed at the entry of the storage site to limit access to persons duly authorized and identified in the register;

(b) the building used for storage is designed in such manner that waste is loaded and unloaded directly from inside the building to the vehicle and from the vehicle to inside the building;

(c) facilities for cleaning the containers and vehicles used to transport biomedical waste are set up on the storage site;

(d) the storage site has a cold chamber to maintain biomedical waste at a temperature of less than 4 °C.

## **DIVISION VI**

### **HOT MIX ASPHALT PLANTS**

**18.** The establishment, relocation and subsequent operation of a hot mix asphalt plant located more than 800 m from a dwelling or place referred to in the second paragraph of section 9 of the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) are eligible for a declaration of compliance on the following conditions:

(1) the plant uses only liquid or gaseous fossil fuels other than used oil;

(2) the plant and any area for the loading, unloading or discharge of aggregate materials, and any sedimentation pond used by the plant, are not located in a wetland or body of water;

(3) the plant does not use residual materials in its manufacturing process, except aggregate from recycled asphalt or dust recovered from a dust collector system;

(4) there is no other hot mix asphalt plant located within a radius of 800 m from the plant.

The relocation of a hot mix asphalt plant to a place located 800 m or less, but more than 300 m, from a dwelling or place referred to in the second paragraph of section 9 of the Regulation respecting hot mix asphalt plants is also eligible for a declaration of compliance on the following conditions:

(1) an authorization under section 22 of the Act has been issued within the last 5 years for the establishment and operation of the plant and the issue of the authorization was, in particular, based on an air dispersion study for emissions from the plant performed by a qualified person in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1) showing that the concentration of contaminants in the atmosphere, at a distance of 300 m or more from the plant, complied with the standards of Schedule K of that Regulation and also, where applicable, with the air quality criteria prescribed by the Minister in the authorization, which standards and criteria remain applicable to the relocated plant;

(2) the conditions set out in the first paragraph are met.

A declaration of compliance for an activity referred to in the first or second paragraph must include the following supplemental information and documents:

(1) a declaration attesting that the conditions set out in the first paragraph and, where applicable, in the second paragraph are met;

(2) a declaration attesting that the location standards set out in sections 13 and 14 of the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) are met.

A hot mix asphalt plant whose establishment and subsequent operation are eligible for a declaration of compliance under this section cannot be established at the site concerned for a period of more than 12 months.

The provisions of the Regulation respecting hot mix asphalt plants remain applicable to a hot mix asphalt plant referred to in this section, subject to sections 4 and 5 of this Regulation.

## **DIVISION VII**

### **MINING ACTIVITIES**

**19.** Drilling work in wetlands and bodies of water to explore for mineral substances is eligible for a declaration of compliance on the general conditions set out in section 20 of this Schedule and, where applicable, on the specific conditions set out in sections 21 and 22 of this Schedule.

**20.** The following general conditions apply to the activities referred to in section 19 of this Schedule:

(1) measures must be in place to prevent the discharge of suspended matter into lakes and watercourses;

(2) the sludge generated by the work must be managed in a manner that prevents its discharge into wetlands and bodies of water.

**21.** The following specific conditions apply to the activities referred to in section 19 of this Schedule when carried out in a pond, marsh, swamp or peatland:

(1) the work must be performed without removal of fill and without the permanent addition of fill;

(2) the passage of the machinery needed to perform the work must not cause rutting.

**22.** The following specific conditions apply to the activities referred to in section 19 of this Schedule when carried out on the shore or bank of a lake or watercourse or in a lake or watercourse:

(1) the hydraulic fluids and drilling grease used must be 60% biodegradable over 28 days by micro-organisms likely to be present in the water or soil;

(2) the wastewater generated by the work must be collected and reused using a water recirculation system and must not be discharged onto the shore or bank of a lake or watercourse or into a lake or watercourse;

(3) at the end of the work, the drill holes must be sealed;

(4) if the work is carried out in a lake or watercourse, the casing must, at the end of the work, be removed or cut back to the level of the bed of the lake or watercourse;

(5) if the work is carried out on the shore or bank of a lake or watercourse, the casing must, at the end of the work, be removed or cut back to ground level.

**23.** A declaration of compliance for the activities referred to in section 18 must include the following supplemental information and documents:

(1) a description of the measures put in place to prevent the discharge of suspended matter into lakes and watercourses;

(2) in relation to the management method for the drilling sludge:

(a) if the sludge is reclaimed, a description of the reclamation method selected and the destination of the sludge;

(b) if the sludge is deposited close to the drilling site, a description of the measures selected to prevent its movement toward wetlands and bodies of water;

(c) if the sludge is deposited in an accumulation area, the name and geographic coordinates of the area and of the mine site where the sludge is sent;

(3) where applicable, the name of the product and the name of the manufacturer of the hydraulic fluids and drilling grease used.

## **DIVISION VIII**

### **AGRICULTURAL OPERATIONS, SPREADING, STORAGE AND COMPOSTING**

#### *§1.- Agricultural operations*

**24.** The following activities in connection with a raising site are eligible for a declaration of compliance on the conditions set out in section 25 of this Schedule:

(1) the establishment and operation of a new raising site with management of liquid livestock waste where the annual phosphorous ( $P_2O_5$ ) production is less than 4,200 kg;

(2) the establishment and operation of a new raising site with management of solid livestock waste where the annual phosphorous ( $P_2O_5$ ) production is more than 1,600 kg but less than 4,200 kg;

(3) the increase of the annual phosphorus ( $P_2O_5$ ) production of a raising site, and the subsequent operation of the site, to raise the annual phosphorus ( $P_2O_5$ ) production to more than 1,600 kg or to make the production equal to or above one of the following production thresholds: 2,100 kg, 2,600 kg, 3,100 kg, 3,600 kg or 4,100 kg without reaching 4,200 kg; however, where an increase is such that more than one threshold will be reached or exceeded, only the highest threshold reached or exceeded needs to be declared. In addition, the declaration made for reaching or exceeding a threshold is valid until a declaration of compliance for an increase to reach or exceed a subsequent higher threshold is required;

(4) a change in a facility for raising animals, from solid livestock waste management to liquid livestock waste management.

For the purposes of subparagraph 3 of the first paragraph:

(1) in the case of a raising site that existed before 1 January 2011 for which the operator is required to establish an agro-environmental fertilization plan under section 22 of the Agricultural Operations Regulation, the increase is calculated by subtracting from the annual phosphorus ( $P_2O_5$ ) production provided for in the project, the production resulting from the number of animals present and planned on the site and specified in the yearly phosphorus report for the first growing season following that date. The latter report is used to calculate whether any subsequent threshold has been reached or exceeded, for the entire lifetime of the raising site; and

(2) in the case of a raising site established after 1 January 2011 for which the operator is required to establish an agro-environmental fertilization plan under section 22 of the Agricultural Operations Regulation, the increase is calculated by subtracting from the annual phosphorus ( $P_2O_5$ ) production provided for in the project, the production resulting from the number of animals present and planned on the site and specified in the yearly phosphorus report for the first growing season of the raising site. The latter report is used to calculate whether any subsequent threshold has been reached or exceeded, for the entire lifetime of the raising site.

**25.** The following conditions apply to the activities referred to in section 24 of this Schedule:

(1) the facilities for raising animals and the existing and planned storage facilities must be located outside the inner and intermediate protection zones for a category 1, 2 or 3 groundwater withdrawal site as delimited under the Water Withdrawal and Protection Regulation;

(2) the facilities for raising animals and the existing and planned storage facilities must be located outside the inner protection zone for a category 1 or 2 surface water withdrawal site as delimited under the Water Withdrawal and Protection Regulation;

(3) wastewater from farm dairies must flow to a watertight storage facility or, when permitted, to a sewer system, where applicable.

A declaration of compliance by a declarant for an activity referred to in the first paragraph must include a declaration from an agronomist or engineer attesting that the project is compliant with the provisions of the Agricultural Operations Regulation and the Water Withdrawal and Protection Regulation.

*§2.- Return of a parcel of land to cultivation and cultivation of a new parcel of land*

**26.** The return of a parcel of land to cultivation or the cultivation of a new parcel of land in the territory of a municipality listed in Schedule II, III or V of the Agricultural Operations Regulation (chapter Q-2, r. 26) is eligible for a declaration of compliance on the following conditions:

(1) the owner must abandon an equivalent area belonging to the owner in a municipality listed in Schedule II, III or V of the Agricultural Operations Regulation;

(2) the abandoned parcel must not have included one or more infrastructures for more than one year, or be forested. This period is calculated from the time when work begins;

(3) the new cultivated parcel must be located outside the inner and intermediate protection zones for a category 1, 2 or 3 groundwater withdrawal site as determined under the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(4) the new cultivated parcel must be situated outside the inner protection zone for a category 1 or 2 surface water withdrawal site as determined under the Water Withdrawal and Protection Regulation.

The declaration of compliance of the declarant for the activity referred to in the first paragraph must include the following supplemental information and documents:

(1) the cadastral designation and area in hectares of the parcel of land that will no longer be used for the cultivation of prohibited crops;

(2) the cadastral designation and area in hectares of the new parcel;

(3) the date on which cultivation work will begin;

(4) a declaration from an agronomist or engineer attesting to compliance with the provisions of the Agricultural Operations Regulation and the Water Withdrawal and Protection Regulation.

### §3.- *Washing of root vegetables*

**27.** The installation, modification or operation of a system to wash root vegetables on a raising site or spreading site is eligible for a declaration of compliance for a cumulative area of market production of more than 5 ha, on the following conditions:

(1) 50% or more of the root vegetables washed must have been harvested by the operator;

(2) water discharged into the environment must have a suspended matter content equal to or less than 50 mg/l (instantaneous measurement);

(3) the washing process and effluent treatment must be carried out in accordance with the plans and specifications of an engineer;

(4) the plans and specifications of the engineer must be kept by the operator while the activity is carried on and for a minimum period of 5 years after the activity ceases. The operator must provide the plans and specification to the Minister on request.

The declaration of compliance of the declarant of the activity must include a declaration from an engineer attesting that the planned work is compliant with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

### §4.- *Storage of livestock waste*

**28.** Work on a raising site to build or modify a storage facility for animal waste or to increase the capacity of a storage facility for animal waste is eligible for a declaration of compliance where, if applicable, wastewater from farm dairies flows to a watertight storage facility or sewer system.

The declaration of compliance of the declarant of the activity must include a declaration from a person who attests that the planned work is compliant with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

### §5.- *Composting*

**29.** The composting, on a raising site or spreading site, of livestock waste, farm products, crop residues, peat-based growing mediums or a mixture of such substances stored directly on the ground in a pile of between 500 m<sup>3</sup> to 1,000 m<sup>3</sup> inclusively on a cultivated parcel is eligible for a declaration of compliance on the following conditions:



- (1) the substances in the pile must come from agricultural activities;
- (2) the total volume must include the substances to be composted and the finished compost;
- (3) the minimum dryness of the pile must be 25%;
- (4) contaminated water from the pile must not come into contact with surface water;
- (5) water runoff must not come into contact with the pile;
- (6) the pile must be located more than 30 m from wetlands and bodies of water;
- (7) the pile must be completely removed and spread on parcels of land under cultivation within 12 months from the end of the treatment;
- (8) the pile must be built on a parcel of land under cultivation at least 100 m from the site of a pile removed less than 12 months previously;
- (9) the treatment must follow a composting schedule, signed by an agronomist or engineer, including in particular the following information:
  - (a) a description of the composting process;
  - (b) a plan for mitigation measures to deal with the expected impacts;
  - (c) a protocol for environmental monitoring, compost quality control and compost turning.

The composting schedule must be kept by the operator while the activity is carried on and for a minimum period of 5 years after the activity ceases. The operator must provide the composting schedule to the Minister on request.

The declarant's declaration of compliance must include a declaration from an agronomist or engineer attesting that the project is compliant with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

**30.** The erection or operation, on a raising site or spreading site, of a watertight composting area with a capacity of 1,000 m<sup>3</sup> or less to compost livestock waste, farm products, crop residues, peat-based growing mediums or a mixture of such substances is eligible for a declaration of compliance on the following conditions:

- (1) the substances to be composted must come from agricultural activities;

(2) the total volume must include the substances to be composted and the finished compost;

(3) the minimum dryness of the pile must be 25%;

(4) contaminated water from the composting area must not come into contact with the surface water;

(5) water runoff must not come into contact with the composting area;

(6) the composting area must be located more than 30 m from wetlands and bodies of water;

(7) the compost must be completely removed and spread on parcels of land under cultivation within 12 months from the end of the treatment;

(8) the treatment must follow a composting schedule, signed by an agronomist or engineer, including in particular the following information:

(a) a description of the composting process;

(b) a plan for mitigation measures to deal with the expected impacts;

(c) a protocol for environmental monitoring, compost quality control and compost turning.

The composting schedule must be kept by the operator while the activity is carried on and for a minimum period of 5 years after the activity ceases. The operator must provide the composting schedule to the Minister on request.

The declarant's declaration of compliance must include a declaration from an agronomist or engineer attesting that the project is compliant with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

#### §6.- *Treatment of livestock waste*

**31.** The establishment, modification and operation of a process for the mechanical treatment of livestock waste on a raising site or spreading site without the addition of exogenic products and with no discharge into the natural environment are eligible for a declaration of compliance on the following conditions:

(1) the substances resulting from the treatment must be used only for spreading on parcels of land under cultivation;

(2) the mechanical treatment process must be performed using only

(a) a centrifuge;

(b) a press; or

(c) a sieve;

(3) the mechanical treatment must be carried out in accordance with the plans and specifications of an engineer;

(4) the plans and specifications of the engineer must be kept by the operator while the activity is carried on and for a minimum period of 5 years after the activity ceases. The operator must provide the plans and specifications to the Minister on request.

The declaration of compliance of the declarant must include a declaration from an engineer attesting that the process for the mechanical treatment of livestock waste is compliant with the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

#### §7.- *Special provision*

**32.** Within 60 days of the completion of an activity referred to in this Division, the declarant must send to the Minister a declaration from an engineer or agronomist attesting to the compliance of the work with the Agricultural Operations Regulation (chapter Q-2, r. 26).

### **DIVISION IX** **FERTILIZING RESIDUALS**

**33.** The spreading, on a raising site or spreading site, of a fertilizing residual that has been stored for 12 months or less is eligible for a declaration of compliance on the conditions set out in the second paragraph, if the fertilizing residual results from one of the following storage activities:

(1) the incorporation, with the livestock waste stored in a storage facility for animal waste in accordance with the Agricultural Operations Regulation (chapter Q-2, r. 26), of a maximum of 5% of the volume of the waste actually present in the works of

(a) green waste;

(b) a residual agri-food plant matter; or

(c) milk, milk serum protein, a milk serum protein derivative or cheese factory wastewater that are not farm products;

(2) the storage, in a storage facility for animal waste that contains no animal waste, or the storage directly on the ground of a pile of

(a) compost that meets the CAN/BNQ 0413-200 standard as attested by an accredited professional;

(b) a calcium or magnesium amendment that meets the BNQ 0413-090 standard as attested by an accredited professional. If the amendment is not ash or deinking residue used for liming purposes, it must result from a production site that produces less than 5,000 tonnes of the amendment per year;

(c) a paper mill biosolid, a deinking residue, a municipal biosolid, septic tank sludge or a biomethanization digestate classified as C1, C2 or C2 alternative, P1 or P2, O1, O2 or O3, or E1 or E2, in accordance with the Fertilizing Residuals Regulation (*insert here the reference to the CQLR*);

(d) a fertilizing residual with a dryness level equal to or more than 25%, classified as C1, C2 or C2 alternative, P1 or P2, O1, O2 or O3, or E1 or E2, in accordance with the Fertilizing Residuals Regulation, and which is

(i) green waste;

(ii) an agri-food biosolid free of all animal matter;

(iii) compost; or

(iv) a calcium or magnesium amendment that meets the BNQ 0413-090 standard; or

(e) a fertilizing residual with a dryness level equal to or more than 25%, classified as C1, C2 or C2 alternative, P1 or P2, O1, O2 or O3, or E1 or E2, in accordance with the Fertilizing Residuals Regulation, and that is made up of several substances named in subparagraphs c and d of this paragraph;

(3) the encapsulation of one of the following substances, classified as O1:

(a) a mature commercial compost;

(b) a paper mill biosolid with a carbon/nitrogen ratio over 70;

(c) de-inking sludge with a carbon/nitrogen ratio over 70.

The declaration of compliance for an activity referred to in the first paragraph must include

(1) a declaration from an agronomist attesting that the project is compliant with the Fertilizing Residuals Regulation, the Agricultural Operations Regulation and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(2) a declaration from an engineer, for an activity referred to in subparagraphs 1 and 2 of the first paragraph, attesting that the storage facility for animal waste is compliant with the Agricultural Operations Regulation.

**34.** The storage and spreading as mulch of leaves stored for 12 months or less, on a raising site or spreading site or as part of a forest development activity, are also eligible for a declaration of compliance on the following conditions:

(1) the leaves result from a collection, in bulk or in paper bags, during the fall;

(2) the maximum volume of leaves is

(a) 500 m<sup>3</sup>, in the case of leaves stored directly on the ground in a raising site or spreading site;

(b) 50 m<sup>3</sup>, in the case of leaves stored directly on the ground in a place other than a raising site or spreading site;

(c) 4,000 m<sup>3</sup>, in the case of leaves stored in a storage facility;

(3) the maximum volume of leaves that may be spread as mulch on a parcel of land under cultivation is 250 m<sup>3</sup> per hectare per year;

(4) the maximum volume of leaves that may be spread as mulch as part of a forest development activity is 100 m<sup>3</sup> per hectare per year.

The declaration of compliance for an activity referred to in the first paragraph must include a declaration from an agronomist attesting that the project is compliant with the Fertilizing Residuals Regulation (*insert here the reference to the CQLR*), the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

**35.** Notwithstanding section 31.0.6 of the Act, a declaration of compliance referred to in sections 33 and 34 of this Schedule must be sent to the Minister at least 10 days before the start of the activity.

**36.** The classification of a fertilizing residual according to its olfactory characteristics must be carried out in accordance with section 13 of the Fertilizing Residuals Regulation (*insert here the reference to the CQLR*).

**SCHEDULE III****ACTIVITIES EXEMPTED FROM AUTHORIZATION**

(ss. 1 and 84 to 86)

**DIVISION I****GENERAL PROVISION**

1. The activities listed in this Schedule are exempted, pursuant to section 31.0.11 of the Act, from the application of all or part of section 22 of the Act to the extent provided for in this Schedule and, where applicable, provided they meet the conditions that apply.

**DIVISION II****GENERAL EXEMPTIONS***§1.- Protected areas*

2. The work, constructions and activities that must be carried out on land included in an aquatic reserve, biodiversity reserve or ecological reserve or on land set aside for that purpose, when covered by an authorization issued by the Minister pursuant to the Natural Heritage Conservation Act (chapter C-61.01) are exempted from the application of section 22 of the Act, with the exception of

(1) a water withdrawal, including the work and works required by the withdrawal, to the extent provided for in Division V of the Act;

(2) the establishment, modification or extension of a water management or treatment facility referred to in section 32 of the Act as well as the installation and operation of an apparatus or equipment intended to treat water, in particular to prevent, abate or stop the release of contaminants into the environment or into a sewer system;

(3) constructions, work or any other intervention in wetlands and bodies of water when carried out on land in an aquatic reserve or biodiversity reserve or on land set aside for that purpose.

*§2.- Forest development activities*

3. The following activities are exempted from the application of section 22 of the Act:

(1) work to maintain, repair or close a forest road;

(2) constructions, work or activities that are not referred to in one of the sections of this Schedule but that are subject to the Regulation respecting the sustainable development of forests in the domain of the State (*insert here the reference to the CQLR*).

### §3.- *Recreational activities*

4. The following recreational activities, as well as any related work, constructions and works, are exempted from the application of section 22 of the Act:

(1) shows or events requiring the use of a device or apparatus for sound reproduction or amplification;

(2) pyrotechnic shows;

(3) races, tests or shows involving motorized vehicles;

(4) shooting events.

However, the exemption does not extend to work, constructions and works relating to an activity carried out in a wetland or aquatic environment.

### §4.- *Halocarbons*

5. Work to recover and reclaim halocarbons referred to in the Regulation respecting halocarbons (chapter Q-2, r. 29) from an extinguisher, fire extinguishing system or refrigeration or air conditioning unit is exempted from the application of section 22 of the Act.

### §5.- *Preliminary work*

6. Preliminary investigation, drilling, exploration, experiments outside a mill or technical readings prior to any project that are not covered by this Schedule are exempted from the application of section 22 of the Act.

However, the exemption does not extend to work carried out in wetlands or bodies of water, unless specifically exempted pursuant to this Schedule.

### §6.- *Dust control products*

7. The use of a dust control product certified as complying with the BNQ 2410-300 standard is exempted from the application of section 22 of the Act.

### §7.- *Storage of petroleum products*

8. The storage of new petroleum products in accordance with Chapter VIII of the Construction Code (chapter B-1.1, r. 2) and Chapter VI of the Safety Code (chapter B-1.1, r. 3) are exempted from the application of section 22 of the Act.

**§8.- Contaminated soil**

**9.** The voluntary rehabilitation of contaminated land is exempted from the application of section 22 of the Act on the following conditions:

(1) the activity is not expressly referred to in Division IV of Chapter IV of Title I of the Act;

(2) the rehabilitation of the land is carried out only by excavating the soil;

(3) all the excavated soil and any water contaminated beyond the standards set out in the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) are sent to a place authorized pursuant to that Regulation;

(4) the rehabilitation does not involve in situ or on-site treatment of the contaminated land.

**§9.- Mechanical maintenance**

**10.** The activities specific to dealers in new or second-hand automobiles and repair and maintenance workshops for motor vehicles or heavy vehicles, including similar activities carried on for non-commercial purposes, are exempted from the application of section 22 of the Act.

This exemption does not apply to the application of paint carried out by such dealers and workshops.

**§10.- Aerial transmission or distribution systems for electricity, telecommunications and cable delivery**

**11.** Work to maintain, rebuild, repair or demolish the components of aerial transmission or distribution systems for electricity, telecommunications or cable delivery, including the lines of those systems and their rights-of-way, is exempted from the application of section 22 of the Act if the work does not entail

(1) the use of pesticides on a riverbank or lakeshore or, in a floodplain, the use of the pesticides referred to in section 24 of Schedule I;

(2) backfilling, trench digging, excavation, removal of topsoil or any other type of intervention likely to disturb the soil, the air or the hydraulic regime.



### **DIVISION III**

#### **WATER WITHDRAWALS**

**12.** The following water withdrawals, and the related work and works, are exempted from the application of subparagraph 2 of the first paragraph of section 22 of the Act:

(1) water withdrawals that use a ditch, drain or sewer to catch runoff or divert groundwater if the withdrawal is made for the cultivation of a parcel of land, the extraction of peat, the drainage of a public or private road, the drainage of a building, or drainage carried out for silvicultural purposes on forest land in the domain of the State;

(2) the work and works required by a water withdrawal referred to in paragraph 1, with the exception of the work and works required to lay out a ditch, drain or sewer less than 30 m from a lake, watercourse, pond, marsh, swamp or peatland;

(3) water withdrawals, including the work and works required for the withdrawal, made by a permanent facility installed for civil security purposes;

(4) water withdrawals from a naturally-fed irrigation pond, including the work and works required by the withdrawal, on the following conditions:

(a) the irrigation pond is of human origin;

(b) the irrigation pond is no more than 6 m deep;

(c) the irrigation pond is more than 30 m from a pond, other than an irrigation pond, marsh, swamp, peatland, lake or watercourse;

(d) the irrigation pond is more than 100 m from a site where groundwater is withdrawn on a neighbouring property for human consumption;

(e) the water withdrawal is not made to flood land for harvesting purposes;

(f) the water withdrawal is made outside the St. Lawrence River Basin described in section 31.89 of the Act or, if it is made within the basin, does not exceed an average volume of 379,000 litres per day;

(5) temporary and non-recurring water withdrawals, including the required work and works, made

(a) as part of exploration activities for mineral substances other than gas or petroleum, unless it is made for the purpose of dewatering or keeping dry open pits, excavations or underground galleries;

(b) as part of civil engineering or contaminated site rehabilitation work, if they do not exceed 180 days;

(c) to analyze the performance of a groundwater withdrawal facility or establish the properties of an aquifer, if

(i) the duration of the water withdrawal does not exceed 30 days; and

(ii) the water withdrawal is made for the purposes of a test the implementation and interpretation of which are compliant with a scientific method recognized in the field of hydrogeology;

(d) to analyze the quality of water for human consumption, if the withdrawal does not exceed 200 days;

(6) work to establish a groundwater withdrawal facility subject to Chapter III of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(7) temporary water withdrawals made using a coffer dam;

(8) work and works for the installation, addition or replacement of conduits to connect a withdrawal facility for groundwater intended for distribution or sale as spring water or mineral water, or to be an ingredient identified as spring water or mineral water on a product within the meaning of section 1 of the Food Products Act (chapter P-29) or on the packaging, recipient or label of such a product;

(9) work and works for the installation, addition or replacement of reservoirs used to store the groundwater referred to in paragraph 8 or devices for the bottling system;

(10) work and works for the establishment of a water withdrawal facility in a temporary industrial camp if the conditions set out in section 9 of the Regulation respecting work related to a water management or treatment facility (*insert here the reference to the CQLR*) are met;

(11) a water withdrawal made using a water retention works.

#### **DIVISION IV**

#### **WATER MANAGEMENT OR TREATMENT FACILITY**

##### **§1.- *Waterworks system***

**13.** The following activities in connection with a waterworks system are exempted from the application of subparagraph 3 of the first paragraph of section 22 of the Act, on the general conditions set out in section 14 of this Schedule and, where applicable, on the specific conditions set out in section 15 of this Schedule:

(1) the installation of conduits and treatment devices

(a) in a temporary industrial camp; or

(b) to supply a single building on a single lot;

(2) the following modifications to a waterworks system:

(a) the replacement of conduits in a system that is not subject to the Regulation respecting private waterworks and sewer services (*insert here the reference to the CQLR*);

(b) the replacement of a pumping station, booster station, rechlorination station or any other equipment, device or accessory in a system that is not subject to the Regulation respecting waterworks and sewer services;

(c) the replacement of a reservoir by another reservoir of the same capacity in a system that is not subject to the Regulation respecting waterworks and sewer services;

(3) the following extensions to a waterworks system:

(a) the addition of conduits and equipment for water treatment:

(i) in a system serving 20 or fewer persons;

(ii) in a system situated in a temporary industrial camp;

(b) the addition of equipment, devices or accessories to a system.

**14.** The following general conditions apply to the activities referred to in section 13 of this Schedule:

(1) the specifications for the work must be prepared in accordance with the standardized technical specification BNQ 1809-300 – Construction – General Technical Clauses – Water and Sewer Pipes or meet the requirements set out in the standardized technical specification;

(2) the products and materials used for the work that will be in contact with drinking water must meet the safety requirements set out in the standard BNQ 3660-950 — Safety of Products and Materials in Contact with Drinking Water or the standard NSF/ANSI 61 — Drinking Water System Components — Health Effects, except for poured-in-place concrete produced by a plant certified as being compliant with the standard BNQ 2621-905 if the equipment built using the concrete is cleaned and disinfected.

**15.** The following specific conditions also apply to certain activities:

(1) when the activity involves installing conduits, the conduits will not be used for the elimination of micro-organisms in accordance with section 5 or 6 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40);

(2) for an activity referred to in paragraph 2 of section 13 of this Schedule, when the activity involves replacing equipment, a device or an accessory the replacement must not result in a modification to the treatment of the water or an increase in the production capacity of the water withdrawal facility;

(3) for an activity referred to in subparagraph i of subparagraph a of paragraph 3 of section 13 of this Schedule, the addition must not result in an increase in the number of persons served by the facility to more than 20.

## §2.- Sewer system

**16.** The following activities in connection with a sewer system are exempted from the application of subparagraph 3 of the first paragraph of section 22 of the Act on the general conditions set out in section 18 of this Schedule and, where applicable, on the specific conditions set out in sections 19 and 20 of this Schedule:

(1) the establishment of a sewer system in a temporary industrial camp;

(2) the following modifications to a sewer system:

(a) the installation of manholes, drains or catch basins;

(b) the replacement or modification of conduits, drains, manholes or catch basins;

(c) the replacement or modification of a pumping station, overflow or retention basin;

(d) the replacement of a combined sewer by separate sewers;

(e) the installation of sludge dewatering equipment connected to a wastewater treatment plant.

**17.** The installation and modification of a system for the disposal and treatment of wastewater, grey water or water from a toilet subject to the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22) are exempted from the application of subparagraph 3 of the first paragraph of section 22 of the Act.

**18.** The following general conditions apply to the activities referred to in section 16 of this Schedule:

(1) the specifications for the work must be prepared in accordance with the standardized technical specification BNQ 1809-300 – Construction –

General Technical Clauses – Water and Sewer Pipes or meet the requirements set out in the standardized technical specification;

(2) the implementation of the activity is not likely to cause the discharge of wastewater into the environment.

**19.** The following specific conditions apply to the activities referred to in subparagraphs *a* to *d* of subparagraph 2 of section 16 of this Schedule:

(1) the sewer system concerned is not subject to the Regulation respecting private waterworks and sewer services (*insert here the reference to the CQLR*);

(2) the work carried out as part of the activity does not entail an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, or in the frequency of diversions at the wastewater treatment plant;

(3) if the work is carried out on a pumping station, overflow or retention basin,

(a) the work must not be likely to modify the wastewater pumping capacity in the mains or the regulator weir capacity of an overflow; and

(b) the storage capacity of the retention basin must not be reduced and its discharge capacity must not be increased.

**20.** The following specific conditions apply to the activities referred to in subparagraph *e* of subparagraph 2 of section 16 of this Schedule:

(1) the sewer system concerned is not subject to the Regulation respecting private waterworks and sewer services (*insert here the reference to the CQLR*);

(2) the work is carried out in the operation area of the wastewater treatment plant;

(3) only sludge from the wastewater treatment plant is dewatered;

(4) the process water from sludge dewatering is treated by the wastewater treatment plant.

### §3.- *Rainwater management system*

**21.** The following activities in connection with a rainwater management system are exempted from the application of subparagraph 3 of the first paragraph of section 22 of the Act on the general conditions set out in section 22 of this Schedule in the cases referred to in paragraphs 1 to 3 and, where applicable, on the specific conditions set out in sections 23 and 24 of this Schedule:

(1) the establishment of a rainwater management system meeting one of the following conditions:

(a) the area of the surfaces drained is less than 2 ha;

(b) it is located on a single lot;

(c) it is located outside the urbanization perimeter of the municipality, as defined in the land use planning and development plan of a local municipality required to maintain such a plan pursuant to the Act respecting land use planning and development (chapter A-19.1);

(2) the following modifications to a rainwater management system:

(a) the installation of manholes or catch basins;

(b) the installation of conduits in a drainage ditch;

(c) the replacement of conduits, manholes or catch basins;

(d) the replacement of a point of discharge by a conduit with the same or a smaller diameter;

(e) work carried out on a ditch;

(f) work carried out on a retaining works equipped with a flow monitoring device;

(3) the extension of a rainwater management system;

(4) the establishment, modification or extension of rainwater management system for agricultural purposes.

**22.** The following general conditions apply to the activities referred to in paragraphs 1, 2 and 3 of section 21 of this Schedule:

(1) the specifications for the work must be prepared in accordance with the standardized technical specification BNQ 1809-300 – Construction – General Technical Clauses – Water and Sewer Pipes or meet the requirements set out in the standardized technical specification;

(2) the implementation of the activity is not likely to cause a discharge of wastewater into the environment;

(3) the rainwater drained by the system does not come from sites where activities referred to in subparagraphs 1, 5, 7, 8 and 9 of the first paragraph of section 22 and subparagraphs 1, 2 and 3 of the second paragraph of that section are carried on, from a service station site, vehicle recycling or cleaning site, loading zone, marina or storage or handling area for hazardous materials, salts, sands or aggregates;

(4) if rainwater is infiltrated into the soil, the bottom of the works used for infiltration is situated at least one metre above bedrock level and above the seasonal peak groundwater level established on the basis of the oxidation-reduction level observed.

**23.** The following specific conditions apply to the activities referred to in paragraph 1 of section 21 of this Schedule:

(1) in the case of the activity referred to in subparagraph a:

(a) the system has a single point of discharge located in a watercourse or ditch and, if the conduit constitutes the point of discharge, its inner diameter is less than 310 mm;

(b) the system is less than 250 m long to the point of discharge;

(2) for an activity referred to in subparagraph b, the rainwater is infiltrated into the soil or discharged into a ditch or a sewer system connected to a wastewater treatment plant operated by a municipality;

(3) for an activity referred to in subparagraph c, the system comprises only ditches and culverts.

**24.** The following specific conditions apply to the activities referred to in subparagraph 2 and subparagraph 3 of section 21 of this Schedule:

(1) in the case of the activity referred to in subparagraph b of paragraph 2 and in paragraph 3:

(a) the runoff water is not diverted towards another watershed;

(b) the land area of the watershed of the receiving watercourse, as determined at the site of the existing outflow on the basis of the Base de données topographiques du Québec à l'échelle 1:20 000, is more than 65% forest cover as assessed on the basis of the most recent forest cover maps appearing in the information system called the "système d'information écoforestière", and less than 10% is included within urbanization perimeters of the municipalities concerned as defined in the land use planning and development plans of a local municipality required to maintain a plan pursuant to the Act respecting land use planning and development (chapter A-19.1);

(c) the outflow of the system is located in a watercourse, except Rivière des Mille-Îles, or in a ditch;

(d) no outflow is added to the system;

(e) the outflow of the system is not modified;

(2) for an activity referred to in subparagraph *f* of paragraph 2, the work does not reduce the water storage capacity of the rainwater management works or increase its discharge capacity.

**§4.- Other water treatment apparatus or equipment**

**25.** The following activities in connection with a water treatment apparatus or equipment, in particular to prevent, abate or stop the discharge of into the environment or into a sewer system, are exempted from the application of subparagraph 3 of the first paragraph of section 22 of the Act:

(1) the installation and operation of any type of oil separator the effluent from which is

(a) discharged into a sewer system connected to a wastewater treatment plant operated by a municipality;

(b) discharged into a treatment system subject to the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22); or

(c) destined for treatment during a subsequent phase;

(2) the installation and operation of an oil separator, for fire protection purposes, beneath power transformers in stations operated by Hydro-Québec.

**§5.- Special provision**

**26.** The activities referred to in this Division must be carried on outside

(1) a wildlife habitat, except a fish habitat, referred to in the Regulation respecting wildlife habitats (chapter C-61.1, r. 18), the habitat of a threatened or vulnerable wildlife species referred to in the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2), or the habitat of a threatened or vulnerable plant species referred to in the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3);

(2) a protected area under the Natural Heritage Conservation Act (chapter C-61.01), a park established under the Parks Act (chapter P-9), an exceptional forest ecosystem or a biological refuge classified or designated under the Sustainable Forest Development Act (chapter A-18.1), an outstanding geological site classified under the Mining Act (chapter M-13.1) or a wildlife preserve established under the Act respecting the conservation and development of wildlife (chapter C-61.1);

(3) the territory of a regional park under the authority of a regional county municipality, unless the activities are authorized by the regional county municipality;



(4) the inner protection zone for groundwater withdrawals delimited in accordance with section 54 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(5) the littoral zone or the shore or bank of a lake or watercourse, or a pond, marsh, swamp or peatland, unless a point of discharge is established in the cases that so permit;

(6) a floodplain, unless all the volumes of fill removed for the completion of the work are disposed of outside the floodplain and the site is returned to its initial state, to the extent that the work is compliant with paragraphs *c* and *d* of section 4.2.1 and section 4.3 of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35).

## **DIVISION V**

### **WETLANDS AND BODIES OF WATER**

**27.** The following interventions, except those carried out in a pond, marsh, swamp or peatland located outside the littoral zone of a lake or watercourse, are exempted from the application of subparagraph 4 of the first paragraph of section 22 of the Act:

(1) work to construct or modify a works for the mechanical stabilization of a slope on a lakeshore or riverbank or in the littoral zone of a lake or watercourse, except if there is a gravel bank in the littoral zone of the lake or watercourse, when the length of the works, once the work has been completed, is equal to the lesser of

(a) no more than 5 times the width of the lake or watercourse;

(b) no more than 30 m;

(2) work to construct or modify a works for the stabilization of a slope using phytotechnologies on a lakeshore or riverbank or in the littoral zone of a lake or watercourse, when the lengths of the works, once the work has been completed, is equal to or less than 50 m;

(3) work to construct, maintain, repair or demolish a permanent walkway or bridge when the works does not include an abutment or pillar in the littoral zone of a lake or watercourse;

(4) work to construct, maintain, repair or demolish an ice bridge;

(5) work to construct, maintain, repair or demolish a culvert, when

(a) the culvert has no more than two parallel conduits;

(b) the culvert has an opening of 4 m or less and a length of 24 m or less;

(c) the culvert is covered by fill to a depth of 3 m or less;

(d) the cross-sectional flow of the watercourse, measured at the high-water mark, is reduced by no more than 20%.

Notwithstanding subparagraph 5 of the first paragraph, the conditions set out in subparagraphs *a* to *d* of that subparagraph apply only from 1 January 2019.

**28.** The following interventions, when carried out in the floodplain of a lake or watercourse, are exempted from the application of subparagraph 4 of the first paragraph of section 22 of the Act:

(1) work to clear, drain or prepare the ground for the cultivation of a new parcel of land or a parcel that has been uncultivated for more than 5 years;

(2) work to maintain land and work to maintain, repair or demolish an existing construction or works, not connected to a public road, when the work does not result in an increase in the area of the parcel or land or in the size of the construction or works exposed to flooding;

(3) work on the existing layout of land, except a golf course, campground or trail for motorized all-terrain vehicles;

(4) work to install an underground public utility infrastructure other than a hydrocarbon transportation infrastructure, when carried out 30 m or more from a pond, marsh, swamp or peatland;

(5) work to construct or maintain an artificial lake, other than a commercial fishing pond or irrigation basin, when it

(a) has no hydrological link with a lake, watercourse, pond, marsh, swamp or peatland;

(b) is located 30 m or more from a pond, marsh, swamp or peatland;

(6) work to install, repair, maintain or remove a fishing pool, when performed outside the flood period and provided the pool is removed before flooding occurs.

The first paragraph does not apply to interventions carried out in a pond, marsh, swamp or peatland located in the floodplain of a lake or watercourse, except the interventions mentioned in subparagraph 2.

**29.** The following interventions are exempted from the application of subparagraph 4 of the first paragraph of section 22 of the Act:

(1) drainage work carried out on the shore or bank or in the floodplain of a lake or watercourse and at least 30 m from a pond, marsh, swamp or peatland;

(2) work to construct, maintain, repair or demolish a building of 4 m<sup>2</sup> or less with no foundations and not supplied with water or electricity;

(3) work to construct, maintain, repair or demolish existing residential buildings and their accessory buildings located on the shore or bank or in the floodplain of a lake or watercourse;

(4) work to install, repair or remove equipment used for mollusc culture in a marine environment in the form of a suspended culture;

(5) mollusc culture in a marine environment with no addition of feed;

(6) work to install, repair or remove fishing gear such as fish corrals and hoop nets in a lake or watercourse;

(7) work to clear a vista or lay out a trail or staircase giving access to a lake or watercourse, without stump removal, paving or concreting, except if

(a) the vista, trail or staircase is more 5 m wide;

(b) the layout results in the creation of more than one vista, trail or staircase on the lot concerned; or

(c) in the case of a trail, its placement is planned on the shore or bank of a lake or watercourse with a slope of more than 30%;

(8) the removal of residual materials or wood debris and the cutting of branches, trees, shrubs and herbaceous plants that hinder the flow of water;

(9) a sanitation cut of trees;

(10) work to seed or plant herbaceous plants, shrubs or trees, that are not invasive exotic species, to re-establish the permanent vegetative cover of the shore, bank or floodplain of a lake or watercourse;

(11) interventions to gather information on a given environment such as the use of measuring instruments to conduct a land survey, limnometric survey or electric resistivity tomography survey, the installation of a pH or temperature gauge, snowfall station or weather station, or the sampling of vegetation, water, sediments or soil;

(12) work to construct, install, repair, maintain or remove floating wharves or wharves built on piles, stakes or wheels with a cumulative area of less than 20 m<sup>2</sup>;

(13) work to construct, install, repair, maintain or remove a movable boathouse;

(14) work to maintain or repair viewpoints, sidewalks, unloading docks, walkways or boat launching ramps;

(15) interventions, without the use of pesticides, to control vegetation on retaining works;

(16) work involving the use of phytocides applied from the ground in a wooded peatland or an isolated marsh located in an electricity transmission corridor, north of the St. Lawrence River, in the bioclimatic domains of fir stands with white birch and spruce-moss stands;

(17) work involving the use of an insecticide whose sole active ingredient is *Bacillus thuringiensis* (variety *Kurstaki*) applied from the air in the forest environment for non-agricultural purposes;

(18) work to maintain or repair a culvert located in a pond, marsh, swamp or peatland;

(19) unless carried out in a pond, marsh, swamp or peatland,

(a) work involving the use of pesticides in the unwatered portions of the shore, bank, or floodplain of a lake or watercourse;

(b) work to lay out, repair or maintain a ford 7 m wide or less in a rectilinear section of a watercourse, provided that the bank and the littoral zone of the watercourse are stabilized with gravel;

(20) when the establishment, extension or modification of a sewer system in a temporary industrial camp or the establishment of a rainwater management system is referred to in Schedule II or Schedule III of this Regulation, work to create the required outfall, on the conditions set out in the Regulation respecting work related to a water management or treatment facility (*insert here the reference to the CQLR*);

(21) interventions on a rainwater management system;

(22) interventions in a pond, marsh, swamp or peatland of human origin when it

(a) is situated more than 30 m from a lake or watercourse, or another pond, marsh, swamp or peatland;

(b) has an area of less than 300 m<sup>2</sup>;

(c) has existed for less than 5 years;

(23) when planned in a forest other than a forest in the domain of the State, the following forest management work:

(a) the spreading of timber harvest residues on the shore, bank or floodplain of a lake or watercourse, or in a wooded swamp or wooded peatland;

(b) work to reconstruct or widen an existing forest road on the shore or bank of a lake or watercourse, and work to construct, reconstruct or widen a forest road in a floodplain, except if the work is also carried out in the littoral zone or a watercourse or in a pond, marsh, swamp or peatland;

(c) the laying out of a winter road within the meaning of the Regulation respecting the sustainable development of forests in the domain of the State (*insert here the reference to the CQLR*) in a wooded swamp or wooded peatland, when the soil is frozen to a depth of more than 35 cm;

(d) work to maintain, repair or close a forest road;

(e) work to reforest a wooded swamp or wooded peatland when carried out on an area of less than 4 ha, and work to reforest the shore, bank or floodplain of a lake or watercourse;

(f) a timber harvest carried out in the floodplain of a lake or watercourse, except if the work is also carried out in a pond, marsh, swamp or peatland;

(g) a partial cut on the shore or bank of a lake or watercourse, except if it is carried out in a pond, marsh, shrubby swamp or open peatland, and a partial cut in a wooded swamp or wooded peatland, provided it meets the following conditions:

(i) the cut affects no more than 50% of stems with a diameter of 10 cm or more;

(ii) forest cover of at least 50% is retained, including felling and skidding trails;

(iii) the trees left standing are evenly spread;

(h) a total cut on an area of less than 4 ha in a wooded swamp or wooded peatland, except if it is carried out in a wooded strip 20 m wide around an open peatland, marsh or riparian wooded swamp in accordance with the provisions of section 145 and the first and second paragraphs of section 153 of the Regulation respecting the sustainable development of forests in the domain of the State;

(24) until 31 December 2018, the construction or demolition of a culvert in a pond, marsh, swamp or peatland.

**30.** The following wildlife management work is exempted from the application of subparagraph 4 of the first paragraph of section 22 of the Act:

(1) work to construct, repair, maintain or demolish a weir 30 cm high or less, designed to assist in the movement of fish during low water flows, on the following conditions:

(a) the weir is equipped with an overfall gap;

(b) the basin downstream from the weir is at least twice as deep as the height of the waterfall created by the weir;

(c) the weir is located in a section of the watercourse where the littoral zone is less than 4 m side, measured from the high-water mark;

(2) the establishment of a spawning ground, provided that the area of the lake or watercourse where it is established is not modified;

(3) work to install an incubation box;

(4) work to install a beaver screen or a device to control the water level behind a beaver dam;

(5) work to dismantle a beaver dam;

(6) work to construct, install, repair, maintain, demolish or remove a shelter, nesting box or perch;

(7) work to seed or plant herbaceous plants, shrubs or trees that are not invasive exotic species.

**31.** Interventions which, pursuant to sections 27 to 30 of this Schedule, are exempted from the application of subparagraph 4 of the first paragraph of section 22 of the Act, must be carried out in accordance with the following conditions:

(1) fill is neither added nor removed, except for the interventions referred to in subparagraphs 1, 4 and 5 of the first paragraph of section 28, paragraphs 1, 3, 10 and 18, subparagraph *b* of paragraph 19, and subparagraphs *b* and *c* of paragraph 23 of section 29, and paragraphs 2, 3, 5 and 7 of section 30;

(2) pesticides are not used, except for the interventions referred to in paragraphs 16 and 17 and subparagraph *a* of paragraph 19 of section 29;

(3) heavy machinery is not used, except for the interventions referred to in subparagraphs *b* to *d* and *f* to *h* of paragraph 23 of section 29;

(4) blasting is not used;

(5) an access road is not created, except for the interventions referred to in subparagraphs *b* to *d* and *f* to *h* of paragraph 23 of section 29;

(6) the ground is not rutted, except for the interventions referred to in subparagraphs *b* and *d* of paragraph 23 of section 29;

(7) the free flow of the water is not impeded;

(8) the movement of fish is not impeded, except for the interventions referred to in paragraphs 3, 4 and 5 of section 30;

(9) natural materials are used, along with treated wood certified for use in the natural environment, metal and concrete.

The first paragraph does not apply to the interventions referred to in paragraphs 20, 21 and 22 of section 29.

## **DIVISION VI**

### **HAZARDOUS MATERIALS**

**32.** The operation, for commercial purposes, of the following processes to treat hazardous materials, is exempted from the application of subparagraph 5 of the first paragraph of section 22 and subparagraph 2 of the first paragraph of section 70.9 of the Act, on the prescribed conditions:

(1) the operation of a commercial treatment process to recycle or reuse hazardous materials referred to in paragraphs 3, 4 and 8 of section 4 of the Regulation respecting hazardous materials (chapter Q-2, r. 32);

(2) the operation of a commercial treatment process to crush, sieve or sort solid hazardous materials, other than materials or objects containing PCBs or contaminated with PCBs, on the following conditions:

(a) the quantity of material stored at the operating site is less than 100,000 kg;

(b) the materials are treated within 90 days of receipt;

(c) the materials treated are not destined for disposal or use for energy purposes.

**33.** The storage of hazardous materials is exempted from the application of subparagraph 5 of the first paragraph of section 22 and subparagraph 3 of the first paragraph of section 70.9 of the Act, after possession has been taken of them for that purpose, on the following conditions:

(1) the hazardous materials do not result from a manufacturing process or a purification process for air emissions, effluents or residues used in a sector referred to in Schedule 3 of the Regulation respecting hazardous materials (chapter Q-2, r. 32), or from the maintenance of those process;

(2) the quantities stored must be below the following thresholds, for each place indicated:

(a) in the case of a collection site under the responsibility of a municipality or regional county municipality, the quantity stored must be below 3,000 kg;

(b) in the case of a place for the collection and storage of electronic products referred to in Division 1 of Chapter VI of the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1), where the products are managed exclusively for the purpose of a recovery and reclamation program under that Regulation, the quantity stored is below 3,000 kg;

(c) in the case of a place for the collection and storage of products referred to in the Regulation respecting the recovery and reclamation of products by enterprises, other than those referred to in subparagraph *b*, where the products are managed exclusively for the purposes of a recovery and reclamation program under that Regulation, the quantity stored must be below 1,000 kg;

(d) in the case of any other place, the quantity stored is below 1,000 kg;

(3) the hazardous materials do not contain PCBs and are not contaminated by PCBs;

(4) the hazardous materials are entrusted to a carrier accredited for the purpose under the Act and its regulations;

(5) the storage of the hazardous materials will comply with the standards applicable under the Regulation respecting hazardous materials and, where applicable, in accordance with the recovery and reclamation program under the Regulation respecting the recovery and reclamation of products by enterprises that is applicable to those materials.

## **DIVISION VII**

### **APPARATUS OR EQUIPMENT DESIGNED TO PREVENT, ABATE OR STOP THE RELEASE OF CONTAMINANTS INTO THE ATMOSPHERE**

**34.** The installation and operation of an apparatus or equipment designed to prevent, abate or stop the release of contaminants into the atmosphere on a motor vehicle, aircraft, ship, locomotive or motor-powered boat are exempted from the application of subparagraph 6 of the first paragraph of section 22 of the Act.



**DIVISION VIII**  
**RESIDUAL MATERIALS ELIMINATION FACILITY**

**35.** The establishment and operation of the following places are exempted from the application of subparagraph 7 of the first paragraph of section 22 of the Act, on condition that a declaration of activities is filed with the Minister:

(1) a remote landfill referred to in section 112 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

(2) a low capacity transfer station where 30 metric tonnes or less of residual materials are transferred weekly, referred to in the second paragraph of section 139.2 of the Regulation respecting the landfilling and incineration of residual materials;

(3) a place where only inedible meat as provided for in section 7.3.1 of the Regulation respecting food (chapter P-29, r. 1) is buried.

The declaration of activities referred to in the first paragraph must also be sent to the regional county municipality concerned.

The obligation to file a declaration of activities referred to in the first paragraph does not apply to the burying of inedible meat at an agricultural operation in accordance with the provisions of paragraph 5 of section 7.3.1 of the Regulation respecting food (chapter P-29, r. 1).

**DIVISION IX**  
**RESIDUAL MATERIALS RECLAMATION FACILITIES**

**36.** The following are exempted from the application of subparagraph 8 of the first paragraph of section 22 of the Act:

(1) when the activity is commercial in nature or when it is carried out by a registered charity, the storage of the following materials:

(a) used construction materials that have already been sorted and are ready for re-use such as: doors and windows, mouldings, sinks, bathtubs and other plumbing accessories, hardwood flooring, pieces of timber and other similar materials;

(b) clothing, textiles, household appliances, electric or electronic devices, kitchen articles, furniture, toys, sports articles and other similar materials, which must be sheltered from bad weather;

(2) when the activity is carried on in a plant nursery, garden centre or other similar place, or when the activity is carried on on-site during construction work, landscaping work or earthwork, the bulk storage or storage in bags of mulch, clean non-contaminated wood chips, and "all-purpose" compost made from fertilizing residuals or mature compost, when the materials have already been conditioned so as to be ready for sale.

(3) the storage, on a single lot and within a radius of 500 m when stored by the same operator, of less than 60 m<sup>3</sup> of metals destined for reclamation, on the following conditions:

(a) the height of the materials must not exceed 3 m;

(b) the following materials cannot be stored:

(i) materials that are contaminated or contain hazardous materials or halocarbons;

(ii) amalgam separators;

(4) household composting of a total volume of less than 4 m<sup>3</sup> per lot, when the compost produced is used for the household needs of the owners.

The activities referred to in the first paragraph must be carried on outside the boundaries of the following places:

(1) a wildlife habitat referred to in the Regulation respecting wildlife habitats (chapter C-61.1, r. 18), the habitat of a threatened or vulnerable wildlife species referred to in the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2), or the habitat of a threatened or vulnerable plant species referred to in the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3);

(2) a protected area under the Natural Heritage Conservation Act (chapter C-61.01), a park established under the Parks Act (chapter P-9), an exceptional forest ecosystem or a biological refuge classified or designated under the Sustainable Forest Development Act (chapter A-18.1), an outstanding geological site classified under the Mining Act (chapter M-13.1) or a wildlife preserve established under the Act respecting the conservation and development of wildlife (chapter C-61.1);

(3) the territory of a regional park under the authority of a regional county municipality, unless the activities are authorized by the regional county municipality;

(4) the inner protection zone for groundwater withdrawals delimited in accordance with section 54 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(5) the littoral zone or the shore or bank of a lake or watercourse, or a pond, marsh, swamp or peatland;

(6) a floodplain, unless all the volumes of fill removed for the completion of the work are disposed of outside the floodplain and the site is returned to its initial state, to the extent that the work is compliant with paragraphs *c* and *d* of section 4.2.1 and section 4.3 of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2. r. 35).

## **DIVISION X**

### **ACTIVITIES COVERED BY SCHEDULE I**

#### *§1.- Mining activities*

**37.** The following activities, when carried out as part of exploration activities for mineral substances, are exempted from the application of subparagraph 10 of the first paragraph of section 22 of the Act and section 4 of Schedule I:

(1) staking;

(2) geophysical, geological or geochemical surveying;

(3) drilling, except if carried out in wetlands and bodies of water;

(4) stripping and excavation, except if carried out in or less than 30 m from a wetland or body of water, with the exclusion of drilling, if

(a) for the project as a whole,

(i) less than 10,000 m<sup>2</sup> of land is stripped or excavated;

(ii) less than 5,000 m<sup>3</sup> of unconsolidated deposits are moved;

(iii) less than 500 metric tonnes of mineral substances are extracted or moved for geological or geochemical sampling purposes;

(b) the unconsolidated deposits moved are deposited more than 30 m from a wetland or body of water;

(c) no accumulation area is laid out.

#### *§2.- Hydrocarbons*

**38.** The following activities are exempted from the application of subparagraph 10 of the first paragraph of section 22 of the Act and section 6 of Schedule I:

(1) the installation of gas distribution conduits with a nominal standard inner diameter of less than 300 mm, designed for pressures below 4,000 kPa;

(2) geophysical, geological or geochemical surveys;

(3) a temporary or permanent closure subject to the standards set out in the Petroleum Resources Act (*insert here the reference to the CQLR*) and the regulations under it.

**§3.- *Sawmills and mills manufacturing veneer, plywood, particle board or other pressed wood products***

**39.** The operation of a mobile sawmill is exempted from the application of section 18 of Schedule I on the following conditions:

(1) the mill is operated more than 60 m from a lake or watercourse, measured from the high-water mark;

(2) the mill is operated for less than 6 consecutive months on the same lot and the sawmill is not permanently present on the site;

(3) the particles emitted into the atmosphere during the transfer, free fall or handling of wood do not exceed a concentration of 50 mg/Rm<sup>3</sup> of dry gas;

(4) the particles emitted into the atmosphere during the transfer, free fall or handling of the wood are not visible more than 2 m from the point of emission;

(5) the areas used to pile wood or wood waste are outside the floodplain with a 0-20 year recurrence interval.

**§4.- *Storage and conditioning of timber***

**40.** The storage of less than 50 m<sup>3</sup> of treated wood is exempted from the application of section 19 of Schedule I if the wood is sheltered from bad weather.

**§5.- *Agricultural operations, spreading, storage and composting***

**41.** The agricultural activities defined by the Agricultural Operations Regulation (chapter Q-2, r. 26) are exempted from the application of the second paragraph of section 22 of the Act.

## 1. AGRICULTURAL OPERATIONS, SPREADING AND WASHING OF VEGETABLES

**42.** The following activities are exempted from the application of subparagraph 10 of the first paragraph of section 22 of the Act and section 25 of Schedule I:

(1) the establishment and operation of a new raising site with solid manure management if the annual phosphorous ( $P_2O_5$ ) production is 1,600 kg or less;

(2) the spreading, in accordance with the provisions of the Agricultural Operations Regulation, of livestock waste mixed with wastewater from a toilet in accordance with section 8.1 of the Agricultural Operations Regulation (chapter Q-2, r. 26);

(3) the establishment, modification or operation, on a raising site or spreading site, of a vegetable washing system for a cumulative area of market production of 5 ha or less, provided more than 50% of the vegetables were harvested by the operator.

## 2. STORAGE OF WASTEWATER

**43.** The storage of wastewater from a toilet in accordance with the Agricultural Operations Regulation is exempted from the application of section 22 of the Act, provided a declaration of activities is sent to the Minister.

In addition to the information listed in section 85 of this Regulation, the declaration of activities must include the volume of livestock waste produced annually at the raising site and the number of persons likely to use the toilet in the raising facility each day.

## 3. CULTIVATION OF NEW PARCELS OF LAND

**44.** The following activities are exempted from the application of section 22 of the Act:

(1) the cultivation of new parcels of land in areas not covered by Schedules II, III and V of the Agricultural Operations Regulation;

(2) the cultivation of new parcels of land for the planting of trees other than fruit trees, conifers cultivated for ornamental purposes and harvested without roots, shrubs, blueberries, cranberries, strawberries, raspberries or grapevines.

The activities referred to in the first paragraph cannot be carried out in wetlands and bodies of water, with the exception of their floodplain, or less than 3 m from a lake or watercourse or less than the distance established by the municipal by-laws if more than 3 m.

#### 4. COMPOSTING

**45.** The composting, on a raising site or spreading site, of livestock waste, farm products, crop residues, peat-based growth mediums or a mixture of such substances stored directly on the ground in a pile of less than 500 m<sup>3</sup> on each raising site or spreading site is exempted from the application of section 22 of the Act on the following conditions:

- (1) the substances in the pile must come from agricultural activities;
- (2) the total volume must include the substances to be composted and the finished compost;
- (3) the minimum dryness of the pile must be 25%;
- (4) contaminated water from the pile must not come into contact with surface water;
- (5) water runoff must not come into contact with the pile;
- (6) the pile must be located more than 30 m from wetlands and bodies of water and comply with the provisions of the Water Withdrawal and Protection Regulation;
- (7) the pile must be completely removed and spread on parcels of land under cultivation within 12 months from the first contribution made to the pile;
- (8) the pile must be built on a parcel of land under cultivation at least 100 m from the site of a pile removed less than 12 months previously.

#### §6.- *Fertilizing residuals*

**46.** The following activities in connection with fertilizing residuals classified under the provisions of the Fertilizing Residuals Regulation (*insert here the reference to the CQLR*), with the exception of section 13 of that Regulation, are exempted from the application of section 25 of Schedule I on the conditions set out in section 48 of this Schedule, where applicable:

- (1) the spreading of green waste as mulch, after being stored for 12 months or less, on a raising site or spreading site or as part of a forest development activity;
- (2) the storage of a maximum volume of 50 m<sup>3</sup> of one of the following fertilizing residuals:
  - (a) compost certified as compliant with the standard CAN/BNQ 0413-200, having a dryness level of more 40%, a percentage of organic materials of more than 50% on a dry basis, and containing no sharp-edged foreign objects;

(b) green waste having a carbon/nitrogen ratio above 30, a dryness level of more than 40% and a percentage of organic materials of more than 50%, classified as E1 and containing no sharp-edged foreign objects;

(c) compost not derived from municipal biosolids or septic sludge or deinking residue, classified as C1 or C2, P1, O1 and E1, having a dryness level of more than 40% and a percentage of organic materials of more than 50% on a dry basis, and containing no sharp-edged foreign objects;

(d) a fertilizing residual classified as C1 or C2, P1, O1 and E1 not derived from municipal biosolids or septic sludge, having a dryness level of more than 40% and a percentage of organic materials of more than 50% on a dry basis, and containing no sharp-edged foreign objects;

(3) the spreading, on a raising site, of a maximum volume of 50 m<sup>3</sup> of one of the fertilizing residuals referred to in paragraph 2, when used as litter to absorb liquids;

(4) the storage and use of an "all-purpose" type compost made from fertilizing residuals the manufacture of which is authorized under the Act and which comes from a facility for the reclamation of fertilizing residuals authorized under the Act;

(5) the storage of a maximum volume of 500 m<sup>3</sup> of a fertilizing residual which is not classified as uncategorized and which meets all the following criteria:

(a) the minimum guaranteed total content of total nitrogen, available phosphorous expressed as P<sub>2</sub>O<sub>5</sub> and water-soluble potassium expressed as K<sub>2</sub>O is at least 5% on a dry basis;

(b) the organic content is less than 15% on a dry basis;

(c) the fertilizing residual is a fertilizer referred to in the Fertilizers Regulation (C.R.C. c. 666) and complies with that Regulation;

(6) the spreading, on a raising site or spreading site or as part of a forest development activity, of a maximum volume of 500 m<sup>3</sup> of a fertilizing residual referred to in paragraph 5;

(7) the spreading, on a raising site or spreading site, of a fertilizing residual derived from one of the following composting activities:

(a) the composting of a maximum volume of 150 m<sup>3</sup> of green waste or agri-food plant waste; the volume includes the materials to be composted, the materials undergoing composting and the finished compost;

(b) the composting of a maximum volume of 500 m<sup>3</sup> of a mixture of livestock waste and a maximum of 150 m<sup>3</sup> of leaves from a collection, in bulk or in paper bags, during the fall, or resulting from a sorting process by a green waste sorting station;

(8) the spreading, in any place, of a maximum volume of 150 m<sup>3</sup> of a fertilizing residual in recipients or bags of 50 litres, or in a load of recipients or bags of 50 litres or less each, protected from bad weather and compliant with the Fertilizers Act (R.S.C., 1985, c. F-10) and the regulations under it;

(9) the spreading, in any place, of a maximum volume of 1,000 m<sup>3</sup> of a fertilizing residual certified as compliant with a BNQ standard when the spreading occurs on a raising site or spreading site or as part of a forest development activity, or the spreading of a maximum volume of 500 m<sup>3</sup> of such a fertilizing residual in any other place;

(10) the spreading, in any place, of a maximum volume of 1,000 m<sup>3</sup> of a compost classified as C1, P1, O1 or E1 from a facility for the reclamation of fertilizing residuals by composting, authorized under the Act, producing less than 5,000 tonnes of the compost per year, when the spreading occurs on a raising site or spreading site or as part of a forest development activity, or the spreading of a maximum volume of 500 m<sup>3</sup> of such a fertilizing residual when the spreading occurs in any other place;

(11) the spreading of a maximum volume of 500 m<sup>3</sup> of biochar derived from the treatment of green waste or agri-food plant waste, in accordance with the Fertilizers Act (R.S.C., 1985, c. F-10) and the regulations under it;

(12) the spreading of one of the following fertilizing residuals:

(a) sanitary waste from compost toilets;

(b) septic sludge biosolids from sanitary facilities in remote hunting and fishing camps;

(c) peat-based filter materials for sanitary wastewater, from sanitary facilities in a remote location;

(13) the storage and spreading, during roadside layout work under the responsibility of the Minister responsible for transport or a municipality, of a compost classified as C1 or C2, P1, O1 or E1 or E2 from a facility for the reclamation of fertilizing residuals by composting authorized under the Act.

**47.** The following conditions apply to an activity referred to in section 46:

(1) for an activity referred to in paragraph 1,

(a) the green waste used must derive from wood or leaves sorted by a green waste sorting station;

(b) when the residue is stored directly on the ground on a raising site or spreading site, a maximum volume of 500 m<sup>3</sup> may be stored;

(c) when the residue is stored directly on the ground in a place other than a raising site or spreading site, a maximum volume of 50 m<sup>3</sup> may be stored;



(d) when the residue is stored in a watertight storage facility, a maximum volume of 4,000 m<sup>3</sup> may be stored;

(e) the maximum volume that may be spread on a parcel of land under cultivation may not exceed 250 m<sup>3</sup> per hectare per year;

(f) the maximum volume that may be spread as part of a forest development activity may not exceed 1,000 m<sup>3</sup> per hectare per year;

(g) the residue must have the ability to absorb liquids;

(2) for an activity referred to in paragraph 3,

(a) the materials stored must be protected against bad weather;

(b) the materials stored must, before being spread, be covered by a notice from a veterinarian attesting that they are not liable to compromise animal wellbeing or safety;

(3) for an activity referred to in paragraph 7, the dryness of the fertilizing residuals to be composted, undergoing composting or composted must be 25% or more;

(4) for an activity referred to in paragraph 13:

(a) the spreading must not exceed 2 kg/m<sup>2</sup> per year;

(b) the spreading must be carried out on land belonging to the person who generates the materials or on land where the owner has given written consent to the spreading of the materials on the land;

(c) the spreading must be carried out more than 10 m from wetlands and bodies of water and more than 100 m from the site of a groundwater withdrawal facility;

(d) the materials must be incorporated into the soil no more than one hour after being spread and vegetation must be re-established in the soil;

(e) the vegetation re-established in the soil:

(i) must not be intended for human consumption;

(ii) must not be used for grazing;

(f) no new vegetation intended for human consumption may be planted on the spreading site for a minimum period of 36 months after the spreading;

(g) no use of the spreading site for grazing may occur for a minimum period of 12 months after the spreading.

**48.** The composting, in a storage facility on a raising site or spreading site, of green waste or agri-food plant waste with a dryness level of 25% or more is exempted from the application of subparagraph 10 of the first paragraph of section 22 of the Act and from the application of section 25 of Schedule I on the following conditions:

(1) the maximum volume of the residue is 150 m<sup>3</sup> and includes the materials to be composted, the materials undergoing composting and the finished compost;

(2) the dryness of the materials undergoing composting and the finished compost must be 25% or more;

(3) the composting must be completed no more than 24 months after it begins.

#### §7.- *Commercial aquaculture*

**49.** The following activities are exempted from the application of subparagraph 10 of the first paragraph of section 22 of the Act and section 25 of Schedule I, provided a declaration of activities is sent to the Minister:

(1) the operation of a temporary commercial fishing pond for a period of less than 21 consecutive days annually, with no feeding;

(2) the operation of a mobile commercial fishing pond for a period of no more than 12 months, with no feeding and provided the pond is moved at least once during the period of operation.

A person or municipality wishing to carry out one of the activities referred to in the first paragraph must send to the Minister, on request, a copy of the fishing pond licence issued by the Minister responsible for agriculture, in accordance with section 2 of the Commercial Aquaculture Regulation (chapter A-20.2, r. 1).

**50.** The spreading of aquaculture sludge in accordance with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) is exempted from the application of subparagraph 10 of the first paragraph of section 22 of the Act and section 25 of Schedule I, provided a declaration of activities is sent to the Minister.

In addition to the information listed in section 86 of this Regulation, the declaration of activities must

(1) identify the operator of the aquaculture site or commercial fishing pond where the aquaculture sludge is sourced;

(2) state the area, in hectares, of the parcels of land under cultivation where the aquaculture sludge will be spread.

A person of municipality wishing to carry out the activity referred to in the first paragraph must send to the Minister, on request, a copy of the spreading agreement referred to in section 21 of the Agricultural Operations Regulation.

**51.** The establishment and operation of a mollusc culture site in a marine environment are exempted from the application of subparagraph 10 of the first paragraph of section 22 of the Act and section 25 of Schedule I, provided a declaration of activities is sent to the Minister.

In addition to the information listed in section 86 of this Regulation, the declaration of activities must state the production objective in metric tonnes for each species of mollusc produced.

**§8. –Biomedical waste**

**52.** The following biomedical waste transportation activities are exempted from the application of section 22 of the Act:

(1) the transportation of less than 5 kg of biomedical waste referred to in subparagraphs *a* and *a.1* of paragraph 3 of section 1 of the Regulation respecting biomedical waste (chapter Q-2, r. 12);

(2) the transportation of less than 100 kg of biomedical waste per month, if carried out by the producer of the waste;

(3) the transportation of less than 100 kg per month of waste referred to in subparagraph *a.1* of paragraph 3 of section 1 of the Regulation respecting biomedical waste (chapter Q-2, r. 12), on the following conditions:

(a) the transportation is carried out by the operator of a recovery site referred to in subparagraph 2 of the first paragraph of section 42;

(b) the waste is waste referred to in paragraph 2 of the first paragraph of section 42;

(c) the waste is transported from the recovery site to a site where it will be stored or treated.

**53.** The following biomedical waste storage activities are exempted from the application of section 22 of the Act:

(1) the storage of biomedical waste on the site where the waste is produced;

(2) the recovery and storage of biomedical waste on the following conditions:

(a) the recovery site is established in a pharmacy, a place administered by a community organization providing support for drug addiction, or a biomedical waste generation site;

(b) the biomedical waste set to the recovery site consists exclusively of biomedical waste referred to in subparagraph *a.1* of paragraph 3 of section 1 of the Regulation respecting biomedical waste (chapter Q-2, r. 12);

(3) the storage, at a biomedical waste generation site governed by the Regulation respecting biomedical waste (chapter Q-2, r. 12), of biomedical waste from a recovery site referred to in subparagraph *a* of paragraph 2 that consists of biomedical waste referred to in subparagraph *b* of that paragraph;

(4) the storage of biomedical waste by a biomedical waste generation site at a health and social services institution when the biomedical waste comes from health and social services institutions that each send a maximum of 100 kg of biomedical waste per month.

**54.** The treatment of biomedical waste by disinfection is exempted from the application of section 22 of the Act when carried out in an autoclave in the following situations:

(1) the biomedical waste is treated on the site where it is generated;

(2) the biomedical waste is treated at a biomedical waste generation site and comprises only biomedical waste referred to in subparagraph *a.1* of paragraph 3 of section 1 of the Regulation respecting biomedical waste (chapter Q-2, r. 12);

(3) the treatment is carried out by a biomedical waste treatment facility at a health and social services institution when the biomedical waste comes from health and social services institutions that each send a maximum of 100 kg of biomedical waste per month.

#### §9.- *Paint*

**55.** Any facility, equipment or apparatus used for activities that use less than 100 ml of paint, varnish and primer and a maximum of 20 litres of such products per year is exempted from the application of subparagraph 10 of the first paragraph of section 22 of the Act and paragraph 2 of section 14 of Schedule I, if the activities are referred to in that section.

#### §10.- *Car wash*

**56.** The operation of a car wash the effluent from which is discharged into a sewer system connected to a wastewater treatment plant operated by a municipality is exempted from the application of subparagraph 10 of the first paragraph of section 22 of the Act and section 15 of Schedule I, on the following conditions:

(1) the cleaning products used have a phosphorous concentration of less than 2.2%;

(2) the products used do not contain nonylphenols.

§11.- *Textiles*

**57.** The operation of establishment manufacturing textiles with no washing or fibre dyeing activities is exempted from the application of subparagraph 10 of the first paragraph of section 22 of the Act and section 16 of Schedule I.

§12.- *Storage, crushing and sieving of concrete, brick and bituminous coated materials*

**58.** The following activities are exempted from the application of subparagraph 10 of the first paragraph of section 22 of the Act and section 9 of Schedule I:

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

(2) the storage, outside the boundaries of a pit or quarry, of a total volume of 60 m<sup>3</sup> or less of concrete, brick and bituminous coated materials on the same site as part of a reclamation activity.

**SCHEDULE IV****ACTIVITIES, EQUIPMENT AND PROCESSES SUBJECT TO THE CLIMATE TEST**

(s. 64)

Section 64 applies to the following activities, equipment and processes:

(1) an incinerator within the meaning of section 101 of the Clean Air Regulation (chapter Q-2, r. 4.1) that is not subject to the Regulation respecting the environmental impact assessment and review of certain projects (*insert here the reference to the CQLR*) and that has a maximum hourly capacity of

(a) 0.3 metric tonnes or more, in the case of hazardous materials;

(b) 0.8 metric tonnes or more, in the case of any other residual material;

(2) one or more combustion systems or ovens with a cumulative nominal power of

(a) 4.5 MW or more, if the only fuel used is natural gas;

(b) 3 MW or more, in the case of any other fuel;

(3) any equipment or process referred to in one of the protocols in Schedule A.2 of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15), with the exception of protocols QC.1, QC.16, QC.17 and QC.27;

(4) the establishment of a mine with a maximum daily extraction capacity of 2,000 metric tonnes of ore or more;

(5) the construction of an ore treatment plant with a maximum daily treatment capacity of 2,000 metric tonnes of ore or more;

(6) equipment, a process or a facility used to explore for hydrocarbons;

(7) one or more pieces of equipment or processes using a total refrigerant charge equal to or exceeding the charge indicated in Table 1 of this Schedule;

(8) equipment or a process used for geological CO<sub>2</sub> sequestration;

(9) equipment or a fixed or mobile process used for the thermal treatment of contaminated soils;

(10) equipment or a process used to produce hydrogen from natural gas or other fossil fuels;

(11) equipment used to treat natural gas;

(12) the establishment or enlargement of a burial site or landfill that is not subject to a prior environmental impact assessment and review procedure, when the place is intended, in whole or in part, for the burial of 2,500 metric tonnes or more of organic materials per year;

(13) the composting activities of a project when the facility has an authorized annual treatment capacity of 40,000 metric tonnes or more of organic residual materials;

(14) biogas production and treatment activities when the maximum daily total capacity of the equipment is 30,000 m<sup>3</sup> of CH<sub>4</sub> or more.

**Table 1- Refrigerant charge**

Refrigerant	Charge equal to or in excess of (kg)
R-424A - Blend	19 100
R-422B - Blend	18 500
R-422D - Blend	17 100
R-402A - Blend	16 700
R-422C - Blend	15 100
R-422A - Blend	14 800
R-408A - Blend	14 800
R-227ea - HFC	14 500
R-125 - HFC	13 300
R-404A - Blend	11 900
R-507A - Blend	11 700
R-143a - HFC	10 400
R-502 - Blend	10 000
R-14 - PFC	6 300
R-218 - PFC	5 300
R-318c - PFC	4 500
R-116 - PFC	3 800
R-508B - Blend	3 500
R-23 - HFC	3 200