

Regulations and other Acts

Gouvernement du Québec

O.C. 287-2018, 21 March 2018

Environment Quality Act
(chapter Q-2)

Environmental impact assessment and review of certain projects

Regulation respecting the environmental impact assessment and review of certain projects

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

WHEREAS the Act replaces, introduces or amends in particular sections 31.1, 31.3, 31.3.1, 31.3.5, 31.3.7, 31.9, 95.1 and 118.5.0.1 of the Environment Quality Act (chapter Q-2);

WHEREAS, under section 31.1 of the Environment Quality Act (chapter Q-2), as amended, no person may undertake any construction, work, activity or operation, or carry out work according to a plan or program, in the cases provided for by regulation of the Government without following the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of the Act and obtaining an authorization from the Government;

WHEREAS, under the first paragraph of section 31.3 of the Act, as replaced, the Government prescribes, by regulation, the reasonable time in which the Minister sends to the project proponent, on receiving the notice referred to in section 31.2 of the Act, a directive specifying the nature, scope and extent of the environmental impact assessment statement the proponent must prepare;

WHEREAS, under the first paragraph of section 31.3.1 of the Act, as introduced, the Government prescribes, by regulation, the time in which the project proponent must, after receiving the Minister's directive, publish a notice to announce the commencement of the project's environmental assessment and the filing, in the environmental assessment register created under section 118.5.0.1, of the notice required under section 31.2 of the Act and the Minister's directive;

WHEREAS, under the first paragraph of section 31.3.5 of the Act, as introduced, if the Minister considers the impact assessment statement to be admissible, the Minister directs the project proponent in writing to hold the public information period prescribed by government regulation;

WHEREAS, under section 31.3.7 of the Act, as introduced, the Government prescribes, by regulation, the time in which the Bureau d'audiences publiques sur l'environnement reports its findings and analysis to the Minister, at the close of each mandate mentioned in the fifth paragraph of section 31.3.5 of the Act;

WHEREAS, under section 31.9 of the Act, as amended, the Government may make regulations on the matters set forth therein concerning the environmental impact assessment and review procedure;

WHEREAS, under section 95.1 of the Act, as replaced, the Government may make regulations on the matters set forth therein concerning in particular the terms and conditions applicable to every authorization application or application to amend, suspend or revoke the authorization;

WHEREAS, under the second paragraph of section 118.5.0.1 of the Act, as introduced, the Government may, by regulation, prescribe the terms applicable to the publication of information and documents in the environmental assessment register created under that section;

WHEREAS, under the first paragraph section 305 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund, the Government may, by a regulation made not later than 23 March 2018, enact any transitional measures required to carry out that Act, including measures to adjust the transitional provisions in that Act;

WHEREAS, under section 306 of the Act, not later than 23 March 2018, the Government must make a regulation to amend, replace or repeal the Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, a draft Regulation respecting the environmental impact assessment and review of certain projects was published in Part 2 of the *Gazette officielle du Québec* of 13 December 2017 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

WHEREAS, under section 18 of the Regulations Act, a regulation may come into force between the date of its publication in the *Gazette officielle du Québec* and 15 days after that date where the authority that has made it is of the opinion that the urgency of the situation requires it and the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies a coming into force on 23 March 2018:

—the provisions of the Regulation respecting the environmental impact assessment and review of certain projects must be in force at the time of coming into force of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund governing the environmental impact assessment and review procedure, which is set for 23 March 2018;

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

THAT the Regulation respecting the environmental impact assessment and review of certain projects, attached to this Order in Council, be made.

ANDRÉ FORTIER,
Clerk of the Conseil exécutif

Regulation respecting the environmental impact assessment and review of certain projects

Environment Quality Act
(chapter Q-2, ss. 31.1, 31.3, 31.3.1, 31.3.5, 31.3.7, 31.9, 95.1, 118.5.0.1; 2017, chapter 4, ss. 18 to 20, 25, 126, 188 and 305)

DIVISION I DEFINITIONS

1. In this Regulation, unless the context indicates otherwise,

(1) “Bureau” means the Bureau d’audiences publiques sur l’environnement;

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

(3) “Act” means the Environment Quality Act (chapter Q-2);

(4) “Minister” means the Minister responsible for the administration of the Environment Quality Act;

(5) “public register” means the register of projects subject to the environmental impact assessment and review procedure provided for in section 118.5.0.1 of the Act;

(6) “Indian reserve” means a reserve within the meaning of the Indian Act (R.S.C. 1985, c. I-5), an Indian settlement and Kanesatake Mohawk interim land base within the meaning of the Kanesatake Interim Land Base Governance Act (S.C. 2001, c. 8)

DIVISION II PROJECTS SUBJECT TO THE ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW PROCEDURE

2. The projects listed in Schedule 1 are subject to the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of the Act, to the extent provided therein, and must be authorized in advance by the Government.

A project is subject to the procedure regardless of the number of persons who are proponents of the project.

DIVISION III PROJECT NOTICE

3. A person who intends to undertake a project subject to the environmental impact assessment and review procedure must file a written notice with the Minister, in accordance with section 31.2 of the Act, which must contain

(1) the name and contact information of the project proponent and, if applicable, the proponent’s representative;

(2) the Québec business number assigned to the proponent when registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(3) if the project proponent is a municipality, a certified copy of a resolution of the municipal council or a copy of a by-law authorizing the mandatory to sign the project notice;

(4) where the project proponent has retained the services of professionals or other competent persons to develop all or part of the project, their names and contact information and a brief description of their mandates;

(5) a short description of the project and of the variants for its carrying out;

(6) the objectives and justification of the project;

(7) a description of the site of the project, including the main characteristics of the environment affected, and a site plan;

(8) a brief description of the main issues identified and anticipated impact on the receiving environment;

(9) a timetable for the carrying out of the various stages of the project;

(10) where applicable, a summary of related proposed activities;

(11) if applicable, the terms governing the activities to inform and consult the public realized in the course of the project's development, including the activities realized specifically with the Native communities concerned, as well as the concerns raised and their impact in the development of the project; and

(12) the terms governing the activities to inform and consult the public contemplated by the project proponent in the course of the carrying out of the environmental impact assessment statement, including proposed activities with the Native communities concerned.

The project notice must also specify whether the project is likely to entail, for each phase, the emission of greenhouse gas and, if so, which greenhouse gases.

DIVISION IPREPARATION OF THE ENVIRONMENTAL IMPACT ASSESSMENT STATEMENT

4. Within 15 days after receiving the project notice referred to in section 3, with the fees payable under the Act, the Minister must send to the project proponent the directive provided for in section 31.3 of the Act specifying the nature, scope and extent of the environmental impact assessment statement that the proponent must prepare.

5. In addition to any other element that the Minister's directive may require, an environmental impact assessment statement must contain at least

(1) the information referred to in subparagraphs 1 to 4 of the first paragraph of section 3, with the necessary modifications;

(2) a description of the project and its location including

(a) the objectives pursued by the project and its justification;

(b) its location, including a site plan;

(c) the variants for the carrying out of the project, including those related to the location, processes and methods for the carrying out and operation of the project;

(d) a detailed description of the variant selected and the reasons for choosing that variant;

(e) a timetable for the carrying out of the various stages of the project;

(f) the proposed related activities, if applicable;

(g) the alternative solutions for the project;

(h) the contemplated sources of energy;

(i) the policies on land use provided for in any land use and development metropolitan plan, land use planning and development plan or planning program applicable on the territory affected by the project, as well as a description of the uses allowed under the applicable urban planning by-laws;

(j) if applicable, identification of the reserved areas and agricultural zones established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) and located within the territory of the project;

(3) identification of the main environmental, social and economic issues raised by the project, in particular those raised by the public and the Native communities concerned, if applicable, and sent to the project proponent in accordance with section 8, as well as a description of the manner in which those issues have been considered in the development of the project;

(4) a description of the receiving environment and anticipated impact of the project on that environment including, where the project affects wetlands and bodies of water within the meaning of section 46.0.2 of the Act, the information and documents provided for in section 46.0.3 of the Act;

(5) an estimate of the greenhouse gas emissions that would be attributable to the project, for each phase;

(6) an analysis of the expected climate change impacts on and risks to the project and on the environment in which it will be carried out;

(7) a description of the contemplated measures to limit the impact of the project on the receiving environment;

(8) where applicable, a description of the work required for the restoration or repair of an existing establishment, structure, equipment or work and for the replacement or modification of technical equipment incidental to one of them;

(9) the terms governing the activities to inform and consult the public held by the project proponent in the course of the carrying out of the environmental impact assessment statement and those carried out specifically with the Native communities concerned by the project, and the manner in which the results of the consultations were considered in the preparation of the project;

(10) a preliminary plan of emergency measures; and

(11) a preliminary program for environmental monitoring and follow-up on the project's anticipated impact.

The environmental impact assessment statement must also contain a description of the activities for the operation and maintenance of any proposed establishment, construction, work, installation or equipment including, if applicable, a description and an assessment of the anticipated impact of their operation, and the proposed restoration and post-closure management measures.

An environmental impact assessment statement must also include a summary of the main measures that the project proponent proposes to implement to minimize the impact of the project on the environment.

6. The project proponent must submit to the Minister an electronic version of the proponent's environmental impact assessment statement as well as 12 paper copies.

The foregoing also applies for any supplemental information added to an impact assessment statement and any additional statement or research done at the request of the Minister under section 31.4 of the Act. Despite the foregoing, 3 paper copies of the documents must accompany the electronic version where those are submitted to the Minister after the public information period provided for in the first paragraph of section 31.3.5 of the Act or, in the absence of such a period under the sixth paragraph of that section, once the public hearing mandate of the Bureau is completed.

DIVISION V **PUBLIC CONSULTATION**

§1. Commencement of environmental assessment

7. Within 15 days after having received from the Minister the directive related to the carrying out of the environmental impact assessment statement, the project proponent must, in accordance with section 31.3.1 of the Act, publish in a daily or weekly newspaper circulated in the region where the project is likely to be carried out a notice announcing the commencement of the project's environmental assessment. The proponent must also inform the Minister of the scheduled date of publication of the notice at least 3 days before the publication.

The notice must comply with the model provided for in Schedule 2 and be of a minimum size of 10 cm by 10 cm or occupy a minimum of 175 agate lines of space. The name of the project proponent must be indicated in the notice in characters that do not exceed twice the size of the characters used for the rest of the notice.

8. Within 30 days following the publication of the notice provided for in section 7, any person, group or municipality may communicate to the Minister in writing their observations on the issues that the project's impact assessment statement should raise.

9. The Minister must, within 20 days of the end of the period prescribed by section 8, send to the project proponent the observations on the issues that were communicated to the Minister and whose relevance warrants that it be mandatory to take them into account in the project's impact assessment statement and to publish them in the public register.

§2. Public information period

10. If the Minister considers the impact assessment statement to be admissible, the Minister so informs the project proponent in writing and direct the proponent to hold, on the date set by the Minister, the public information period provided for in section 31.3.5 of the Act. That period is to last 30 days.

The Minister requests at the same time that the Bureau announce, by press release, the beginning of that period.

A minimum period of 15 days must elapse between the date on which the indications regarding the public information period is sent to the project proponent and the beginning of that period.

11. After having received from the Minister the indications regarding the public information period but before it begins, the project proponent must publish a notice announcing that period in a daily or weekly newspaper circulated in the region where the project is likely to be carried out.

The notice must comply with the model provided for in Schedule 3 and with the requirements of the second paragraph of section 7.

12. The project proponent must also send to the Minister, within the time prescribed by the first paragraph of section 11, a summary of the essential elements of the proponent's impact assessment statement and its conclusions, including, if applicable, a summary of the supplemental information that have been added to the statement since its publication in the public register. The summary must include a statement of the main issues identified and the main concerns raised by the public and the Native communities concerned and must state the manner in which the issues and concerns were considered by the project proponent.

The terms in the first paragraph of section 6 apply to that summary.

13. As soon as the project proponent publishes the notice referred to in section 11, the project proponent sends a copy of the summary of the project's impact assessment statement to any local municipality or Indian reserve in the territory of which the project will be carried out.

14. Any person, group or municipality may, during the public information period, apply to the Minister in writing for a public consultation or mediation on the project, by informing the Minister of the reasons for the application and its interest in the environment affected by the project.

§3. Mandates entrusted to the Bureau

15. The Minister sends to the Bureau, within 10 days of the end of the public consultation period, the applications for public consultation or mediation that were made to the Minister during that period, except those that are considered to be frivolous under the third paragraph of section 31.3.5 of the Act.

The Bureau must, within 20 days of the end of the public information period, recommend to the Minister, in accordance with the fourth paragraph of section 31.3.5 of the Act, whether the project should be the subject of a public hearing, a targeted consultation or mediation.

16. Any mandate to hold a public hearing, a targeted consultation or mediation conferred on the Bureau by the Minister under the fifth paragraph of section 31.3.5 of the Act must be announced by the Bureau by means of a notice published in a daily or weekly newspaper circulated in the region where the project is likely to be carried out as well as on the Bureau's website.

17. The time periods allotted to the Bureau to carry out the mandates conferred on it and to report to the Minister are as follows:

- (1) in the case of a public hearing: 4 months;
- (2) in the case of a targeted consultation: 3 months;
- (3) in the case of mediation: 2 months.

DIVISION VI **PUBLIC REGISTER**

18. The register of projects that are subject to the environmental impact assessment and review procedure must contain, in addition to the information and documents listed in section 118.5.0.1 of the Act,

(1) summaries of the environmental impact assessment statement sent to the Minister;

(2) the applications for public consultation or mediation made to the Minister under section 14, except those considered frivolous under the third paragraph of section 31.3.5 of the Act;

(3) the mandates conferred on the Bureau by the Minister under the fifth paragraph of section 31.3.5 of the Act;

(4) any additional information, study or research requested by the Minister under section 31.4 of the Act;

(5) the projects' environmental analysis reports produced in the course of the procedure;

(6) the opinions produced by any government department or body in the course of the impact assessment and review procedure for a project;

(7) the documents made public in the course of the carrying out of the mandates conferred on the Bureau under section 31.3.5 of the Act, as well as the resulting Bureau's reports;

(8) the Minister's notices provided for in section 31.3.4 of the Act regarding the inadmissibility of an impact assessment statement as well as the prior notice provided for in that section and any observations submitted by the project proponent.

The register does not include the information or data withdrawn from the public consultation by the Minister under section 31.8 of the Act.

DIVISION VII MISCELLANEOUS

19. As of the date on which an environmental impact assessment statement is filed with the Minister under section 31.3.2 of the Act, with the fees payable under the Act, the Minister must, within a period not exceeding 13 months, send to the Government, for its decision, his or her recommendation regarding the project.

The period in the first paragraph is increased to 18 months in the case of projects referred to in sections 1 to 7, subparagraph *a* of subparagraph 1 of the first paragraph of section 11 or section 31 of Part II of Schedule 1.

The periods prescribed by this section exclude any period during which the Minister is waiting for supplemental information that he or she requested from the project proponent, as well as the time to prepare an additional study or research made at the request of the Minister under section 31.4 of the Act.

In addition, any extension of a period allotted to the Bureau under section 17 to carry out a mandate conferred on it is added, if applicable, to the periods provided for in this section.

20. A project proponent must send to the Minister a copy of the notices referred to in sections 7 and 11, as published, within 5 days of their publication.

21. A project proponent who, under the sixth paragraph of section 31.3.5 of the Act, is not required to hold the public information period provided for in section 10, is required to send to the Minister a summary of the impact assessment statement containing the information and following the manner prescribed in section 12.

A minimum period of 15 days must elapse between the date of the filing of the summary in the public register and the beginning of the Bureau's public hearing.

22. This Regulation applies to the whole territory of Québec, except for the territories referred to in sections 133 and 168 of the Act.

23. This Regulation applies to immovables comprised in a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

24. The Regulation respecting the environmental impact assessment and review applicable to a part of the northeastern Québec region (chapter Q-2, r. 24) is amended by replacing "Division IV.1" in the first paragraph of section 2 by "subdivision 4 of Division II of Chapter IV of Title I".

25. Section 4 is replaced by the following:

"4. Division III, section 6 and Division V of the Regulation respecting the environmental impact assessment and review of certain projects (*insert the reference of the Compilation of Québec Laws and Regulations*) apply, with the necessary modifications, to projects to be undertaken in the de Moinier region and referred to in this Regulation."

26. This Regulation replaces the Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23).

27. Authorization applications submitted to the Minister under section 22 of the Act before 14 December 2017, relating to a project that is now covered by Schedule I of this Regulation, and that are pending on 23 March 2018, are continued and decided in accordance with subdivision 1 of Division II of Chapter IV of Title I of the Act.

28. The periods provided for in section 19 do not apply in the case of an environmental impact assessment statement of a project filed with the Minister before 23 March 2018. In that case, the maximum period applicable to the environmental impact assessment and review procedure of the project concerned is the period provided for in section 16.1 of the Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23), as it read before 23 March 2018.

29. For the purposes of paragraph 1 of section 13 of Part II of Schedule 1 and until the date of coming into force of the Petroleum Resources Act (chapter H-4.2), the work referred to in that Act that is related to the production and storage of petroleum is subject to the environmental impact assessment and review procedure to the extent that it requires the issue of a mining right under the Mining Act (chapter M-13.1).

30. For the purposes of the second paragraph of section 31.1.1 of the Act and until the date of coming into force of section 118.5 of the Act, as replaced by section 188 of the Act to amend the Environment Quality Act to

modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), the Minister must inform the applicant of the Minister's intention to recommend to the Government that it make a project subject to the environmental impact assessment and review procedure within 3 months after the date of receipt of the application for project authorization made under section 22 of the Act.

31. This Regulation comes into force on 23 March 2018.

SCHEDULE 1 (section 2)

LIST OF PROJECTS SUBJECT TO THE ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW PROCEDURE

PART I GENERAL

1. DEFINITIONS

In this Schedule, unless the context indicates otherwise,

(1) “operation area” means the surface area occupied on the ground by any building, equipment, installation or work required for the operation of a plant, refinery, mill or other type of industrial establishment including, if applicable, the areas for the storage or handling of raw material, materials, products and by-products, and residual materials as well as wastewater treatment or retention basin, whether the infrastructures are situated on or at the periphery of the site of the main establishment;

(2) “river” means a river whose name is published in the *Répertoire toponymique du Québec* published in the *Gazette officielle du Québec* or in a supplement, except if the river is recognized by the Commission de toponymie as not geographically constituting a river, and that drains a watershed of at least 25 km², the St. Lawrence River, the St. Lawrence Estuary and the Gulf of St. Lawrence, and baie des Chaleurs;

(3) “lake” means a lake or reservoir whose name is published in the *Répertoire toponymique du Québec* published in the *Gazette officielle du Québec* or in a supplement, except if the lake or reservoir is recognized by the Commission de toponymie as not geographically constituting a lake or reservoir;

(4) “hazardous residual materials” means hazardous residual materials within the meaning of the second paragraph of section 70.6 of the Act;

(5) “Policy” means the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35);

(6) “procedure” means the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of the Act;

(7) “maximum capacity” means the type of capacity relating to an activity covered by this Schedule, corresponding,

(a) in the case of a new construction or installation or a new establishment, the theoretical maximum capacity that could be reached in optimum operating conditions and with full use of material and technical resources;

(b) in the case of an existing construction, installation or establishment, the maximum capacity authorized under the Act or, where applicable, the actual capacity where the construction of the establishment and, where applicable, its expansion, has not required prior authorization under the Act.

2. INTERPRETATION

The projects subject to the procedure under this Schedule include, where applicable, operation activities resulting from the projects.

In addition, an industrial establishment construction project referred to in any of sections 14 to 21 and 23 to 29 of Part II also includes the implementation project of such an industrial establishment in an existing structure or establishment that is or was used for other purposes.

In addition, an exemption of a project from the application of any section of this Schedule is applicable only to the extent that the work concerned is not included in a project referred to in another section of the same Schedule.

PART II SUBJECT PROJECTS

1. DAM AND DIKE

The following projects are subject to the procedure:

(1) the construction, for any purpose whatsoever, of a dam or dike exercising a hydraulic influence on a lake whose total area exceeds or will exceed 200,000 m² at its maximum operating level;

(2) the reconstruction or modification of such dam or dike where the maximum operating level is modified;

(3) the construction, for any purpose whatsoever, of one or more dams or dikes that results in the creation of a reservoir or a group of reservoirs whose total area exceeds 100,000 m² at the maximum operating level of the works;

(4) the demolition of a dam or dike referred to in any of subparagraphs 1 to 3.

For the purposes of subparagraph 1 of the first paragraph, the construction of a dam includes the reconstruction of such work on the remnants of an old dam or an old dike.

The following work and projects are exempt from the application of this section:

(1) in the case of a mining operation or a cranberry farm, any work for creating a localized water retention outside a high-velocity zone, within the meaning of the Policy, is exempt from the application of this section.

(2) wildlife development projects prepared with a view to conserving or improving the biodiversity of a site.

2. WORK IN WETLANDS AND BODIES OF WATER

Projects or programs including the carrying out of any of the following work are subject to the procedure:

(1) dredging, clearing, filling, or levelling off work, for any purpose whatsoever, within the 2-year flood line of a river or lake, over a cumulative distance equal to or greater than 500 m or over a cumulative area equal to or greater than 5,000 m², for a same river or lake;

(2) the construction of a dike for the flooding of wetlands and bodies of water within the meaning of section 46.0.2 of the Act on any new area equal to or greater than 1,000,000 m² that will be operated by a cranberry farm.

Projects concerning only the following work are exempt from the application of this section:

(1) maintenance work necessary for the drainage of an existing thoroughfare, including a railroad;

(2) work required for the installation of a water pipe or cable that does not require the installation of cofferdams or piers;

(3) work required for the installation of cofferdams around a pillar of a bridge for repairing or maintaining it;

(4) work required as part of the carrying out of a rehabilitation plan approved by the Minister under Division IV of Chapter IV of Title I of the Act;

(5) rehabilitation and restoration work on an abandoned mining site;

(6) work required for cultivation of soil of an agricultural parcel or for the surface or subsurface drainage of such parcel;

(7) maintenance work on a ditch, a stream or a river that drains a watershed of less than 25 km² and carried out by a regional county municipality, a metropolitan community or a local municipality whose territory is not included in the territory of a regional county municipality;

(8) work intended for the maintenance of existing sluices or the reconstruction of such works, to the extent that they are positioned inland;

Projects concerning only the following work are also exempt from the application of subparagraph 1 of the first paragraph:

(1) maintenance dredging for navigation purposes carried out in the St. Lawrence River, the St. Lawrence Estuary or the Gulf of St. Lawrence and in baie des Chaleurs over a cumulative area less than 25,000 m², regardless of the distance concerned;

(2) work for restoring to a natural state a bank or shore with a view to conserving or improving the biodiversity of a site;

(3) work for wildlife development prepared with a view to conserving or improving the biodiversity of a site.

For the purposes of subparagraph 1 of the first paragraph, if the information available does not allow to establish the 2-year flood line of a river or lake, the line is deemed to be located at the point where predominantly terrestrial plants succeed predominantly aquatic plants, or, where there are no aquatic plants, the point closest to the water where terrestrial plants no longer grow. In the case of a water retaining structure, that line is located at the maximum level of the operation of the work for the part of the body of water located upstream. In addition, in the case of a legally erected retaining wall, that line is the top of the structure.

Where a project includes bank or shore stabilization for repairing or protecting an existing road or railway infrastructure, the distance or cumulative area provided for in subparagraph 1 of the first paragraph is calculated separately on the basis of the territory of each local municipality or unorganized territory concerned by the work.

3. REROUTING OR DIVERTING OF A RIVER OR LAKE

Projects for rerouting or diverting, for any purpose whatsoever, all or part of a river or a lake are subject to the procedure.

The following work is exempt from the application of this section:

- (1) the rerouting or diverting required for the carrying out of a dam or dike project that is not subject to the procedure under section 1 of Part II of this Schedule;
- (2) the rerouting or diverting required for the construction, reconstruction or increase of the capacity of a hydro-electric power plant that is not subject to the procedure under section 10 of Part II of this Schedule;
- (3) the rerouting or diverting required for a water intake;
- (4) the temporary rerouting or diverting required during construction work;
- (5) the work intended only for wildlife management prepared with a view for conserving or improving the biodiversity of a site.

4. PORT, WHARF AND PORT TERMINAL

For the purposes of this section, the term “port” includes “wharf”.

The following projects are subject to the procedure:

- (1) the construction or expansion of a port or port terminal;
- (2) in the case of a recreational harbour,
 - (a) the construction of a port for 150 boats or more;
 - (b) any increase of the maximum capacity of a port to reach 150 boats or more;

(c) where the maximum capacity authorized by the Government under section 31.5 of the Act is 150 or more boats, each addition of at least 50 boats, whether that threshold is reached following one or more separate projects.

The following work is exempt from the application of subparagraph 1 of the second paragraph:

- (1) the installation of a temporary wharf required during construction work;
- (2) the addition of pilotis or pilings occupying a maximum cumulative area of 100 m² without modifying the use of the wharf.

Subparagraph *b* of subparagraph 2 of the second paragraph does not apply to a recreational harbour existing on 23 March 2018 whose maximum capacity on that date is between 100 and 149 boats. For such a recreational harbour, each addition of at least 50 boats, whether that threshold is reached following one or more separate projects, is subject to the procedure.

For the purposes of this section, the maximum capacity of a recreational harbour existing on 23 March 2018 is

- (1) the capacity authorized under section 22 and, where applicable, section 31.5 of the Act;
- (2) its actual capacity on that date if the construction and, where applicable, its expansion, did not require a prior authorization under the Act.

5. ROAD INFRASTRUCTURES

The following projects are subject to the procedure:

- (1) the construction, over a minimum length of 5 km, of a road designed for 4 lanes or more or the widening, over that distance, of a road increasing the number of lanes to 4 or more;
- (2) the construction or widening of a road whose planned right of way has a width equal to or greater than 40 m over a minimum length of 5 km;
- (3) the construction of a road designed for 4 lanes or more or whose planned right of way has a width equal to or greater than 35 m over a minimum length of 1 km situated within an urbanization perimeter indicated in the land use planning and development plan applicable to the territory concerned or to an Indian reserve;

(4) the widening of a road designed for 4 lanes or more or whose right of way has a width equal to or greater than 35 m over a minimum length of 2 km situated within an urbanization perimeter indicated in the land use planning and development plan applicable to the territory concerned or to an Indian reserve.

For the purposes of this section, the calculation of the right of way of a road includes its appurtenances, such as interchanges, access ramps, service roads and facilities required for drainage. In addition, the minimum length is equal to a contiguous length.

The project for the widening of a road in a right of way that, on 30 December 1980, already belonged to the project proponent is, until 23 March 2023, exempt from the application of the first paragraph.

6. AIRPORT

The following projects are subject to the procedure:

(1) the establishment of an airport whose landing strip is expected to be over a length of more than 1 km;

(2) the expansion of an airport including the addition of a new landing strip of a length of more than 1 km or the extension of a strip so that it reaches a length of more than 1 km.

The following work is exempt from the application of this section:

(1) work consisting only in widening an existing landing strip;

(2) work for the building of an airfield on a frozen lake;

(3) work concerning only the construction of administrative buildings or intended for air traffic control or meteorological monitoring, or of hangars.

7. RAIL YARD, RAILROAD AND SHARED TRANSPORTATION

The following projects are subject to the procedure:

(1) the construction of a rail yard;

(2) the construction or extension of a railway over a length equal to or greater than 5 km or 2 km if the project is carried out within an urbanization perimeter indicated in the land use planning and development plan applicable to the territory concerned or to an Indian reserve;

(3) the construction or extension of a guided or railed shared transportation system or a subway, irrespective of its length, including the stations and terminals, and other related infrastructures.

For the purposes of subparagraph 2 of the first paragraph, where a project comprises railway sidings, the length of the work includes the cumulative length of the main track and of each siding.

A project for the construction of the works referred to in subparagraphs 1 and 2 of the first paragraph within an industrial use area determined in the land use planning and development plan applicable in the territory concerned is exempt from the application of the subparagraphs.

The construction or extension of a railway in an existing right of way used for the same purposes is exempt from the application of subparagraph 2 of the first paragraph.

A project concerning only the conversion of an existing railroad into a shared transportation mode referred to in subparagraph 3 of the first paragraph is exempt from the application of the subparagraph. A shared transportation infrastructure project that meets the criteria determined by the Conseil du trésor under the second paragraph of section 16 of the Public Infrastructure Act (chapter I-8.3) and whose opportunity record is filed with the Cabinet before 23 March 2018 is also exempt from the application of that subparagraph.

8. INSTALLATION FOR NATURAL GAS OR BIOMETHANE REGASIFICATION OR LIQUEFACTION

The following projects are subject to the procedure:

(1) the construction of a facility for the liquefaction of natural gas or biomethane whose maximum daily capacity of liquefaction equipment is equal to or greater than 100 m³ of liquefied natural gas;

(2) the construction of a facility for the regasification of liquefied natural gas whose maximum daily capacity of regasification equipment is equal to or greater than 4,000 m³ of liquefied natural gas;

(3) any project to increase the maximum daily liquefaction capacity of a facility that would reach or exceed 100 m³ of liquefied natural gas;

(4) any project to increase the maximum daily regasification capacity of a facility that would reach or exceed 4,000 m³ of liquefied natural gas;

(5) any project to increase by 50% or more the maximum daily capacity of a facility referred to in subparagraphs 1 and 4 whose maximum daily liquefaction or regasification capacity, before the increase, is equal to or greater than 100 m³ or 4,000 m³ of liquefied natural gas, as the case may be.

Subparagraphs 3 and 4 of the first paragraph do not apply to a regasification or liquefaction facility existing on 23 March 2018. For those facilities, any project to increase the maximum daily liquefaction or regasification capacity by 50% or more that would reach or exceed, as the case may be, a maximum daily regasification capacity of 4,000 m³ or a maximum daily liquefaction capacity of 100 m³ of liquefied natural gas is subject to the procedure.

9. OIL PIPELINES AND GAS PIPELINES

The following projects are subject to the procedure:

(1) the construction of an oil or gas pipeline over a length equal to or greater than 2 km;

(2) the construction of an oil or gas pipeline in whole or in part within an urbanization perimeter indicated in the land use planning and development plan applicable to the territory concerned or to an Indian reserve;

(3) the construction of an oil pipeline in an intermediate protection zone under the Water Withdrawal and Protection Regulation (Q-2, r. 35.2) for any category 1 groundwater or surface water withdrawal;

(4) the carrying out of work, structures or works for converting a gas pipeline into an oil pipeline or for inverting the flow of an oil pipeline.

The construction of an oil or gas pipeline in an existing right of way used for the same purposes is exempt from the application of subparagraph 1 of the first paragraph.

In addition, the construction of a gas pipeline less than 300 mm in diameter designed for a pressure of less than 4,000 kPa is exempt from the application of subparagraphs 1 and 2 of the first paragraph.

10. POWER TRANSMISSION LINES AND TRANSFORMER STATION

The following projects are subject to the procedure:

(1) the construction, over a distance greater than 2 km, of an electric power transmission and distribution line of a voltage equal to or greater than 315 kV;

(2) the construction of a control and transformer station of a voltage equal to or greater than 315 kV, including all the electric power transmission lines of the same voltage.

A project concerning only the construction of an electric power transmission and distribution line buried and situated in a road or railroad right of way or adjacent to it, including, in the case where the road or railroad crosses a watercourse, the passage of such line under the watercourse, is exempt from the application of this section.

11. ELECTRIC POWER GENERATION

The following projects are subject to the procedure:

(1) the construction for electric power generation

(a) of a hydro-electric power plant or an in-stream tidal turbine farm of a capacity equal to or greater than 5 MW;

(b) of a fossil fuel power generating plant or other type of facility with a capacity equal to or greater than 5 MW;

(c) of a wind farm or any other type of power generating plant or facility with a capacity equal to or greater than 10 MW;

(2) the reconstruction of a work referred to in subparagraph 1;

(3) any increase of the capacity of an electric power generating plant, farm or other type of facility, as the case may be, if their capacity, before the increase or following the increase, is equal to or greater than

(a) 5 MW in the case of a hydro-electric power plant or an in-stream tidal turbine farm;

(b) 5 MW in the case of a fossil fuel power generating plant or other type of facility; and

(c) 10 MW in the case of a wind farm or any other type of power generating plant or facility;

(4) the addition of a turboalternator to a combustion system that had not been previously used to produce electric power if the capacity of the alternator is equal to or greater than

(a) 5 MW in the case of a combustion system burning fossil fuels;

(b) 10 MW in the other cases covered by this section.

The installation of emergency generators in an establishment other than an electric power generating plant, the installation of solar panels on the roof of existing infrastructures and, in the case of a hydro-electric power plant, the replacement or modification of technical equipment incidental to such work that will not result in a change in the minimum and maximum levels of operation are exempt from the application of this section.

For the purposes of this section, the capacity of a generating plant or a farm is the total rated capacities of its production equipment based on the following:

(1) the capacity of a hydro-electric power plant is the rated capacity of the alternator of the turboalternator at a water temperature of 15°C;

(2) the capacity of a fossil fuel, biomass or biogas fired power generating plant is the rated capacity of such an alternator at an air temperature of 15°C and an atmospheric pressure of 1 bar;

(3) the capacity of a wind farm or an in-stream tidal turbine farm is the sum of the rated capacities of all the windmills or the tidal turbines connected to a transformation station. The number of windmills or tidal turbines considered to establish the capacity is the maximum number of windmills or tidal turbines that the farm is authorized to establish.

12. NUCLEAR TRANSFORMATION AND RADIOACTIVE WASTE MANAGEMENT

The following projects are subject to the procedure:

(1) the construction of a nuclear fission or fusion establishment;

(2) the construction of a plant that manufactures, processes or reprocesses nuclear fuel;

(3) the construction of a disposal or storage site for radioactive waste;

(4) any modification that increases the maximum capacity for the transformation, processing, reprocessing, disposal or storage of an establishment, a plant or a premise referred to in this section;

(5) the decommissioning of a nuclear fission or fusion establishment.

13. PETROLEUM EXPLORATION AND PRODUCTION

The following projects are subject to the procedure:

(1) work referred to in the Petroleum Resources Act (chapter H-4.2) related to the production and storage of petroleum;

(2) any oil or gas drilling in wetlands and bodies of waters within the meaning of section 46.0.2 of the Act, within an urbanization perimeter indicated in the land use planning and development plan applicable to the territory concerned or to an Indian reserve and at less than 1,000 m from such a perimeter or such a reserve.

14. PETROLEUM, GAS AND COAL PROCESSING

The following projects are subject to the procedure:

(1) the construction of an oil refinery, a petrochemical plant, a liquid petroleum gas fractionating plant, a plant that processes or synthesizes energy-producing gas or a plant that processes or synthesizes coal products;

(2) any increase of 25% or more of the maximum daily production or transformation capacity of such a refinery or plant;

(3) any increase of the maximum daily production or transformation capacity that results in an expansion of more than 25% of the operation area of such a refinery or plant.

15. PULP AND PAPER MILLS

The following projects are subject to the procedure:

(1) the construction of a mill within the meaning of the Regulation respecting pulp and paper mills (chapter Q-2, r. 27) whose maximum annual production capacity would be equal to or greater than 40,000 metric tons;

(2) any increase of the maximum annual production capacity of a mill to reach or exceed 40,000 metric tons;

(3) in the case of a mill whose maximum annual production capacity is equal to or greater than 40,000 metric tons,

(a) any increase of 50% or more of that capacity;

(b) any increase of that capacity that results in an expansion of 25% or more of the mill operation area.

Subparagraph 2 of the first paragraph does not apply to a mill existing on 23 March 2018. For those mills, any project to increase the maximum annual production capacity by 50% or more, that would reach or exceed 40,000 metric tons, is subject to the procedure.

For the purposes of this section, the maximum annual production capacity is calculated by taking into account a maximum of 10% water content of the end product.

16. RENDERING PLANT

The following projects are subject to the procedure:

(1) the establishment of a dismembering plant, “rendering plant” category, within the meaning of section 1.3.4.2 of the Regulation respecting food (chapter P-29, r. 1), whose maximum hourly reception capacity would be equal to or greater than 1 metric ton;

(2) the increase of 25% or more of the maximum hourly reception capacity of such a plant;

(3) any increase of the maximum hourly capacity of a dismembering plant mentioned in paragraph 1 to reach or exceed 1 metric ton.

Subparagraph 3 of the first paragraph does not apply to a rendering plant existing on 23 March 2018. For those plants, any project to increase the maximum hourly reception capacity by 25% or more, that would reach or exceed 1 metric ton, is subject to the procedure.

17. EXTRACTIVE METALLURGY

The following projects are subject to the procedure:

(1) the construction of an extractive metallurgy plant whose maximum annual production capacity would be equal to or greater than 40,000 metric tons;

(2) any increase of the maximum annual production capacity of such a plant to reach or exceed 40,000 metric tons;

(3) in the case of a plant whose maximum annual production capacity is equal to or greater than 40,000 metric tons,

(a) any increase of 50% or more of that capacity;

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

(4) the construction of an extractive metallurgy plant for the production of rare earth or rare earth compound, any increase of the maximum annual production capacity or any expansion of the operation area of such a plant;

(5) the construction of an extractive metallurgy plant for the production of radioactive elements or radioactive compounds, or uranium refining or enrichment and any increase of the maximum annual production capacity or expansion of the operation area of such a plant.

Subparagraph 2 of the first paragraph does not apply to a plant existing on 23 March 2018. For those plants, any project to increase the maximum annual production capacity by 50% or more, that would reach or exceed 40,000 metric tons, is subject to the procedure.

18. CEMENT AND QUICKLIME MANUFACTURING

The following projects are subject to the procedure:

(1) the construction of a cement or quicklime plant;

(2) any increase of 50% or more of the maximum daily capacity for the production of cement or quicklime of such a plant;

(3) any increase of the maximum daily capacity for the production of cement or quicklime that results in an expansion of 25% or more of the operation area of such a plant.

19. EXPLOSIVES MANUFACTURING

The following projects are subject to the procedure:

(1) the construction of a plant for the manufacturing of explosives, explosive detonators or explosive devices;

(2) the increase of the maximum daily production capacity of 10% or more of such a plant;

(3) the increase of the maximum daily production capacity that results in an expansion of 25% or more of the operation area of such a plant.

Projects related to ammunition and ammunition detonator factories and to the manufacture of pyrotechnics are exempt from the application of this section.

20. CHEMICALS MANUFACTURING

The following projects are subject to the procedure:

(1) the construction of a chemical plant whose maximum annual production capacity would be equal to or greater than 50,000 metric tons;

(2) any increase of the maximum annual production capacity of a chemical plant to reach or exceed 50,000 metric tons;

(3) in the case of a plant whose maximum annual production capacity is equal to or greater than 50,000 metric tons,

(a) any increase of 50% or more of that capacity;

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

Subparagraph 2 of the first paragraph does not apply to a plant existing on 23 March 2018. For those plants, any project to increase the maximum annual production capacity by 50% or more, that would reach or exceed 50,000 metric tons, is subject to the procedure.

21. HEAVY WATER PRODUCTION

The following projects are subject to the procedure:

- (1) the construction of a heavy water plant;
- (2) any increase of the maximum daily production capacity of such a plant.

22. MINING ACTIVITY

For the purposes of this section,

(1) “mine” means all the surface and underground infrastructures necessary for the extraction of ore, including ore storage areas, handling areas, mine tailings accumulation areas, deposits of overburden and mining wastewater treatment and retention basins;

(2) “operation area” means the area occupied at ground level by the mine. For a mine existing on 23 March 2018, the operation area is, as the case may be,

(a) the area authorized under section 22 and, where applicable, section 31.5 of the Act;

(b) the area existing on that date if the establishment and, where applicable, its expansion, did not require prior authorization under the Act.

The following projects are subject to the procedure:

- (1) the establishment of a uranium or rare earth mine;
- (2) the establishment of a mine whose maximum daily capacity for extracting any other metal ore is equal to or greater than 2,000 metric tons;
- (3) the establishment of any other mine whose maximum daily ore extraction capacity is equal to or greater than 500 metric tons;
- (4) the establishment of a mine in whole or in part within an urbanization perimeter indicated in the land use planning and development plan applicable to the territory concerned or to an Indian reserve and at less than 1,000 m from such a perimeter or such a reserve, irrespective of the ore extracted and the extraction capacity;
- (5) any increase of the maximum daily extraction capacity of a mine referred to in subparagraph 2 or 3 to reach or exceed, as the case may be, a threshold provided for therein;

(6) any expansion of 50% or more of the mine operation area in the following cases:

- (a) a uranium or rare earth mine;
- (b) the maximum daily extraction capacity of a mine referred to in subparagraph 2 or 3, as the case may be, is reached or exceeded;
- (c) the mine is situated in whole or in part within an urbanization perimeter indicated in the land use planning and development plan applicable to the territory concerned or to an Indian reserve and at less than 1,000 m from such a perimeter or such a reserve.

Subparagraph 5 of the second paragraph does not apply to a mine existing on 23 March 2018. For those mines, any project to increase the maximum daily extraction capacity by 50% or more, that would reach or exceed any of the thresholds provided for in subparagraph 2 or 3 of the same paragraph, as the case may be, is subject to the procedure.

For the purposes of subparagraphs 1 to 4 of the second paragraph, the resumption of the operation of a mine is considered to be the establishment of a new mine where the following conditions are met:

- (1) the mine has undergone dismantling or restoration work after its operation stopped;
- (2) the establishment of the mine did not require prior authorization under the Act.

The following are excluded from the application of this section:

- (1) work subject to the Regulation respecting petroleum, natural gas and underground reservoirs (chapter M-13.1, r. 1);
- (2) pits and quarries within the meaning of the Regulation respecting pits and quarries (chapter Q-2, r. 7).

23. ORE TREATMENT

For the purposes of this section,

- (1) “treatment” means any activity for the enrichment of an ore, a concentrate or mine tailings by a mineralurgical process that allows the separation of minerals and agglomerate fabrication activities;
- (2) “treatment plant” means all the infrastructures necessary to treat ore, including handling areas, storage areas, mine tailings accumulation areas and mining wastewater treatment and retention basins.

The following projects are subject to the procedure:

- (1) the construction of a treatment plant for
 - (a) uranium ore;
 - (b) rare earth ore;
 - (c) any other metal ore whose maximum daily treatment capacity is equal to or greater than 2,000 metric tons;
 - (d) any other ore whose maximum daily treatment capacity is equal to or greater than 500 metric tons;
 - (e) any ore, where the treatment plant is situated in whole or in part within an urbanization perimeter indicated in the land use planning and development plan applicable to the territory concerned or to an Indian reserve and at less than 1,000 m from such a perimeter or such a reserve;

(2) any increase of the maximum daily treatment capacity of a plant referred to in subparagraph *c* or *d* of subparagraph 1 of the second paragraph to reach or exceed, as the case may be, any of the treatment thresholds provided for therein;

(3) any expansion of 50% or more of a treatment plant in the following cases:

- (a) the treatment of uranium or rare earth ore;
- (b) the maximum daily capacity of the treatment plant referred to in subparagraph *c* or *d* of subparagraph 1 of the second paragraph is reached or exceeded;
- (c) the ore treatment plant is situated in whole or in part within an urbanization perimeter indicated in the land use planning and development plan applicable to the territory concerned or to an Indian reserve and at less than 1,000 m from such a perimeter or such a reserve.

Subparagraph 2 of the second paragraph does not apply to a plant existing on 23 March 2018. For those plants, any project to increase the maximum daily treatment capacity by 50% or more, that would reach or exceed any of the thresholds provided for in subparagraph *c* or *d* of subparagraph 1 of the same paragraph, is subject to the procedure.

24. PHYSICAL METALLURGY

The following projects are subject to the procedure:

- (1) the construction of a physical metallurgy plant for the processing, or treatment of metal products whose maximum annual production capacity would be equal to or greater than 20,000 metric tons;

(2) any increase of the maximum annual production capacity of a plant to reach or exceed 20,000 metric tons;

(3) in the case of a plant whose maximum annual production capacity is equal to or greater than 20,000 metric tons,

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

Subparagraph 2 of the first paragraph does not apply to a plant existing on 23 March 2018. For those plants, any project to increase the maximum annual treatment capacity by 50% or more, that would reach or exceed 20,000 metric tons, is subject to the procedure.

25. MANUFACTURING OF MATERIALS DERIVED FROM WOOD

For the purposes of this section, the term “composite materials derived from wood” means a product manufactured from fibres, wood particles or slats agglomerated using a binding agent.

The following projects are subject to the procedure:

(1) the construction of a plant that produces chipboard from wood fibre or manufactures other composite materials derived from wood whose annual maximum production capacity would be equal to or greater than 50,000 m³;

(2) any increase of the maximum annual production capacity of a plant that would reach or exceed 50,000 m³;

(3) in the case of a plant whose maximum annual production capacity is equal to or greater than 50,000 m³,

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

Subparagraph 2 of the second paragraph does not apply to a plant existing on 23 March 2018. For those plants, any project to increase the maximum annual production capacity by 50% or more, that would reach or exceed 50,000 m³, is subject to the procedure.

26. MANUFACTURING OF MOTOR VEHICLES OR OTHERS

The following projects are subject to the procedure:

- (1) the construction of a plant that manufactures vehicles, including parts for such vehicles, whose maximum annual production capacity would be equal to or greater than 100,000 metric tons;

(2) any increase of the maximum annual production capacity of a plant to reach or exceed 100,000 metric tons;

(3) in the case of a plant whose maximum annual production capacity is equal to or greater than 100,000 metric tons,

(a) any increase of 50% or more of that capacity;

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

Subparagraph 2 of the first paragraph does not apply to a plant existing on 23 March 2018. For those plants, any project to increase the maximum annual production capacity by 50% or more, that would reach or exceed 100,000 metric tons, is subject to the procedure.

27. MANUFACTURING OF BRICKS

The following projects are subject to the procedure:

(1) the construction of a clay brick or fire brick plant whose maximum annual production capacity would be equal to or greater than 20,000 metric tons;

(2) any increase of the maximum annual production capacity of a plant to reach or exceed 20,000 metric tons;

(3) in the case of a plant whose maximum annual production capacity is equal to or greater than 20,000 metric tons,

(a) any increase of 50% or more of that capacity;

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

Subparagraph 2 of the first paragraph does not apply to a plant existing on 23 March 2018. For those plants, any project to increase the maximum annual production capacity by 50% or more, that would reach or exceed 20,000 metric tons, is subject to the procedure.

28. MANUFACTURING OF GLASS

The following projects are subject to the procedure:

(1) the construction of a glass plant whose maximum annual production capacity would be equal to or greater than 50,000 metric tons;

(2) any increase of the maximum annual production capacity of a plant to reach or exceed 50,000 metric tons;

(3) in the case of a plant whose maximum annual production capacity is equal to or greater than 50,000 metric tons,

(a) any increase of 50% or more of that capacity;

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

Subparagraph 2 of the first paragraph does not apply to a plant existing on 23 March 2018. For those plants, any project to increase the maximum annual production capacity by 50% or more, that would reach or exceed 50,000 metric tons, is subject to the procedure.

29. MANUFACTURING OF TIRES

The following projects are subject to the procedure:

(1) the construction of a tire plant whose maximum annual production capacity would be equal to or greater than 20,000 metric tons;

(2) any increase of the maximum annual production capacity of a plant to reach or exceed 20,000 metric tons;

(3) in the case of a plant whose maximum annual production capacity is equal to or greater than 20,000 metric tons,

(a) any increase of 50% or more of that capacity;

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

Subparagraph 2 of the first paragraph does not apply to a plant existing on 23 March 2018. For those plants, any project to increase the maximum annual production capacity by 50% or more, that would reach or exceed 20,000 metric tons, is subject to the procedure.

A plant used only for retreading or rebuilding tires is exempt from the application of this section.

30. LIVESTOCK PRODUCTION

The following definitions apply to this section:

(1) “animal production site” means a set of raising facilities and storage works that belong to the same owner or to a number of owners who manage them jointly or use the same storage works if the distance between the works and the livestock facilities is less than 150 m;

(2) “liquid manure management” and “solid manure management” have the meaning provided for in section 3 of the Agricultural Operations Regulation (chapter Q-2, r. 26).

The following projects are subject to the procedure:

(1) the implementation of a new animal production site that can contain a number equal to or greater than 800 animal units under liquid manure management or 1,300 animal units under solid manure management;

(2) any increase of the number of animal units in an animal production site to reach or exceed 800 animal units under liquid manure management or 1,300 animal units under solid manure management;

(3) for a site already authorized by the Government under section 31.5 of the Act, each addition of at least 400 animal units under liquid manure management or 650 animal units under solid manure management.

In addition, animal production projects involving a mixed manure management are subject to the procedure where the result of the equations below is equal to or greater than 1, as the case may be:

(1) in the case of a project for the implementation of a new animal production site or a project to increase the number of animal units in an existing production site,

$$\frac{NL}{800} + \frac{NS}{1,300} \geq 1$$

where:

“NL” represents the projected number of animal units under liquid manure management;

“NS” represents the projected number of animal units under solid manure management;

(2) in the case of a project to increase the number of animal units in a production site already authorized by the Government under section 31.5 of the Act:

$$\frac{NLS}{400} + \frac{NSs}{650} \geq 1$$

where:

“NLS” represents the number of projected additional animal units under liquid manure management;

“NSs” represents the number of projected additional animal units under liquid manure management.

In the case of an animal production site existing before 23 March 2018, subparagraph 2 of the second paragraph and subparagraph 1 of the third paragraph apply to the site where the project is also covered by section 42 of the Agricultural Operations Regulation.

For the purposes of the third paragraph, an animal production site is considered to be under mixed manure management where the site intends to operate, at all times, according to a liquid and solid manure management.

For the purposes of this section, the number of animal units in an animal production site is determined using the following table, according to each category of animal concerned:

Determination of the number of animal units	
Categories of animals	Number of animals equivalent to an animal unit
Cattle	
Bull	
Slaughter cow and its calf	1
Dairy cow and its 14-day calf	
Dairy or slaughter heifer (> 15 months)	
Finishing cattle (> 400 kg)	
Backgrounding cattle (from 268 to 400 kg)	
Dairy or slaughter heifer (<15 months)	2
Finishing grain-fed calf (> 95 kg)	
Veal calf	3
Grain-fed calf nursery (≤ 95 kg)	7
Suidae	
Sow and unweaned piglets	4
Boar	
Feeder pig (male or female)	5
Gilt	
Weanling	25
Poultry	
Heavy turkey (male or female of more than 9.9 kg)	45
Broiler turkey (male or female of a final weight less than or equal to 9.9 kg)	100
Laying hen – eggs for hatching	175
Roaster	225

Determination of the number of animal units	
Categories of animals	Number of animals equivalent to an animal unit
Broiler (male or female of a final weight less than or equal to 3 kg)	275
Laying hen – eggs for consumption	
Pullet – eggs for hatching	
Pullet – eggs for consumption	350
Any other category of animals	
For an animal that, at the end of the raising period, will have a weight equal to or greater than 600 kg or for a group of animals of the same species whose total weight will be 600 kg	1

For the purposes of this table, the weight of an animal is its expected weight at the end of the raising period.

31. APPLICATION OF PESTICIDES

Any program or project for the application, using an aircraft, including a drone, of the pesticides referred to in section 1 of the Pesticides Act (chapter P-9.3), for non-agricultural purposes over an area of 600 ha or more is subject to the procedure.

This section does not apply to the application of a pesticide whose only active ingredient is *Bacillus thuringiensis* (subsp. *Kurstaki*) or *Bacillus thuringiensis* (subsp. *israelensis*). In the latter case, the program or project must be carried out by a local municipality and the area concerned must be 5,000 ha or less.

32. CONSTRUCTION OF STORAGE TANKS

The following projects are subject to the procedure:

(1) the construction of one or more tanks with a total storage capacity equal to or greater than 10,000 m³ where the tanks are intended to receive one of the following materials:

(a) a liquid or gaseous material, except water, food products or liquid waste from a livestock operation;

(b) any other material referred to in section 3 of the Regulation respecting hazardous materials (chapter Q-2, r. 32) or paragraph 6 or 7 of section 4 of that Regulation;

(2) the construction of one or more tanks to increase the total capacity for the storage of one or more of the materials referred to in paragraph 1 to reach or exceed 10,000 m³;

(3) where the total storage capacity of a storage site existing on 23 March 2018 is 10,000 m³ or more, the construction of tanks that would increase that capacity by at least 10,000 m³, whether that threshold is reached through one or a number of separate projects.

Subparagraph 2 of the first paragraph does not apply to the increase of the storage capacity of a storage site existing on 23 March 2018. For such a site, the construction of tanks to increase that capacity by at least 10,000 m³, whether that threshold is reached through one or a number of separate projects, is subject to the procedure.

33. INCINERATION OF RESIDUAL MATERIALS OTHER THAN HAZARDOUS MATERIALS

For the purposes of this section, “incinerator” has the meaning provided for in section 101 of the Clean Air Regulation (chapter Q-2, r. 4.1).

The following projects are subject to the procedure:

(1) the construction or installation of a residual material incinerator with a maximum hourly capacity equal to or greater than 2 metric tons and any subsequent increase of 10% or more of the maximum hourly capacity of such an incinerator;

(2) any increase of the maximum hourly capacity of a residual material incinerator to reach or exceed 2 metric tons;

(3) the construction or installation of an incinerator intended to receive in whole or in part biomedical waste as defined in section 1 of the Regulation respecting biomedical waste (chapter Q-2, r. 12) or the conversion for that purpose of an existing incinerator, and any modification to increase by more than 10% the maximum hourly capacity of such an incinerator.

The construction of a residual material incinerator on the site of an industrial establishment is exempt from the application of subparagraphs 1 and 2 of the second paragraph to the extent that the incinerator will be reserved exclusively for the incineration of residual materials from that establishment.

Treatment facilities, by disinfection, of biomedical waste or the installation of a biomedical waste incinerator on the sites of their production to the extent that the incinerator is intended exclusively to incinerate biomedical waste from that site and the hourly incineration capacity is less than 100 kg, are excluded from the application of subparagraph 3 of the second paragraph.

34. LANDFILL SITE

Projects for the establishment or expansion of an engineered landfill referred to in Division 2 of Chapter II of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), except a site whose use is reserved exclusively for landfilling from an industrial process, are subject to the procedure.

For the purposes of this section, the expansion of a landfill includes any modification to increase the landfilling capacity.

35. SITE FOR THE FINAL DISPOSAL OF HAZARDOUS MATERIALS

The following projects are subject to the procedure:

(1) the establishment of a site used in whole or in part for the final disposal of hazardous materials within the meaning of section 1 of the Act or for the final disposal of materials from the stabilization and solidification treatment of residual hazardous materials, including vitrification;

(2) the expansion of a site referred to in subparagraph 1.

For the purposes of this section, the expansion of a site includes any modification that increases the final disposal capacity of hazardous materials.

The establishment or expansion, on land, of a site used exclusively for the final disposal of residual hazardous materials extracted from that lot or for the deposit of materials resulting from the treatment of hazardous materials thus extracted is exempt from the application of this section where the establishment is carried out as part of rehabilitation work authorized under the Act for sites used before 26 June 1985 for the deposit of such materials.

36. TREATMENT AND INCINERATION OF RESIDUAL HAZARDOUS MATERIALS

The following projects are subject to the procedure:

(1) the installation of any of the following processes for the treatment of residual hazardous materials where the materials are treated outside the location of their production:

(a) the physico-chemical treatment, thermal or not, for the stabilization and solidification of residual hazardous materials, including vitrification;

(b) the thermal treatment of residual hazardous materials for the extraction or recovery of metals where the maximal annual production capacity of metals is equal to or greater than 40,000 metric tons;

(c) the thermal treatment of residual hazardous materials for the production of fuels or lubricants, where the maximum annual treatment capacity of residual hazardous materials is equal to or greater than 50,000 metric tons;

(2) any increase of the maximum annual treatment capacity of a process referred to in subparagraph *a* of subparagraph 1;

(3) any increase of the maximum annual treatment capacity of a process referred to in subparagraph *b* or *c* of subparagraph 1 to reach or exceed the applicable threshold provided for in one of those subparagraphs;

(4) the construction or installation of an incinerator used in whole or in part for the incineration of residual hazardous materials, or the conversion for that purpose of an existing incinerator, and any increase of the maximum annual capacity of such an incinerator.

For the purposes of subparagraph 4 of the first paragraph, “incinerator” includes any incineration, gasification, pyrolysis, plasma treatment or other thermal treatment facility whose main result is to transform residual hazardous materials into gas, ash, pyrolytic coal or pyrolytic oil.

37. FINAL DISPOSAL AND THERMAL TREATMENT OF CONTAMINATED SOILS

The following projects are subject to the procedure:

(1) the establishment or expansion of a landfill site used in whole or in part as a final disposal site of soils containing one or more substances whose concentration exceeds the limit values set out in Schedule II to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) as well as the final disposal of such soils in a disposal site already established and for which no prior authorization was required under the Act to allow the disposal;

(2) the installation of facilities used in whole or in part for the thermal treatment of soils containing any of the following materials:

(a) more than 1,500 mg of organochlorines per kilogram of soil;

(b) more than 50 mg of polychlorinated biphenyl(s) (PCB) per kilogram of soil;

(c) a total concentration of dioxins and furans greater than 5 µg per kilogram of soil (expressed in 2,3,7,8-TCDD toxic equivalents).

For the purposes of subparagraph 1 of the first paragraph, the expansion of a disposal site used for the final disposal of soils includes any modification to increase the disposal capacity of that site.

The establishment or expansion, on land, of a disposal site used exclusively for the final deposit of contaminated soils extracted from that land or of soils containing one or more substances from that land in the course of rehabilitation work carried out in accordance with Division IV.2.1 of Chapter IV of Title I of the Act.

The following installations are exempt from the application of subparagraph 2 of the first paragraph:

(1) the installation of an in situ thermal treatment unit;

(2) the installation of mobile facilities used exclusively for the thermal treatment of contaminated soils on the land from which they are extracted or on land located within a radius of 500 m from that land in the course of rehabilitation work carried out in accordance with Division IV.2.1 of Chapter IV of Title I of the Act.

For the purposes of this section, soil analyses for determining the composition must be carried out by an accredited laboratory in accordance with Chapter XI of Title I of the Act.

38. EMISSIONS OF CERTAIN GREENHOUSE GASES

The following projects are subject to the procedure:

(1) the construction of a plant or any other type of establishment or installation that, once in operation, would produce emissions attributable to fixed processes or combustion, other than those that would result from mobile equipment, that could reach 100,000 metric tons or more per year of greenhouse gas expressed in CO₂ equivalents;

(2) any modification to a plant or any other type of establishment or installation in operation that would produce process or combustion emissions, other than those that would result from mobile equipment, an additional 100,000 metric tons or more of greenhouse gas expressed in CO₂ equivalents per year.

MISCELLANEOUS

A project for the construction of an establishment or the installation of equipment for assessing the performance of a new technology or a new method of operation is exempt from the application of sections 8, 12, 14 to 21, 23 to 29, 33, 36 and subparagraph 2 of the first paragraph of section 37 of Part II of this Schedule, to the extent that

(1) the construction or equipment would be situated on the site of an existing industrial establishment or within an industrial use area determined in the land use planning and development plan applicable to the territory concerned;

(2) the project requires the Minister's authorization under subdivision 1 of Division II of Chapter IV of Title I of the Act; and

(3) the application for authorization of the project made to the Minister must be accompanied, in addition to the information and documents provided for in section 23 of the Act, by an experimental protocol describing, in particular, the nature, extent and objectives of the research and experimental project, its anticipated impact on the environment and, where applicable, required measures for the protection of the environment and the follow-up of impact.

The third and fourth paragraphs of section 29 of the Act apply, with the necessary modifications, to the processing of such an application for authorization.

SCHEDULE 2

MODEL OF NOTICE REFERRED TO IN SECTION 7

Public notice

PROJECT (*insert the name and location of the project*)

This notice is published to inform the public of the commencement of the project's environmental assessment.

Insert a brief description of the project (4 or 5 lines)

For more information, the public may consult the project notice filed by its proponent with the Minister of Sustainable Development, the Environment and the Fight Against Climate Change, which includes, in particular, a description of the project and the site concerned, as well as a description of the main issues identified and impact anticipated on the receiving environment.

The project notice and the Minister's directive respecting the carrying out of the project's environmental impact assessment statement are available for consultation in the public register of the projects subject to the environmental impact assessment and review procedure, at the following Internet address: (*insert the Internet address of the public register*).

Any person, group or municipality may submit to the Minister, in writing and not later than (*insert the date occurring 30 days after the date of publication of the public notice*), observations on the issues that the project's environmental impact assessment statement should address. Those observations may be sent to the Minister through the public register at the above-mentioned Internet address.

Further information may be obtained on the project's environmental assessment process at (*insert the telephone numbers of the department*) and on the website of the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (*insert the Internet address of the department*).

Insert the date of the notice.

This notice is published by (*insert the name of the project proponent*) in accordance with section 31.3.1 of the Environment Quality Act (C.Q.L.R., chapter Q-2).

SCHEDULE 3

MODEL OF NOTICE REFERRED TO IN SECTION 11

Public notice

PROJECT (*insert the name and location of the project*)

Insert a brief description of the project (4 or 5 lines)

This notice is published to inform the public that the project's environmental impact assessment statement has been deemed to be admissible by the Minister of Sustainable Development, the Environment and the Fight Against Climate Change and that the period for public information on the project will begin on (*insert the date of the commencement of the public information period*).

Any person, group or municipality may, during that period, submit a request in writing to the Minister to hold a public consultation or mediation with respect to the project. The request must be made not later than (*insert the date occurring 30 days after the date of the commencement of the public information period*).

Insert, if applicable, the place, date, time and address where the information session is to be held by the Bureau d'audiences publiques sur l'environnement.

The project's environmental impact assessment statement, including a summary, and the other documents concerning the project are available for consultation in the public register of projects subject to the environmental impact assessment and review procedure at the following Internet address: (*insert the Internet address of the public register*).

The project notice, the Minister's directive respecting the carrying out of the environmental impact assessment statement and the impact assessment statement and its summary are also available for consultation (*insert the contact information of the temporary consultation centres*) and at the document centre of the Bureau d'audiences publiques sur l'environnement (BAPE). Further information may be obtained at (*insert the telephone numbers of the BAPE*) and on the BAPE's website at (*insert the Internet address of the BAPE*).

Insert the date of the notice.

This notice is published by (*insert the name of the project proponent*) in accordance with section 11 of the Regulation respecting the environmental impact assessment and review of certain projects (*insert the reference to the Compilation of Québec Laws and Regulations*).

103387

M.O., 2018

Order of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change dated 13 March 2018

Environment Quality Act
(chapter Q-2)

Order to amend the Ministerial Order concerning the fees payable under the Environment Quality Act

THE MINISTER OF SUSTAINABLE DEVELOPMENT,
THE ENVIRONMENT AND THE FIGHT AGAINST CLIMATE
CHANGE,

CONSIDERING subparagraph 1 of the first paragraph of section 31.0.1 of the Environment Quality Act (chapter Q-2), which provides that the Minister of Sustainable Development, the Environment and the Fight Against Climate Change may, by order, determine the fees payable by an applicant for the issue, renewal or modification of an authorization under the Act;