## Draft Regulation

Environment Quality Act
(chapter Q-2)

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

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Amendments are proposed to the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) to reduce the information required to file an application for authorization where the services of a professional are required to prepare the project or application. Another amendment makes certain provisions of the Environment Quality Act (chapter Q-2) applicable to an application for the renewal of an authorization, in particular as regards the information and documents to be provided in support of an application and the elements the Minister can take into consideration when assessing a project's impacts.

A new declaration of compliance and three new authorization exemptions are also proposed with respect to the installation and operation of a system to wash fruit or vegetables on a raising site or spreading site. In addition, a transitional provision extends the deadline for compliance with the provisions of this Regulation for the systems that were in operation on 2 September 2020.

A declaration of compliance concerning the storage of hazardous residual materials, after possession has been taken of them for that purpose, would be adjusted with respect to the total quantity of hazardous residual materials that may be stored in order to provide for a specific quantity in the case of the lithium batteries of electric vehicles.

Lastly, the draft Regulation proposes a new declaration of compliance and a new authorization exemption concerning the storage of treated wood at a place other than a wholesale or retail establishment.

The proposed streamlining of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact would generate annual savings estimated at $0.3 million, as well as approximately $5.3 million in one-time savings, in particular by reducing the number of projects that are subject to ministerial authorization.

Further information on the draft Regulation may be obtained by contacting Maude Durand, director, Bureau de stratégie législative et réglementaire, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 675, boulevard René-Lévesque Est, 29e étage, boîte 14, Québec (Québec) G1R 5V7; email: question.bslr@environnement.gouv.qc.ca.

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

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

## 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. 23, 1st par., subpar. 3, s. 28, 2nd par., s. 31.0.6, 1st and 3rd pars., and s. 31.0.11, 1st and 2nd pars.).

**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 16 by replacing subparagraph 3 of the first paragraph by the following

"(3) where the applicant has relied on the services of a professional or other person to prepare the project or application, the information needed to identify that professional or person;".

**2.** The following is inserted after section 35:

"**35.1.** Unless otherwise provided for in this Regulation, sections 23 to 27 of the Act apply to the renewal of an authorization provided for in the Regulation, with the necessary modifications.".

**3.** The following is inserted after section 157:

"**157.1.** The installation and operation, on a raising site or spreading site, of a system to wash fruit or vegetables cultivated by one or more operators on a cumulative area equal to or greater than 20 ha are eligible for a declaration of compliance on the following conditions:

(1) when fruit is washed, it is exclusively cucurbitacea;

(2) when vegetables are washed, they do not include root or tuber and no part of their root system is introduced in the washing system;

(3) the wastewater discharged into the environment meets the following conditions:

(*a*) the suspended matter concentration is less than or equal to 50 mg/l;

(*b*) it is not discharged directly into the littoral zone, onto a riverbank or lakeshore, or into a wetland.".

**4.** The following is inserted after section 158:

"**158.1.** The installation and operation, on a raising site or spreading site, of a system to exclusively wash fruit, other than cucurbitacea, cultivated by one or more operators on a cumulative area equal to or greater than 5 ha but less than 20 ha, are exempted from authorization pursuant to this Chapter when the wastewater discharged into the environment meets the following conditions:

(1) it is not discharged directly into the littoral zone, onto a riverbank or lakeshore, or into a wetland;

(2) it does not reach one of the environments referred to in paragraph 1 via surface runoff.

**158.2.** The installation and operation, on a raising site or spreading site, of a system to wash fruit or vegetables whose wastewater is completely discharged on a parcel are exempted from authorization pursuant to this Chapter when the wastewater meets the following conditions:

(1) it is not discharged into the littoral zone, onto a riverbank or lakeshore, or into a wetland;

(2) it is discharged on soil that is not frozen and is not snow-covered.

**158.3.** The installation and operation, on a raising site or spreading site, of a system to wash fruit or vegetables meeting the following conditions are exempted from authorization pursuant to this Chapter:

(1) the wastewater flow generated by the system is at all times less than 10 $m^3$ per day;

(2) the wastewater is disposed of in one of the following manners:

(*a*) it is discharged into a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);

(*b*) it is transported to a treatment plant governed by the Regulation respecting municipal wastewater treatment works, by being first stored in a watertight manner.".

**5.** Section 234 is amended by replacing paragraph 3 by the following:

"(3) the total quantity of hazardous residual materials stored is less than

(*a*) 100,000 kg in the case of lithium batteries for electric vehicles; and

(*b*) 40,000 kg in other cases;".

**6.** The following is inserted after section 294.2:

"***§1.1.*** *Activity eligible for a declaration of compliance*

**294.3.** The storage of treated wood at a place other than a wholesale or retail establishment is eligible for a declaration of compliance on the following conditions:

(1) the total volume of treated wood stored at the site that is not protected from the elements is less than 300 $m^3$;

(2) when the total volume of treated wood stored at the site is equal to or greater than 100 $m^3$, the volume of treated wood equal to or greater than that quantity is stored on a watertight surface and the water that came into contact with the wood is collected and managed at an authorized site;

(3) the treated wood is stored

(*a*) 100 m or more from a category 1 or 2 groundwater withdrawal site and 30 m or more from a category 3 groundwater withdrawal site; or

(*b*) 60 m or more from a watercourse or a lake and 30 m or more from a wetland;

(4) the treated wood is stored above ground to avoid any contact with runoff water;

(5) the operator does not carry on the same activity within a radius of 500 m.

Despite subparagraph 2 of the first paragraph, an additional volume of not more than 50 $m^3$ of used treated wood, which is recovered or eliminated within 30 days after the beginning of the storage, may be added to the portion of the volume of treated wood that is less than 100 $m^3$ and is not subject to the conditions set out in subparagraph 2 if the other conditions set out in the first paragraph are met.".

**7.** Section 296 is replaced by the following:

"**296.** The storage of treated wood at a site other than a wholesale or retail establishment is exempted from an authorization pursuant to this Division in the following cases:

(1) the treated wood is protected from the elements;

(2) the treated wood is not protected from the elements, but the following conditions are met:

(*a*) the total volume of treated wood stored at the site is less than 100 $m^3$;

(*b*) the treated wood is stored above ground to avoid any contact with runoff water;

(*c*) the treated wood is stored

i. 100 m or more from a category 1 or 2 groundwater withdrawal site and 30 m or more from a category 3 groundwater withdrawal site; or

ii. 60 m or more from a watercourse or a lake and 30 m or more from a wetland;

(*d*) the operator does not carry on the same activity within a radius of 500 m.

Despite subparagraph *a* of subparagraph 2 of the first paragraph, an additional volume of not more than 50 $m^3$ of used treated wood, that is recovered or eliminated within 30 days following the beginning of the storage, may also be stored at the site, in accordance with the other conditions set out in that subparagraph 2.".

TRANSITIONAL AND FINAL

**8.** Despite any contrary provision, until 31 December 2030, Chapter XIII of Title II of Part II of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), as amended by this Regulation, does not apply to the operator of a system to wash fruit or vegetables cultivated by one or more operators if

(1) the system has been in operation since 2 September 2020 without an interruption of more than 24 consecutive months;

(2) the system is operated on an area less than or equal to the area operated on that date; and

(3) except if changes are made to improve the environmental performance of the system, it uses the same process, equipment and device, and no alteration has been made to them since 2 September 2020.

In the case of failure to comply with the conditions set out in the first paragraph, the operator must, as the case may be, obtain an authorization referred to in section 22 of the Environment Quality Act (chapter Q-2) or send a declaration of compliance referred to in section 157 or 157.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact to continue the operation of the system to wash fruit or vegetables.

**9.** This Regulation comes into force on (*insert the date that is 6 months after the date of publication of this Regulation in the Gazette officielle du Québec*), except sections 2 and 8, which come into force on (*insert the date that is 15 days after the date of publication of this Regulation in the Gazette officielle du Québec*).

107741