

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

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

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

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

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Gouvernement du Québec

O.C. 985-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

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

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

Snow, road salt and abrasives management

— Amendment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS it is expedient to make the Regulations with amendments;

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

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

YVES OUELLET
Clerk of the Conseil exécutif

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

Environment Quality Act

(chapter Q-2, s. 22, 1st par., subpar. 10, s. 23, 2nd par., s. 24, 1st par., subpar. 5, s. 28, s. 31.0.6, 1st, 2nd and 3rd pars., s. 31.0.11, 1st, 2nd and 4th pars., s. 31.22 and s. 95.1, 1st par., subpars. 3, 5 and 25.1)

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

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

2. The following is inserted after section 10:

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

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

This section also applies to an authorization issued before 6 July 2023, despite any inconsistent provision.”.

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

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

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

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

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

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

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

7. Section 254 is replaced by the following:

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

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

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

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

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

10. Section 292 is replaced by the following:

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

11. Section 293 is amended

(1) by replacing “subject to” by “where they meet”;

(2) by inserting “sections 8 and 9 of” after “provided for in”.

12. The following is inserted after section 294:

“§3. Exempted activities

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

(1) the centre meets the conditions for location provided for in section 8 of the Snow, road salt and abrasives management Regulation (chapter Q-2, r. 28.2);

(2) the total capacity of the tanks is less than or equal to 50,000 litres;

(3) the loading or unloading areas of the tanks is water-proof and designed to retain brine that could be discharged and facilitate its recovery;

(4) the tanks are double-walled tanks equipped with an interstitial automatic leak detection system or an impermeable basin able to contain 110% of the tank’s capacity or, where there are several tanks, 125% of the capacity of the largest tank;

(5) the tanks are protected by barriers at places liable to be struck by vehicles.

For the purpose of this section, despite subparagraph 1 of the first paragraph, a storage and handling centre for road salt and abrasives in operation on 2 September 2020 may be sited at a distance of 30 m or more but less than 60 m from a watercourse or a lake on 18 December 2023 if the operator holds an opinion from a professional qualified in the field demonstrating that the activity performed at that distance is not likely to constitute a source of contamination.

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

§1. Activity subject to authorization

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

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

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

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

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

16. Section 340.2 is replaced by the following:

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

(1) except if the initial encroachment does not allow it, a vegetation strip at least 5 m wide, measured from the boundary of the littoral zone, must be preserved in a natural or restored state in order to re-establish at least 2 strata of herbaceous, arbustive or arborescent vegetation;

(2) the work cannot be carried out elsewhere on the lot without encroaching into the lakeshore or riverbank;

(3) the lot was created before 18 May 2005.

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

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

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

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

(1) the area of the total encroachment of the accessory buildings and works into the lakeshore or riverbank is not more than 30 m²;

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

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

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

17. The following is inserted after section 340.2:

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

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

“(5) work to construct a main residential building and its accessory buildings and works and necessary access, and landscaping work necessary during and after the work;”

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

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

(3) in a wooded wetland situated in the bioclimatic domains of balsam fir stands with paper birch and black spruce stands with moss, in the case of a main residential building not connected to a waterworks system or a sewer system authorized under the Act, the siting, reconstruction, relocation, enlargement or other substantial modification to such a building, its accessory buildings and works and necessary access, on an area of not more than 3,000 m².”

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

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

22. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 5 to 7 and 9 to 13, which come into force on 18 December 2023.

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

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

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

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

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

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

3. Section 7 is amended

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

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

4. Section 9 is amended in paragraph 1

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

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

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

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

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

5. Section 10 is amended

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

(2) in paragraph 3

(a) by replacing “daily” by “weekly”;

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

(3) by replacing paragraph 4 by the following:

“(4) the handling and loading areas must be free at all times of any deposit of salt and abrasives resulting from handling and loading operations;”.

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

7. Section 14 is amended

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

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

8. Section 15 is amended by adding the following:

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

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

9. The following is inserted after section 15:

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

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

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

12. Section 18 is amended

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

(2) by striking out paragraph 2.

13. The following is inserted after section 18:

“**18.1.** Every person who contravenes paragraph 1 or 6 of section 10 commits an offence and is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or to both the fine and imprisonment, or in any other case, to a fine of \$30,000 to \$6,000,000.”.

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

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

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