

chapter Q-2, r. 17.1

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

Environment Quality Act

(chapter Q-2, ss. 22, 23, 24, 28, 30, 31.0.2, 31.0.5, 31.0.6, 31.0.7, 31.0.8, 31.0.11, 31.15, 31.18, 31.20, 31.22, 31.26, 31.81, 32, 46, 46.0.3, 46.0.12, 53.30, 70, 70.9, 70.14, 70.19, 95.1 and 124.1).

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

O.C. 871-2020; S.Q. 2022, c. 8, s. 1.

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PART I

GENERAL PROVISIONS

O.C. 871-2020, Part I.

1. This Regulation sets out the regulatory scheme applying to activities on the basis of their environmental impact, in accordance with Division II of Chapter IV of Title I of the Environment Quality Act (chapter Q-2), hereinafter referred to as “the Act”, to complement the activities governed by 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 the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1), or by the environmental and social impact assessment and review procedure applicable in the territories referred to in sections 133 and 168 of the Act.

The regulatory scheme applies, on the basis of their level of impact, to

(1) activities that require a prior authorization pursuant to section 22 of the Act, hereinafter referred to as an “authorization”, and those that require the prior amendment of an authorization pursuant to section 30 of the Act, hereinafter referred to as an “amendment”, specifying in particular the information and documents that must be provided in support of an application in order for it to be considered, the terms and conditions governing an application for the issue, amendment, renewal, suspension or revocation of an authorization, and the terms and conditions governing the transfer of an authorization or the cessation of an authorized activity;

(2) activities eligible for a declaration of compliance pursuant to section 31.0.6 of the Act, hereinafter referred to as a “declaration of compliance”, specifying, in particular, the conditions, restrictions and prohibitions regarding eligibility, hereinafter referred to as the “eligibility conditions”, and those that apply to the carrying on of the activities, along with the information and documents that must be provided in support of a declaration of compliance and, where applicable, the declaration from a professional that must accompany the declaration of compliance or the attestation that must be provided once the activity has been completed;

(3) activities exempted from authorization pursuant to section 31.0.11 of the Act, hereinafter referred to as “exempted activities”, specifying in particular the conditions, restrictions and prohibitions that apply to the carrying on of the activities and, where applicable, the attestation from a professional that must be provided once the activity has been completed.

The regulatory scheme is based on the type of impact the activity has on the environment, or on the type of environment in which the activity is carried on.

This Regulation also includes specific provisions for activities governed by other laws or regulations, including the Regulation respecting the environmental impact assessment and review of certain projects.

The provisions of this Regulation do not restrict the application of the provisions of other regulations made under the Act that also apply to the carrying on of activities covered by this Regulation.

O.C. 871-2020, s. 1.

2. Despite section 46.0.2 of the Act, the authorization provided for in subparagraph 4 of the first paragraph of section 22 of the Act is not required for interventions carried out in

(1) the following man-made works:

(a) an irrigation pond;

(b) a water management or treatment facility referred to in subparagraph 3 of the first paragraph of section 22 of the Act;

- (c) a body of water containing water pumped from a sand pit or quarry, if it has not been restored;
- (d) a commercial fishing pond;
- (e) a pond for the production of aquatic organisms;
- (f) a basin reserved for fire-fighting purposes;

(2) a wetland in which the vegetation is dominated by reed phalaris (*Phalaris arundinacea L.*) or the introduced sub-species of common water reed (*Phragmites australis (Cav.) Trin. ex Steud. subsp. australis*), and when the soil is not hydromorphic.

For the purposes of subparagraph 1 of the first paragraph,

- (1) the works must be on land or in a flood zone, excluding riverbanks and lakeshores and any wetlands present in that flood zone;
- (2) the works must still be in use or, if not in use, must have been unused for at least 10 years;
- (3) a wetland resulting from work under a program to promote the restoration and creation of wetlands and bodies of water under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or from work carried out in accordance with the Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1) is not considered to be a man-made works;
- (4) a wetland or body of water into which storm water is discharged cannot be considered to be a water management or treatment facility.

In addition, any provision covering wetland or a body of water does not apply to any of the environments listed in the first paragraph.

O.C. 871-2020, s. 2; O.C. 1596-2021, s. 60.

2.1. Section 118.3.3 of the Act does not apply to this Regulation, except the provisions that apply to an activity subject to a municipal authorization under section 6, 7 or 8 of the Regulation respecting the temporary implementation of the amendments made by chapter 7 of the Statutes of 2021 in connection with the management of flood risks (chapter Q-2, r. 32.2).

O.C. 1596-2021, s. 61.

TITLE I

DEFINITIONS

O.C. 871-2020, Tit. I.

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

“accredited laboratory” means a laboratory accredited pursuant to section 118.6 of the Act; (*laboratoire accrédité*)

“ambient noise” means the total noise present in a given situation, at a certain time, usually composed of noise emitted by several near and remote sources; (*bruit ambiant*)

“aquaculture site” means a site on water or on land used for the cultivation, raising or reproduction of aquatic organisms, in particular fish, amphibians, echinoderms, shellfish, crustaceans or plants, for consumption or seeding purposes; (*site aquacole*)

“ditch” means a ditch along a public or private road, a common ditch or a drainage ditch, as defined in subparagraphs 2 to 4 of section 103 of the Municipal Powers Act (chapter C-47.1); (*fossé*)

“dwelling” means any construction intended for human habitation that is connected to individual or collective systems for the supply of drinking water and the treatment of wastewater; (*habitation*)

“fishing pond site” means a place comprising one or more units, containing cultured fish exclusively, closed on all sides to hold the fish captive, used for recreational fishing but not used to fatten fish; (*site d’étang de pêche*)

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

“harmful plant species” means a plant species that has a negative impact on the environment, biodiversity, human health, the economy or society; (*espèce floristique nuisible*)

“hydrogeological study” means a study signed by an engineer or geologist that describes, for a given territory, the distribution, composition and behaviour of groundwater and its interactions with geological formations, surface water and human activities; (*étude hydrogéologique*)

“invasive exotic plant species” means a plant introduced outside its natural distribution area that may constitute a threat to the environment, biodiversity, human health, the economy or society; (*espèce floristique exotique envahissante*)

“Minister” means the minister responsible for the administration of the Act; (*ministre*)

“particular noise” means a component of the ambient noise that may be specifically identified and is associated with the activities carried out in a place; (*bruit particulier*)

“plans and specifications” means engineering documents signed and sealed by an engineer; (*plans et devis*)

“predictive noise study” means a study to predict the propagation of noise from a given source, signed by a professional with suitable qualifications; (*étude prédictive du climat sonore*)

“professional” means a professional within the meaning of section 1 of the Professional Code (chapter C-26); any person authorized by a professional order to perform an activity reserved for the members of the order is also deemed to be a professional; (*professionnel*)

“public institution” means any of the following institutions, facilities or establishments:

(1) “educational institution” : any institution providing preschool, elementary or secondary education and governed by the Education Act (chapter I-13.3) or by the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), a private educational institution governed by the Act respecting private education (chapter E-9.1), an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), a general and vocational college, a university, a research institute, a superior school or an educational institution of which more than one-half of the operating expenditures are paid out of the appropriations voted by the National Assembly, and for the purposes of this Regulation, includes childcare centres and day care centres governed by the Educational Childcare Act (chapter S-4.1.1);

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

(3) “health and social services institution” : any health and social services institution governed by the Act respecting health services and social services (chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (chapter S-5) and, for the purposes of this Regulation, any other place where lodging services are provided for senior citizens or for any users entrusted by a public institution governed by any of the aforementioned Acts;

(4) “tourist establishment” : an establishment which offers to the public restaurant services or sleeping accommodations, including the rental of camping spaces and, for the purposes of this Regulation, tourist information offices, museums, ski stations, holiday camps, outdoor recreation areas, public beaches, rest areas, golf courses, marinas and sites with guided tourist visits; (*établissement public*)

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

“reference noise level” means a particular noise to which a corrective term may be added; (*niveau acoustique d'évaluation*)

“residual noise” means noise that lingers at a given place, in a given situation, when the particular noise is eliminated from the ambient noise; (*bruit résiduel*)

“sewer system” means any works used to collect, store, transport or process wastewater, in whole or in part of domestic origin, before being discharged into the environment, with the exception of

(1) a sewer line serving a single building connected to a sewer system, when the line is located within the property line for the building;

(2) a storm water management system to collect wastewater of domestic origin from an overflow, or treated wastewater;

(3) equipment or a device to treat wastewater, other than wastewater of domestic origin, that is not operated by a municipality; (*système d'égoût*)

“storm water management system” means any man-made works used to collect, store, transport or treat storm water, with the exception of

(1) a sewer system;

(2) a line serving a single building that is connected to a storm water management system and located within the property line for that building;

(3) equipment or a device intended to treat water other than storm water; (*système de gestion des eaux pluviales*)

“storm water” or “runoff” means surface water from liquid precipitation or snow or ice melt; (*eaux pluviales ou eaux de ruissellement*)

“temporary industrial camp” means all temporary facilities and their dependencies that meet all the following conditions:

(1) the facilities are occupied or set up for not more than 6 months per 12-month period for carrying out forest management, mining exploration or transportation activities or work related to the production, transportation or distribution of electric power and, except for the salvaging of timber following a forest fire, are designed to house 80 or fewer people;

(2) the facilities are situated in one of the following territories:

(a) a territory not organized into a local municipality, including an unorganized territory amalgamated with one of the municipalities of Rouyn-Noranda, La Tuque or Senneterre, as it was delimited the day before the amalgamation;

(b) the James Bay territory as described in the Schedule to the James Bay Region Development and Municipal Organization Act (chapter D-8.2);

(c) the territory situated north of the 55th parallel;

(d) the territories of the municipalities of Blanc-Sablon, Bonne-Espérance, Côte-Nord-du-Golfe-du-Saint-Laurent, Gros-Mécatina and Saint-Augustin and the territory of any other municipality constituted under the Act respecting the municipal reorganization of the territory of Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent (S.Q. 1988, c. 55; S.Q. 1996, c. 2); or

(e) the territories that are not accessible at any time by road vehicles; (*campement industriel temporaire*)

“waterworks system” means a mains, a system of mains or a facility or equipment used to treat, store or supply water intended for human consumption, with the exception of

(1) in the case of a building connected to a waterworks system, a mains or any other equipment serving the building that is located within the property line for the building;

(2) if more than one building is served by the system, a mains or any other equipment located within the buildings that, like the system, belongs to the same owner; (*système d'aqueduc*)

“withdrawal site” means the place where water enters a facility installed to make water withdrawals. (*site de prélèvement d'eau*)

O.C. 871-2020, s. 3; O.C. 1596-2021, s. 62; S.Q. 2022, c. 8, s. 169.

4. For the purposes of this Regulation and unless otherwise provided for,

(1) a reference to an environmental impact assessment and review procedure is a reference 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 and the environmental and social impact assessment and review procedure applicable in the territories referred to in sections 133 and 168 of the Act;

(2) a reference to a category 1, 2 or 3 water withdrawal is a reference to the categories established by the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(3) a reference to the inner, intermediate or outer protection zone of a water withdrawal is a reference to the protection zones defined pursuant to the Water Withdrawal and Protection Regulation;

(4) the terms defined by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1) must be used;

(5) the term “mineral substances” has the meaning given in section 1 of the Mining Act (chapter M-13.1);

(6) the term “claim” means a claim within the meaning of the Mining Act;

(7) the terms “livestock waste”, “raising site”, “spreading site” and “parcel” have the meaning given in section 3 of the Agricultural Operations Regulation (chapter Q-2, r. 26) for the activities to which that Regulation applies;

(8) the term “forest development activity” has the meaning given in paragraph 1 of section 4 of the Sustainable Forest Development Act (chapter A-18.1);

(9) the term “linear infrastructure” refers to the following infrastructures, including their right of way:

(a) a road infrastructure, excluding the water management and treatment facilities referred to in section 32 of the Act;

(b) an oil pipeline;

(c) a natural gas supply or distribution pipeline;

(d) a power or telecommunications transmission or distribution line;

(10) the expression “granular residual materials” means one of the materials referred to in the second paragraph of section 14 of the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49);

(11) the expression “municipal wastewater treatment works” has the meaning given in the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);

(12) the expression “depollution attestation” means an attestation issued by the Minister to a municipal wastewater treatment works pursuant to section 31.33 of the Act;

- (13) a distance is calculated horizontally
- (a) from the boundary of the littoral zone, for a watercourse or lake;
 - (b) from the boundary, for a wetland;
 - (c) from the top of the embankment, for a ditch;

(14) bioclimatic domains are those referred to in Schedule III.

O.C. 871-2020, s. 4; I.N. 2020-12-31; O.C. 1369-2021, s. 15; O.C. 1596-2021, s. 63.

TITLE II

SCOPE AND MISCELLANEOUS PROVISIONS

O.C. 871-2020, Tit. II.

5. This Regulation applies in a reserved area and an agricultural zone established pursuant to the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

O.C. 871-2020, s. 5.

6. Unless otherwise provided for, if a project involves the carrying on of several activities that do not have the same level of environmental impact, but one of which requires an authorization or the amendment or renewal of an authorization pursuant to the Act or this Regulation, the application for authorization will be analyzed solely on the basis of the activity that requires the authorization, amendment or renewal.

O.C. 871-2020, s. 6.

7. An activity referred to in the first paragraph of section 22 or section 30 of the Act that is eligible for a declaration of compliance or exempted pursuant to this Regulation does not require authorization pursuant to the second paragraph of section 22 of the Act.

Any person or municipality carrying on an activity eligible for a declaration of compliance or exempted pursuant to this Regulation that no longer meets an eligibility condition must obtain authorization from the Minister before continuing with that activity.

O.C. 871-2020, s. 7.

8. Where, for an activity governed by this Regulation, a provision sets a condition for the laying out or presence of an infrastructure, works, facility, equipment or apparatus for the subsequent carrying on of the activity, the person or municipality must use it for the activity in accordance with its intended purpose.

O.C. 871-2020, s. 8.

9. Any layout, infrastructure, works or facility governed by this Regulation must be maintained in good condition and used in an optimal way according to the use for which it was designed.

O.C. 871-2020, s. 9; S.Q. 2022, c. 8, s. 170.

TITLE III

INFORMATION AND DOCUMENTS RELATING TO AN ACTIVITY

O.C. 871-2020, Tit. III.

10. Every person or municipality that files, with the Minister, an application, a declaration of compliance, a notice or any other information or document required by this Regulation must use the forms, templates, spreadsheets or any other data collecting tool that are appropriate and that are available on the website of the Minister's department and submit them electronically.

In addition, any supplementary information or document sent to the Minister when an application for authorization is being analyzed must be submitted electronically.

O.C. 871-2020, s. 10; O.C. 985-2023, s. 1.

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.

O.C. 985-2023, s. 2.

11. Unless otherwise specified in this Regulation or in another regulation made under the Act, a person or municipality must, for the entire period during which activities are carried on as part of a project and for a minimum period of 5 years after activities cease, keep a copy of the following information and documents:

(1) any information and documents filed with the Minister by the person or municipality and, where applicable, by a previous holder or declarant;

(2) any information and document needed to produce the information and documents referred to in subparagraph 1;

(3) any information and documents mentioned in this Regulation in connection with the standards, conditions, restrictions and prohibitions that apply to any activity that is part of the project.

The person or municipality must also keep a copy of the data entered in any register required by this Regulation for a minimum period of 5 years after entry. They must be provided for the Minister's perusal at the Minister's request.

The information and documents referred to in the first paragraph must be provided for the Minister's perusal within 20 days after being requested by the Minister.

O.C. 871-2020, s. 11.

12. An applicant need not provide information or a document required for the issue, renewal or amendment of an authorization if such information or document is included in a study, report, notice or other document that the applicant must send to the Minister pursuant to this Regulation.

The applicant must, however, indicate where the required information or document can be found in the document previously filed. In addition, if the activity is being carried on, the information or document must be the most recent available.

O.C. 871-2020, s. 12.

13. Where more than one study, report, notice or similar document is required pursuant to this Regulation, a single document may be filed with the Minister provided it contains all the elements required by this Regulation.

O.C. 871-2020, s. 13.

14. Subject to any confidential industrial or trade secrets identified pursuant to section 23.1 of the Act in connection with an application for authorization, the information and documents required to be filed under this Regulation in connection with an application related to an authorization or for a declaration of compliance are public in nature, with the exception of

- (1) information or documents concerning the location of a threatened or vulnerable species;
- (2) a prevention or emergency response plan;
- (3) an experimental protocol filed in connection with an authorization for research and experimental purposes under section 29 of the Act;
- (4) a declaration of antecedents referred to in Chapter IV of Title IV of Part I;
- (5) a technical program for each project phase for the surveying, drilling, completion, fracturing, reconditioning, extraction testing and flow testing of an underground reservoir filed with the minister responsible for the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1) in connection with an application for authorization or approval under that Act.

The information, documents, and supplementary studies required by the Minister under section 24 of the Act are also public information.

Subject to any information that is public information pursuant to the second paragraph of section 31 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2), the programs referred to in subparagraph 5 of the first paragraph become public information 5 years after completion of the work, in accordance with section 140 of the Act respecting natural gas storage and natural gas and oil pipelines or, if they are filed in connection with an exploration, production or storage project following the drilling of a well, 2 years after the date of permanent closure of the well.

O.C. 871-2020, s. 14; O.C. 985-2023, s. 3.

TITLE IV

AUTHORIZATION

O.C. 871-2020, Tit. IV.

CHAPTER I

APPLICATION FOR AUTHORIZATION

O.C. 871-2020, c. I.

15. The information and documents required under this Title must be supplemented by the specific information and documents required for each type of activity as set out in Part II of this Regulation.

All the information and documents required by the Act and this Regulation for a project must be submitted if the application for authorization for the project is to be considered for analysis by the Minister.

O.C. 871-2020, s. 15.

DIVISION I

GENERAL CONTENT

O.C. 871-2020, Div. I.

16. Every application for authorization must include the following general information and documents:

- (1) the information needed to identify the applicant and, where applicable, the applicant's representative;
- (2) where the applicant has more than one establishment, the contact information for the establishment covered by the application;
- (3) where the applicant has relied on the services of a professional or other person to prepare the project or application:
 - (a) the information needed to identify that professional or person;
 - (b) a summary of the tasks entrusted to the professional or person;
 - (c) a declaration by the professional or person attesting that the information and documents provided are accurate and complete;
- (4) the information and documents referred to in section 17 describing and stating the location of the project and each activity it involves that requires authorization;
- (5) the information and documents referred to in section 18 concerning the impact of the project and of each activity it involves that requires authorization;
- (6) the information and documents referred to in section 20 concerning greenhouse gas emissions, if any;
- (7) the information and documents referred to in section 22 concerning the groundwater monitoring program, if any;
- (8) where the application concerns an activity for research and experimental purposes, the information and documents referred to in section 23;
- (9) where the application concerns a general authorization, the information and documents referred to in section 26;
- (10) the declaration of antecedents, with the contents set out in section 36;
- (11) where applicable, a list of the activities eligible for a declaration of compliance or the exempted activities covered by this Regulation that are part of the project;
- (12) an attestation by the applicant or the applicant's representative that all the information and documents provided are accurate and complete.

Where fees are payable under the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28), the applicant must include, with the application, payment of the fees for the processing of the application.

O.C. 871-2020, s. 16.

17. The description of the project and of each activity requiring authorization it involves must include everything that the applicant plans to do, use, construct or lay out temporarily or permanently, and in particular

- (1) the nature and the technical and operational characteristics of the project and the activities it involves;
- (2) the procedure and implementation schedule for each phase of the project or an activity;
- (3) the buildings, equipment, apparatus, facilities, constructions, works and storage areas;
- (4) the source, nature and quantity of the residual materials likely to be generated, stored, retained, treated, recovered or eliminated, and the measures for managing such residual materials;
- (5) any descriptive element required to demonstrate compliance with the standards, conditions, restrictions and prohibitions prescribed by the Act or its regulations or prescribed in an authorization issued following an environmental impact assessment and review procedure.

The location of the project and of each of the activities it involves must be indicated using

- (1) a georeferenced site plan, including the delimitation of all intervention zones, discharge points, observation wells and measuring or sampling points;
- (2) a site description indicating, in particular, the presence of wetlands, bodies of water and specific habitats, the principal environmental characteristics of the site, and their location on the plan referred to in subparagraph 1;
- (3) where an activity covered by the application will be carried on in an agricultural zone within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) and will require authorization from the Commission de protection du territoire agricole du Québec, mention of that fact.

O.C. 871-2020, s. 17.

18. The impacts of the project and of each of the activities it involves include, in particular,

- (1) the nature, source, quantity and concentration of all the contaminants likely to be discharged;
- (2) a description of the anticipated environmental impacts;
- (3) a description of the proposed mitigation measures, including those relating to site rehabilitation;
- (4) a description of the proposed monitoring, maintenance, supervision and control measures, including a description of the equipment, apparatus, observation wells, measuring or sampling points and other facilities needed for that purpose;
- (5) any other information or document showing that the project or activity complies with the standards, conditions, restrictions and prohibitions prescribed by the Act or its regulations or prescribed in an authorization issued following an environmental impact assessment and review procedure.

O.C. 871-2020, s. 18.

DIVISION II**GREENHOUSE GAS EMISSIONS**

O.C. 871-2020, Div. II.

19. This Division covers consideration of the greenhouse gas emissions attributable to the carrying on of an activity or the use of certain equipment or processes and the reduction measures that may be put in place for the purposes of an application for authorization or an analysis of the impacts of the application, to make applicants aware of the fight against climate change.

O.C. 871-2020, s. 19.

20. An application for authorization that concerns the carrying on of an activity listed in Schedule I or the use of equipment or a process listed in that Schedule must include the following information and documents:

(1) the activity, equipment or process concerned, listed in Schedule I;

(2) an estimate, produced by a suitably qualified person, of

(a) the annual greenhouse gas emissions attributable to the carrying on of the activity or the use of the equipment or process covered by the application;

(b) in the case of the hydrocarbon-related activities referred to in Chapter IV of Title II of Part II and in addition to the emissions referred to in subparagraph *a*, the greenhouse gas emissions attributable to the construction and closure of the facilities;

(3) a description of the reduction measures for greenhouse gas emissions that the applicant plans to put in place at each stage in the carrying on of the activity or use of the equipment or process, along with an estimate of the ensuing reduction in greenhouse gas emissions, produced by a suitably qualified person, with the exception of the emissions attributable to the use of residual biomass as the principal fuel in equipment referred to in paragraphs 1 and 2 of Schedule I;

(4) a demonstration that the greenhouse gas emissions attributable to the carrying on of the activity or use of the equipment or process have been considered and minimized, taking the best available technology and technical and economic feasibility into account, as established by the applicant.

The first paragraph does not apply

(1) to an application concerning an activity listed in Schedule I or to the use of equipment or a process listed in that Schedule that is covered by a government authorization pursuant to section 31.5 of the Act following the application of the environmental impact assessment and review procedure after 23 March 2018. In such a case, the applicant must, however, provide a reference to the documents filed for the purpose of that procedure that estimate the greenhouse gas emissions attributable to the activity or the equipment or process, and describe the steps taken to mitigate the emissions;

(2) to an existing industrial establishment within the meaning of the second paragraph of section 31.25 of the Act.

O.C. 871-2020, s. 20.

21. For the purposes of subparagraph 5 of the first paragraph of section 24 of the Act, the greenhouse gas emissions attributable to a project and the reduction measures it may require are taken into consideration in the analysis of the impact of the project if it involves

(1) the carrying on of an activity or the use of equipment or a process listed in Schedule I; or

(2) the carrying on of an activity or the use of equipment or a process that is based on technology that has not previously been used in Québec or is not generally used for the purpose proposed by the applicant, when the activity or use is likely to emit, annually, 10,000 or more tonnes of greenhouse gas, CO₂ equivalent.

O.C. 871-2020, s. 21.

DIVISION III

GROUNDWATER MONITORING PROGRAM

O.C. 871-2020, Div. III.

22. Where an application for authorization concerns an industrial or commercial activity in one of the categories listed in Schedule IV of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37), and where a withdrawal facility for water for human consumption or food processing is located less than 1 km downstream from the land concerned, the application must include a groundwater monitoring program to ensure compliance with the requirements of the Land Protection and Rehabilitation Regulation, including

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

(2) unless the program is conducted by an engineer or geologist, an opinion from such a professional attesting to the accuracy of the data included in the program and stating that the system of monitoring wells allows the quality of the groundwater to be monitored in accordance with the requirements of the Regulation;

(3) a list of the substances referred to in paragraph 2 of section 5 of the Land Protection and Rehabilitation Regulation, and the location of the emission points of those substances;

(4) a detailed description of the system of monitoring wells, including their number and location.

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

O.C. 871-2020, s. 22.

DIVISION IV

AUTHORIZATION FOR RESEARCH AND EXPERIMENTAL PURPOSES

O.C. 871-2020, Div. IV.

23. Where an application for authorization concerns a research and experimental project referred to in section 29 of the Act, the application for authorization must include the information and documents required by that section and a reference of the provisions of the Act or its regulations from which the project is likely to derogate.

O.C. 871-2020, s. 23.

DIVISION V

GENERAL AUTHORIZATION

O.C. 871-2020, Div. V.

24. For the purposes of section 31.0.5.1 of the Act,

(1) maintenance work on a watercourse is work

(a) to maintain it in a functional hydraulic and ecological state by

i. maintaining or restoring the watercourse to a dynamic balance, as reflected in a hydraulic geometry adapted to the conditions of the watershed; or

ii. maintaining or re-establishing the ecological functions of the watercourse;

(b) carried out by cleaning; or

(c) ensuring proper management of vegetation and sediments in the littoral zone, on a riverbank or lakeshore or in a flood zone;

(2) work in a lake to regulate the water level or maintain the lake bed is solely work to remove sediment from the mouth of an affluent or immediately upstream from the outflow of the lake.

The work referred to in the first paragraph must be planned in a way that takes into account the specific features of the hydrographic network in the watershed concerned, the regional wetlands and bodies of water plan and the water master plan applicable, and previous work in the watercourse or lake, if any.

O.C. 871-2020, s. 24; O.C. 1369-2021, s. 16; O.C. 1596-2021, s. 64.

25. Paragraph 1 of section 46.0.3 of the Act, requiring a characterization study, does not apply to an application for general authorization, except for

(1) work carried out in a wetland, unless intended to remove trees or shrubs;

(2) work carried out in a lake.

Sections 315 and 331 do not apply in the case of an application for general authorization.

O.C. 871-2020, s. 25.

26. An application for general authorization must include the following supplemental information and documents:

(1) the plan required by subparagraph 1 of the second paragraph of section 17 showing a radius of 1 km upstream and downstream from the intervention zone and the location of environments of conservation interest or that may be restored, as identified in the regional wetlands and bodies of water plan;

(2) an identification of the problems connected with the watercourses or lakes that require work, and the level of risk associated with the performance or non-performance of the work;

(3) a description of previous maintenance work on a watercourse or previous work to regulate the water level of a lake or maintain a lake bed, if any;

(4) when the work concerns the removal of sediment or the reprofiling of a river or lake bed, the longitudinal and transversal sections of the land showing the current and planned profile of the watercourse or lake;

(5) in the cases provided for in the second paragraph, an opinion, signed by a professional or a person qualified in the fields of hydrogeomorphology, hydrology or hydraulics, showing that the planned work matches the problems identified in the application and the characteristics and particularities of the watercourse concerned, in particular with respect to fluvial dynamics and the watercourse's evolutionary stage;

(6) in the cases provided for in the third paragraph, an opinion, signed by a professional or a person qualified in characterization and the ecology of wetland and waterbody ecosystems, showing that the planned work matches the problems identified in the application and attesting that the ecological functions and biodiversity of the wetlands and bodies of water concerned will not be affected;

(7) any relevant elements in a regional wetlands and bodies of water plan.

The notice referred to in subparagraph 5 of the first paragraph is also required in the following cases:

- (1) the work targets a stretch of the watercourse that may change position;
- (2) the last work to clean the watercourse occurred less than 5 years previously;
- (3) the work will affect a continuous or cumulative stretch of 1,000 m or more of the same watercourse;
- (4) the sediment has a median diameter of more than 2 mm.

The notice referred to in subparagraph 6 of the first paragraph is also required in the following cases:

(1) the work is likely to have an impact on a threatened or vulnerable species or a species likely to be designated as threatened or vulnerable under the Act respecting threatened or vulnerable species (chapter E-12.01);

(2) the work is carried out in wetlands and bodies of water identified in a regional wetlands and bodies of water plan as having special conservation interest.

O.C. 871-2020, s. 26.

CHAPTER II

AMENDMENT OF AUTHORIZATION

O.C. 871-2020, c. II.

27. This Chapter applies to the cases provided for in the first and second paragraphs of section 30 of the Act and to the cases requiring the amendment of an authorization identified in Titles II, III and IV of Part II.

O.C. 871-2020, s. 27; S.Q. 2022, c. 8, s. 171.

28. *(Revoked).*

O.C. 871-2020, s. 28; S.Q. 2022, c. 8, s. 172.

29. An application for the amendment of an authorization must include the following general information and documents:

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

(2) the information and documents required by section 16 and by the specific provisions that apply to the activity, if they relate to the amendment or, if they were filed previously, in their updated form if there have been any changes;

(3) a complete description of the planned change that requires the amendment of the authorization and a presentation of the reasons for the change, including

(a) everything that the applicant plans to do, use, construct or lay out temporarily or permanently, in particular to ensure compliance with the conditions, restrictions, prohibitions and standards applicable;

(b) the information and documents required by section 17 and the specific provisions that apply to the activity, if they relate to the amendment or, if they were filed previously, in their updated form if there have been any changes;

(4) the environmental impacts of the project as amended, including

(a) the information and documents required by section 18 and the specific provisions that apply to the activity, if they relate to the amendment or, if they were filed previously, in their updated form if there have been any changes;

(b) an assessment of the consequences of the change with respect to the nature, quantity, location or concentration of contaminants discharged into the environment;

(c) where the amendment concerns an activity, equipment or a process listed in Schedule I, the information and documents on greenhouse gas emissions referred to in section 20 for the amendment requested, except if

i. the amendment is covered by a government authorization pursuant to section 31.7 of the Act after 23 March 2018. In such a case, the applicant must, however, provide a reference to the documents filed for the purpose of the environmental impact assessment and review procedure that estimate the greenhouse gas emissions attributable to the activity or the equipment or process, and describe the steps taken to mitigate the emissions;

ii. the applicant is an emitter referred to in section 2 or 2.1 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1);

iii. the amendment concerns only the operation of an industrial establishment authorized pursuant to subparagraph 1 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 29.

30. If information based on estimated data has already been filed by the applicant for an amendment, the applicant must file the most recent real data relating to that information, collected during the carrying on of the activity covered by the application for an amendment.

O.C. 871-2020, s. 30.

31. Where the application for amendment concerns an authorization for research and experimental purposes, it must include an update of the experimental protocol in accordance with the second paragraph of section 31 of the Act.

O.C. 871-2020, s. 31.

32. This Chapter applies to applications for amendment made pursuant to section 122.2 of the Act.

O.C. 871-2020, s. 32.

CHAPTER III

RENEWAL OF AUTHORIZATION

O.C. 871-2020, c. III.

33. An application for the renewal of an authorization must include the following information and documents:

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

(2) the information and documents specified in Chapter I, with the exception of those relating to greenhouse gas emissions referred to in section 20 or, if they were filed previously, as updated;

(3) the information and documents required by the specific provisions that apply to the activity, if they relate to the renewal or, if they were filed previously, as updated.

O.C. 871-2020, s. 33.

34. If information based on estimated data has already been filed by the authorization holder, the authorization holder must file the most recent real data relating to that information, collected during the carrying on of the activity covered by the application for renewal.

O.C. 871-2020, s. 34.

35. Unless otherwise provided for in this Regulation, every application for the renewal of an authorization must be submitted to the Minister at least 120 days before the authorization expires.

Where the application for renewal is made within the time limit prescribed by this Regulation, the authorization remains valid despite its expiry until a decision on the application has been made by the Minister.

O.C. 871-2020, s. 35; O.C. 985-2023, s. 4.

CHAPTER IV

DECLARATION OF ANTECEDENTS

O.C. 871-2020, c. IV.

36. The declaration of antecedents must include the following information:

(1) the information needed to identify the applicant or holder of authorization and, where applicable, their representative;

(2) a description of any situation referred to in sections 32 to 34 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6) that applies to the applicant or holder or, in the case of a legal person, one of its directors, officers or shareholders, along with the information needed to identify them;

(3) a declaration by the applicant or holder attesting that the information and documents provided are accurate and complete.

A declaration is not required to be filed by a legal person established in the public interest.

The declaration must be updated by the applicant, holder of authorization or representative and filed with the Minister as soon as possible after

(1) a change occurs in the situation previously declared in accordance with subparagraph 2 of the first paragraph;

(2) a new situation arises to which sections 32 to 34 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply.

O.C. 871-2020, s. 36; S.Q. 2022, c. 8, s. 173.

CHAPTER V

TRANSFER OF AUTHORIZATION

O.C. 871-2020, c. V.

37. A holder of authorization intending to transfer the authorization to a person or municipality that wishes to continue or complete the carrying on of an activity authorized in accordance with section 31.0.2 or 31.7.5 of the Act must file a notice of transfer with the Minister containing the following information and documents:

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

(2) the planned date of the transfer;

(3) the name of and information needed to identify the transferee;

(4) the declaration of antecedents of the transferee, with the contents set out in section 36;

(5) where applicable, a declaration attesting that the transferee holds the guarantee or liability insurance needed to carry on the activity covered by the authorization;

(6) an attestation by the holder of authorization and the transferee that all the information and documents they have provided are accurate and complete.

O.C. 871-2020, s. 37.

38. For the purposes of section 31.0.2 of the Act, the person legally authorized to act on behalf of the transferor may send the notice of transfer to the Minister provided the notice contains justification of the person's capacity to act.

The notice of transfer referred to in the first paragraph of section 31.0.2 and the declaration of antecedents are not required to transfer the authorization for a raising site that concerns only the raising of livestock and the storage of livestock waste. The new operator of the raising site is deemed to be the holder of authorization as soon as operations begin and has the same rights and obligations as the previous holder.

O.C. 871-2020, s. 38.

CHAPTER VI

SUSPENSION OR REVOCATION OF AUTHORIZATION

O.C. 871-2020, c. VI.

39. The holder of an authorization who applies for its suspension or revocation pursuant to section 122.2 of the Act must file, with the authority that issued the authorization, the following information:

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

(2) the reason for which suspension or revocation of the authorization is requested;

- (3) in the case of an application for suspension, the period for which suspension is requested;
- (4) in the case of an application for revocation, the date on which revocation is requested;
- (5) a declaration by the applicant that all the information and documents provided are accurate and complete.

O.C. 871-2020, s. 39.

CHAPTER VII

CESSATION OF AN AUTHORIZED ACTIVITY

O.C. 871-2020, c. VII.

40. For the purposes of section 31.0.5 of the Act, activities determined by government regulation are

(1) activities in connection with which a provision of the Act or its regulations deals with the permanent cessation or termination of the activity or the closure of an establishment or place;

(2) activities listed in Schedule II.

Subject to any other time limit prescribed by the Act or a regulation under it, a person who permanently ceases an activity referred to in the first paragraph must inform the Minister not later than 30 days after the cessation by filing a notice of cessation of activity that includes the following information:

- (1) the number and date of issue of the authorization for the activity that has ceased;
- (2) the date of cessation of the activity;
- (3) the reason for the cessation of the activity;
- (4) a declaration by the holder of authorization attesting that it will comply with the cessation measures prescribed by the Minister in the authorization, if any;
- (5) a declaration by the holder attesting that all the information and documents provided are accurate and complete.

O.C. 871-2020, s. 40.

TITLE V

DECLARATION OF COMPLIANCE

O.C. 871-2020, Tit. V.

41. A declaration of compliance must include, in addition to the specific information and documents that may be required by this Regulation, the following information and documents:

- (1) the information needed to identify the declarant and, where applicable, the declarant's representative;
- (2) where applicable, the contact information for the establishment covered by the declaration;
- (3) where the declarant has relied on the services of a professional or other person to prepare the project or declaration:
 - (a) the information needed to identify that professional or person;

(b) a summary of the tasks entrusted to the professional or person;

(c) a declaration by the professional or person attesting that the information and documents provided are accurate and complete;

(4) a description of the activity covered by the declaration of compliance, including the work needed to carry it on, specifying in particular

(a) any information needed to verify the compliance of the activity with the eligibility conditions and any other standard, condition, restriction or interdiction prescribed by the Act or its regulations or prescribed in an authorization issued following an environmental impact assessment and review procedure;

(b) the planned duration of the activity and its implementation schedule;

(5) information on the location of the activity using a georeferenced plan, specifying:

(a) the contact information for the place concerned;

(b) the boundaries within which the activity will be carried on;

(c) the presence of wetlands or bodies of water and their designation;

(6) when the declaration of compliance concerns a change referred to in section 30 of the Act or in this Regulation in connection with an authorized activity and if the change is eligible for a declaration of compliance, the number of the authorization concerned;

(7) a declaration by the declarant or the declarant's representative attesting that

(a) the activity will be carried on in accordance with any standard, condition, restriction or interdiction prescribed by the Act or its regulation or prescribed in an authorization issued following an environmental impact assessment and review procedure;

(b) all the information and documents provided are accurate and complete.

The declarant must also include, with the declaration, payment of the fees payable under the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28).

The plan referred to in subparagraph 5 of the first paragraph need not be provided if a plan or other document including all the information required in that subparagraph has been submitted previously as part of an application for authorization. Such a plan or document may also be updated.

O.C. 871-2020, s. 41.

42. The declarant must, as soon as possible, inform the Minister of any change in the information or documents provided in the declaration of compliance.

O.C. 871-2020, s. 42.

43. A person or municipality that continues the activity of a declarant must inform the Minister in accordance with section 31.0.9 of the Act by submitting, in addition to the attestation and guarantee referred to in that section, the following information and documents:

(1) the information needed to identify the person or municipality and, where applicable, the professionals or persons mandated by the person or municipality;

(2) where applicable, an update of the description of the activity and its location, including an update of the schedule for the work;

(3) the date on which the activity is to be continued by the new declarant.

The obligations set out in the second paragraph of section 41 and in section 42 apply, adapted as required, to a person or municipality continuing an activity covered by a declaration of compliance.

O.C. 871-2020, s. 43.

44. Any activity covered by a declaration of compliance must begin not later than 2 years after the declaration is filed.

After that time, a declarant that has not begun the activity must submit a new declaration mentioning the fact that no change has been made to the initial declaration or, where applicable, updating the information and documents prescribed in first paragraph of section 41 and in the specific provisions that apply to the activity.

The obligations set out in the second paragraph of section 41 and in section 42 apply, adapted as required, to the new declaration.

O.C. 871-2020, s. 44.

PART II

REGULATORY SCHEME GOVERNING ACTIVITIES

O.C. 871-2020, Part II.

TITLE I

ACTIVITIES REGULATED BY OTHER SPECIFIC MECHANISMS OR GENERALLY EXEMPTED

O.C. 871-2020, Tit. I.

CHAPTER I

ACTIVITIES COVERED BY AN ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW PROCEDURE

O.C. 871-2020, c. I.

DIVISION I

PROCEDURE UNDER TITLE I OF THE ACT

O.C. 871-2020, Div. I.

45. Unless a contrary decision has been made pursuant to section 31.6 of the Act, in addition to the activities referred to in section 22 of the Act, authorization is required for any activity arising from a project covered by the environmental impact assessment and review procedure prescribed by Subdivision 4 of Division II of Chapter IV of Title I of the Act for which the governmental authorization provides a condition, restriction or prohibition.

Ministerial authorization may not, however, be issued before the governmental authorization is issued pursuant to section 31.5 of the Act, except if the activities covered by the ministerial authorization are intended for the completion of an impact study.

O.C. 871-2020, s. 45.

46. The activities referred to in section 45 may be covered by a declaration of compliance or be exempted from authorization, as provided for in this Regulation.

Despite the first paragraph and unless covered by a contrary decision pursuant to section 31.6 of the Act, the following activities are not eligible for a declaration of compliance and are not exempted activities:

(1) tree-clearing activities;

(2) construction work on a watertight storage facility for livestock waste;

(3) the construction of any linear infrastructure referred to in the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) or necessary for the construction of a wind farm referred to in that Regulation, including temporary or permanent roads needed for access to the infrastructure;

(4) the construction of a bridge or culvert, including temporary works;

(4.1) the construction of slope stabilization works and all dredging, excavation and fill work carried out in bodies of water, including the management of excavated soil, under a project or program referred to in subparagraph 1 of the first paragraph of section 2 of Part II of Schedule 1 of the Regulation respecting the environmental impact assessment and review of certain projects;

(5) the construction of energy-dissipating weirs and baffles for hydroelectric works;

(6) the storage, crushing and sieving of brick, concrete and bituminous coated materials during construction work;

(7) the construction and operation of a storage site for petroleum products or liquid mixtures of hydrocarbons.

For the purposes of this section, the construction of an infrastructure, place or works includes its siting, replacement, substantial modification and dismantling.

O.C. 871-2020, s. 46; O.C. 1461-2022, s. 1.

47. In addition to the general content prescribed by section 16, the supplemental information and documents required for an activity referred to in section 45 are the information and documents prescribed in Titres II, III and IV of Part II for the activity concerned.

An applicant need not provide the required information or documents if such information or documents were previously provided for an environmental impact assessment and review procedure. However, the applicant must indicate where the required information or document can be found in the documents previously filed.

O.C. 871-2020, s. 47.

DIVISION II

PROCEDURE UNDER TITLE II OF THE ACT

O.C. 871-2020, Div. II.

48. Authorization is required for any activity arising from a project subject to the environmental and social impact assessment and review procedure, if the activity is subject to prior ministerial authorization pursuant to section 22 of the Act and this Regulation.

The activities referred to in the first paragraph may be covered by a declaration of compliance or be exempted from authorization, as provided for in this Regulation.

The activities covered by a ministerial authorization, declaration of compliance or exemption may not, however, begin before the Minister issues a certificate or attestation in accordance with sections 154 and 189 of the Act, except when they concern the completion of an impact study.

O.C. 871-2020, s. 48.

49. In addition to the general content prescribed by section 16, the supplemental information and documents required for an activity referred to in the first paragraph of section 48 are

(1) the certificate of authorization or attestation of exemption issued by the Minister pursuant to section 154 or 189 of the Act;

(2) the information and documents provided for in Titles II, III and IV of Part IV for the activity concerned.

An applicant need not provide information or a document previously provided for the impact assessment and review procedure, but must indicate where the information and documents can be found in the documents previously filed with the Minister.

O.C. 871-2020, s. 49.

CHAPTER II

ACTIVITIES REGULATED BY OTHER LAWS OR REGULATIONS

O.C. 871-2020, c. II.

50. The following activities are exempted from authorization or the amendment of authorization pursuant to sections 22 and 30 of the Act and this Regulation:

(1) activities subject to the Regulation respecting the sustainable development of forests in the domain of the State (chapter A-18.1, r. 0.01) with the exception, for the portion carried on in a wetland or body of water, of

(a) the construction, widening or straightening of a road managed by the minister responsible for the Act respecting roads (chapter V-9) and that is classified as an autoroute or a national, regional or collector road;

(b) the construction, improvement or repair of a road or a route that skirts a lake or a watercourse by encroaching on its bed or a “riparian ecotone” within the meaning of section 2 of that Regulation;

(2) the construction and operation of a storage site for petroleum products referred to in section 7 of the Building Act (chapter B-1.1) and any other liquid mixture of hydrocarbons referred to in the Petroleum Products Regulation (chapter P-30.01, r. 2) when the construction of the site complies with Chapter VIII of the Construction Code (chapter B-1.1, r. 2) and its operation complies with Chapter VI of the Safety Code (chapter B-1.1, r.3).

(3) activities carried on in a natural environment or a territory designated pursuant to the Natural Heritage Conservation Act (chapter C-61.01) when the activities are authorized pursuant to that Act;

(4) activities carried on in the habitat of a threatened or vulnerable species of flora identified pursuant to paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01) when the activities are authorized pursuant to that Act;

(5) the application of pesticides in accordance with the Pesticides Management Code (chapter P-9.3, r. 1) other than work involving the use of pesticides requiring authorization pursuant to section 298 of this Regulation;

(6) the burial of inedible meat in accordance with the provisions of section 7.3.1 of the Regulation respecting food (chapter P-29, r. 1);

(7) work to recover and reclaim halocarbons from a fire extinguisher, fire extinguishing system or refrigeration or air conditioning unit performed in accordance with the Regulation respecting halocarbons (chapter Q-2, r. 29).

Despite subparagraphs 1 to 5 of the first paragraph and unless covered by a decision to the contrary made under section 31.6 of the Act, sections 22 and 30 of the Act and this Regulation apply to the activities referred to in those subparagraphs when they result from a project 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.

O.C. 871-2020, s. 50; O.C. 1461-2022, s. 2.

CHAPTER III

ACTIVITIES GENERALLY EXEMPTED

O.C. 871-2020, c. III.

51. The following activities are exempted from authorization or the amendment of authorization pursuant to sections 22 and 30 of the Act:

(1) activities carried on in accordance with an order issued pursuant to the Act;

(2) activities carried on in accordance with measures for the cessation of an activity required by the Minister pursuant to the first paragraph of section 31.0.5 of the Act;

(3) *(subparagraph revoked)*;

(4) indoor shooting sessions;

(5) the operation of an establishment whose only contaminant discharge, excluding domestic wastewater, is a discharge of wastewater of less than 10 m³ per day into a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);

(6) the cultivation of non-aquatic plants or mushrooms, including all the operations needed to ensure their growth, from soil preparation to harvest, including drainage and post-harvest tilling of the soil, with the exception of crops raised in wetlands and bodies of water and crops that require authorization pursuant to section 133, are eligible for a declaration of compliance pursuant to section 135, or fail to meet the conditions for exemption provided for in section 136.

For the purposes of subparagraph 6 of the first paragraph, any activity relating to the cultivation of plants or mushrooms that requires authorization, such as water withdrawal, soil fertilization or amendment with a residual material or water treatment, is not exempted from such authorization pursuant to this section and must be carried on in accordance with the provisions applicable to that activity.

O.C. 871-2020, s. 51; O.C. 1369-2021, s. 17; O.C. 1461-2022, s. 3.

52. The following activities are exempted from authorisation or the amendment of authorization pursuant to sections 22 and 30 of the Act, except if they involve work in a wetland or body of water:

(1) the following pre-project work:

- (a) surveys;
- (b) drilling work other than drilling work connected with natural gas storage activities referred to in the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1);
- (c) technical surveys and archaeological excavations;
- (2) displays or events requiring the use of pyrotechnic equipment or a device or apparatus to reproduce or amplify sound;
- (3) the racing, testing or displaying of motor vehicles;
- (4) the laying out, maintenance and dismantling of linear infrastructures, with the exception of those referred to in sections 348 and 349;
- (5) activities to crush and sieve topsoil that does not contain any residual materials as well as surface mineral substances during construction or demolition work.

O.C. 871-2020, s. 52; I.N. 2020-12-31; S.Q. 2022, c. 10, s. 102; O.C. 1461-2022, s. 4.

53. The following activities are exempted from authorization or the amendment of authorization pursuant to sections 22 and 30 of the Act, except if they involve work in a watercourse, lake or wetland:

- (1) the replacement or modification of technical equipment for a hydroelectric power station or dam when it involves no change in the minimum and maximum operating levels, even if it leads to an increase in power;
- (2) the replacement or modification of technical equipment for a wind farm or solar energy facility, even if it leads to an increase in power.

O.C. 871-2020, s. 53.

54. The following activities are exempted from authorization or the amendment of authorization pursuant to sections 22 and 30 of the Act:

(1) the destruction by fire, carried out by a person authorized to act for that purpose by the minister responsible for the administration of the Act respecting the lands in the domain of the State (chapter T-8.1), of a building installed without entitlement on land in the domain of the State and located in a place without road access allowing passage of the equipment needed to dismantle the building and transport the debris, on the following conditions:

- (a) no furniture constituting or deemed to constitute a hazardous material is burned;
- (b) no hazardous residual material is used for the burning;
- (c) the activity is carried out in a way that prevents runoff water from reaching a watercourse, lake or wetland with water at its surface;
 - (1.1) any burning activity carried out in connection with the training of firefighters, on the conditions set out in subparagraphs *a* to *c* of paragraph 1;
- (2) the piling of woody debris removed from the vicinity of a dam when carried out
 - (a) 100 m or more away from a category 1, 2 or 3 groundwater withdrawal site, except a withdrawal site connected to the activity;
 - (b) 60 m or more away from a watercourse or lake and 30 m or more away from a wetland;
 - (c) outside a flood zone;

(3) the burning of woody debris removed from the vicinity of a dam, on the following conditions:

- (a) no more than 150 m³ of wood is burned each day;
- (b) no dwelling or public institution is located within a radius of 25 km;
- (c) no hazardous residual material is used for the burning;

(d) the activity is carried out in a way that prevents runoff water from reaching a watercourse, lake or wetland with water at its surface;

(4) the establishment of a prefabricated holding tank serving a building or place not subject to the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22), on the following conditions:

- (a) the holding tank must be compliant with the standard BNQ 3682-901 or the standard CSA-B66;
- (b) the holding tank must be used only to store wastewater;

(c) the location standards provided for in section 7.1 of the Regulation respecting waste water disposal systems for isolated dwellings are met;

(d) the holding tank is equipped with a water level detection device connected to a sound alarm and a visual indicator allowing the verification of the fill level of the tank;

- (e) no animal waste is discharged into the holding tank;

(5) the establishment of a prefabricated holding tank serving a building or place referred to in the Regulation respecting waste water disposal systems for isolated dwellings and used to collect wastewater that is not of domestic origin, on the conditions set out in subparagraphs *a* to *e* of paragraph 4.

O.C. 871-2020, s. 54; O.C. 1596-2021, s. 64; O.C. 1461-2022, s. 5.

CHAPTER IV

RESEARCH AND EXPERIMENTAL WORK

O.C. 871-2020, c. IV.

55. The following research and experimental work, if needed to validate a product or process, is eligible for a declaration of compliance before the commercial release of the product or the commercial operation of the plant, on the following conditions:

(1) the work is carried on in accordance with an experimental protocol drawn up by a suitably qualified person that specifies

- (a) the research objectives;
- (b) the experimental materials;
- (c) the experimental or sampling device;
- (d) the location of the discharge points;
- (e) the variables measured;
- (f) the implementation schedule;

- (2) the project is eligible for
 - (a) provincial tax credits for scientific research and experimental development;
 - (b) a research and development or innovation program administered by a Québec government department or body; or
 - (c) a measure implemented by a department or body referred to in section 15.4.3 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) as part of the multi-year action plan on climate change;
- (3) the work does not require the withdrawal of 75,000 or more litres of water per day;
- (4) the work is not carried on in a wetland or body of water;
- (5) the discharges into the environment contain no hazardous materials and the work does not constitute an operation referred to in section 8 of the Regulation respecting hazardous materials (chapter Q-2, r. 32);
- (6) when the work includes releases into the atmosphere, air dispersion modelling has been performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), showing compliance with the air quality standards in Schedule K of that Regulation.

An activity referred to in the first paragraph must be carried on in accordance with the following conditions:

- (1) a representative sampling program must be established to measure the concentration of the contaminants released into the atmosphere if the air dispersion modelling shows that the concentration of the contaminant at the point of calculation is expected to exceed 80% of the air quality standard presented in Schedule K of the Clear Air Regulation;
- (2) when the work includes the addition of a discharge point of wastewater into the environment,
 - (a) the volume discharged at the discharge point is less than 10 m³ per day;
 - (b) apparatus or equipment to treat the discharge is installed;
 - (c) a representative sampling program is established to measure the concentration of the contaminants discharged.

O.C. 871-2020, s. 55.

56. In addition to what is required by section 41, a declaration of compliance for a research and experimental activity referred to in section 55 must include the following information:

- (1) in the location plan required, the location of the discharge points;
- (2) when the work includes releases into the atmosphere, a description of the modelling performed and a declaration from a professional
 - (a) confirming that air dispersion modelling has been performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), showing compliance with the air quality standards in Schedule K of that Regulation;
 - (b) indicating the operating conditions needed to ensure compliance with the standards of the Clean Air Regulation, in particular the efficiency of the air purification apparatus and the number and characteristics of the release points;

(c) identifying, where applicable, the contaminants at a concentration of more than 80% of the air quality standard and the location of the calculation points where this occurs;

(3) where applicable, confirmation from the declarant that the activity will be carried on in accordance with the operating conditions indicated in the attestation from the professional who performed the air dispersion modelling;

(4) where applicable, a description of the sampling programs that will be established.

O.C. 871-2020, s. 56.

57. The following research and experimental work is exempted from authorization or the amendment of authorization pursuant to sections 22 and 30 of the Act:

(1) research and experimental work carried on in an eligible public research centre within the meaning of paragraph *a.1* of section 1029.8.1 of the Taxation Act (chapter I-3) or in an educational institution, on the following conditions:

(a) the work does not require a water withdrawal of 75,000 litres or more per day;

(b) the work is not carried on in a wetland or body of water;

(2) any other research and experimental work carried out before the commercial release of a product or the commercial operation of a plant, on the conditions provided for in subparagraphs 1 to 5 of the first paragraph of section 55.

O.C. 871-2020, s. 57.

TITLE II

ACTIVITIES WITH MULTIPLE ENVIRONMENTAL IMPACTS

O.C. 871-2020, Tit. II.

58. Unless otherwise specified, the provisions applicable to a project that includes one of the activities referred to in this Title are completed by the provisions of Title III, for activities with a specific environmental impact, and the provisions of Title IV, for activities carried on in sensitive environments, which apply to the activities for that project.

O.C. 871-2020, s. 58.

CHAPTER I

INDUSTRIAL ESTABLISHMENTS

O.C. 871-2020, c. I.

DIVISION I

ACTIVITIES REQUIRING AUTHORIZATION

O.C. 871-2020, Div. I.

59. This Chapter applies to industrial establishments referred to in Division 0.1 of the Regulation respecting the operation of industrial establishments (chapter Q-2, r. 5) the operation of which requires authorization pursuant to subparagraph 1 of the first paragraph of section 22 and of section 31.10 of the Act.

O.C. 871-2020, s. 59.

60. In addition to the general content prescribed by section 16, the application for authorization must include the following supplemental information and documents:

(1) a list and a summary description of the depollution activities that the applicant is implementing or planning to implement and details on the objectives, timeframe and progress of the activities;

(2) a general process diagram and, if needed, a diagram for each sector.

O.C. 871-2020, s. 60.

61. The operator of an existing industrial establishment within the meaning of the second paragraph of section 31.25 of the Act must submit an application for authorization to the Minister within 6 months after the coming into force of the regulation applying to the category of industrial establishments to which it belongs.

O.C. 871-2020, s. 61.

DIVISION II

RENEWAL OF AUTHORIZATION

O.C. 871-2020, Div. II.

62. The holder of an authorization for the operation of an industrial establishment must submit an application for the renewal of authorization to the Minister at least 180 days before the expiry of the authorization.

O.C. 871-2020, s. 62.

DIVISION III

PUBLIC CONSULTATION

O.C. 871-2020, Div. III.

63. Despite section 31.20 of the Act, the first renewal of an authorization for the operation of an industrial establishment issued before 23 March 2018 does not require a public consultation, except in the cases referred to in section 66.

O.C. 871-2020, s. 63.

64. For the first renewal of an authorization for the operation of an industrial establishment or the issue of such an authorization for an existing industrial establishment within the meaning of the second paragraph of section 31.25 of the Act, the Minister publishes, within 90 days after sending the proposed authorization for the industrial establishment, the notice referred to in section 31.20 of the Act announcing the holding of a public consultation on the application, in a newspaper circulated in the region where the industrial establishment is located and on the website of the Minister's department.

The notice of consultation contains the following information:

- (1) the consultation period for the application;
- (2) the web link for consulting the information file on the application for authorization;
- (3) the contact information for the places where the information file may be consulted, and the business hours and days;
- (4) to allow any group, person or municipality to submit comments on the application:
 - (a) an e-mail address and mailing address for that purpose;
 - (b) the deadline for submitting comments.

O.C. 871-2020, s. 64.

65. The information file on the application for the renewal or issue of authorization submitted for public consultation must contain, in addition to the authorization proposed by the Minister, the following information and documents:

- (1) a copy of the notice referred to in the second paragraph of section 64;
- (2) the application submitted to the Minister by the applicant, with the exception of the information referred to in sections 23.1 and 118.5.3 of the Act that is not public information;
- (3) a list of the other information held by the Minister concerning the nature, quantity, quality and concentration of the contaminants discharged into the environment by the industrial establishment that is available on request.

O.C. 871-2020, s. 65.

66. Sections 31.20 and 31.21 of the Act and sections 64 and 65 of this Regulation, adapted as required, apply to any subsequent application for the renewal of authorization, to the first renewal of an authorization for an existing industrial establishment within the meaning of the second paragraph of section 31.25 of the Act, and to any application for amendment intended, with respect to a standard for the discharge of contaminants established by the Minister pursuant to the first paragraph of section 26 of the Act

- (1) to delay by more than 6 months the date of implementation of the standard for the discharge of contaminants established by the Minister pursuant to the first paragraph of section 26 of the Act; or
- (2) to obtain amendments to a standard for the discharge of contaminants established by the Minister pursuant to the first paragraph of section 26 of the Act.

O.C. 871-2020, s. 66.

CHAPTER II

ELIMINATION AND TRANSFER OF RESIDUAL MATERIALS

O.C. 871-2020, c. II.

DIVISION I

RESIDUAL MATERIALS ELIMINATION FACILITIES

O.C. 871-2020, Div. I.

§ 1. — *Activities requiring authorization*

O.C. 871-2020, Sd. 1.

67. This Division applies to residual materials elimination facilities that require authorization pursuant to subparagraph 7 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 67.

68. In addition to the general content prescribed by section 16, an application for authorization concerning one of the following sites or facilities must include the supplemental information and documents listed in the second paragraph:

- (1) an engineered landfill site;
- (2) a landfill site for construction or demolition debris;
- (3) a trench landfill site;
- (4) an incineration facility;
- (5) a residual materials transfer station;
- (6) a landfill site for residual materials from a pulp and paper mill;
- (7) a landfill site for residual materials from a sawmill;
- (8) a landfill site for residual materials from a plant manufacturing oriented strand board.

The supplemental information and documents are:

- (1) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 1 km;
- (2) a description of the municipal zoning within a radius of 2 km;
- (3) the location of any airport within a radius of 8 km;
- (4) the plans and specifications for the site or facility and any other equipment or works needed;
- (5) a maintenance and inspection program, a monitoring and control program and a sampling and analysis plan for water, leachates, gases and air quality;
- (6) any document that shows compliance with the conditions set by the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) when the application includes, for the site

or facility or one of its components, an exemption from a requirement of that regulation or the use of an alternative system, technique or material, provided a provision of that regulation allows for such an exemption or use;

(7) except for an incineration facility or transfer station:

(a) a hydrogeological study;

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

(c) a study describing the physical, chemical and bacteriological characteristics of the groundwater withdrawn on the land covered by the application;

(d) a study describing the physical, chemical and bacteriological characteristics of the surface water close to the future discharge points into the environment, if any, and the uses made of the water;

(e) a geotechnical study of non-consolidated deposits, rock and eliminated materials and an assessment of the geotechnical constraints associated with the work to lay out and operate the site;

(f) longitudinal and cross sections of the land showing, in particular, its original and final contours;

(8) except for a trench landfill site, a study of the integration of the site with the surrounding landscape;

(9) for an engineered landfill site, a landfill site for construction or demolition debris and a trench landfill site, the quality assurance and control programs needed to ensure the application of the provisions of sections 34 to 36 of the Regulation respecting the landfilling and incineration of residual materials;

(10) for an engineered landfill site, the systems inspection, maintenance and cleaning program needed to ensure the application of section 44 of the Regulation respecting the landfilling and incineration of residual materials.

O.C. 871-2020, s. 68.

69. In addition to the general content prescribed by section 16, an application for authorization for a northern landfill must include the following supplemental information and documents:

(1) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 1 km;

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

(3) the plans and specifications for the landfill and for any other equipment or works required;

(4) a maintenance and inspection program, a monitoring and control program, and a sampling and analysis plan to describe the supervisory measures and the monitoring of water, leachates, gases and air quality.

O.C. 871-2020, s. 69.

§ 2. — Activities eligible for a declaration of compliance

O.C. 871-2020, Sd. 2.

70. The following activities connected with a residual materials elimination facility are eligible for a declaration of compliance:

(1) the establishment, operation and modification of a remote landfill referred to in Division 6 of Chapter II of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

(2) the establishment, operation and modification of an incineration facility with a nominal capacity equal to or less than one tonne per hour, provided it incinerates only inedible meat in accordance with the provisions of the Regulation respecting food (chapter P-29, r. 1).

O.C. 871-2020, s. 70.

71. In addition to what is required by section 41, the declaration of compliance must include the following information:

(1) in the case of the activity referred to in paragraph 1 of section 70, confirmation from the declarant that the activity will be carried on in accordance with the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

(2) in the case of the activity referred to in paragraph 2 of section 63, a declaration from an engineer attesting that the facility is in compliance with the Act and the Clean Air Regulation (chapter Q-2, r. 4.1).

The declarant of an activity referred to in subparagraph 1 of the first paragraph must, when filing a declaration of compliance with the Minister, file a copy of the declaration with the regional county municipality concerned or, where applicable, the local municipality concerned if its territory is not included in the territory of a regional county municipality.

O.C. 871-2020, s. 71.

§ 3. — *Exempted activities*

O.C. 871-2020, Sd. 3.

72. The following activities are exempted from authorization pursuant to this Division and from the amendment of authorization pursuant to section 30 of the Act:

(1) the storage of residual materials for use as cover materials for areas that meet the containment requirements of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) and have not been covered with a final cover in accordance with section 50 of that regulation;

(2) the reclamation of residual materials as cover materials used for the daily covering of an engineered landfill site or the monthly covering of a landfill site for construction or demolition debris referred to in that regulation.

O.C. 871-2020, s. 72.

73. The establishment and operation of a residual materials transfer station referred to in the second paragraph of section 139.2 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) are exempted from authorization pursuant to this Division.

O.C. 871-2020, s. 73.

DIVISION II

BURIAL OF BRANCHES, STUMPS, SHRUBS AND INVASIVE EXOTIC PLANT SPECIES

O.C. 871-2020, Div. II.

74. The burial of branches, stumps and shrubs pursuant to this Chapter is exempted from authorization on the following conditions:

- (1) the quantity of such materials buried on a single lot is less than 60 m³;
- (2) the operator does not carry on the same activity within a radius of 500 m;
- (3) the burial occurs
 - (a) 30 m or more away from a wetland, watercourse or lake;
 - (b) 100 m or more away from a category 1, 2 or 3 groundwater withdrawal site.

O.C. 871-2020, s. 74.

75. The burial of invasive exotic plant species pursuant to this Chapter on the site where they are removed is exempted from authorization on the following conditions:

- (1) the burial does not occur in the littoral zone or on a riverbank or lakeshore, or less than 10 m away from a wetland;
- (2) if the burial occurs less than 30 m away from the littoral zone or between 10 m and 30 m away from a wetland, the materials buried are covered with at least 2 m of soil free of the invasive exotic plant species;
- (3) if the burial occurs 30 m or more from the littoral zone or a wetland, the materials buried are covered with at least 1 m of soil free of the invasive exotic plant species.

The machinery used for the activity referred to in the first paragraph must be inspected and cleaned after the burial to avoid any dispersion of the invasive exotic plant species and the land where the activity is carried out must, within 12 months, be replanted:

- (1) using plants belonging to the same strata as those excavated that are adapted to the environment, are indigenous if possible, and do not belong to an invasive exotic plant species;
- (2) in a way that ensures that the survival rate of the vegetation or cover is 80% in the year following replanting.

O.C. 871-2020, s. 75.

DIVISION III

SNOW ELIMINATION SITES

O.C. 871-2020, Div. III.

76. The establishment and operation of a snow elimination site require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

For the purposes of this section, “snow elimination site” means a place where snow that has been removed and transported in accordance with the first paragraph of section 5 of the Snow, road salt and abrasives management Regulation (chapter Q-2, r. 28.2) is finally placed for elimination.

Despite section 58, the activities referred to in this section do not need to be completed by Division IV of Chapter II of Title III on storm water management.

O.C. 871-2020, s. 76; I.N. 2022-12-01.

77. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

(1) if the operation of the site requires snow melters and discharges into a sewer system, a technical report signed by an engineer that can be used to evaluate the capacity of the water treatment station to process the snow and meltwater;

(2) in all other cases, the information and documents required by the second paragraph of section 68 for a residual materials elimination facility, adapted as required.

O.C. 871-2020, s. 77.

CHAPTER III

MINING ACTIVITIES

O.C. 871-2020, c. III.

DIVISION I

ACTIVITIES REQUIRING AUTHORIZATION

O.C. 871-2020, Div. I.

78. The following mining activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

(1) the excavation of ramps, sinking of shafts, and any other excavation work performed to extract ore or explore for mineral substances;

(2) any activity carried on in connection with ore extraction;

(3) any activity carried on in connection with ore processing;

(4) the management of mine tailings, including the establishment and operation of a mine tailings site;

(5) the management of wastewater from mines, including the establishment and operation of the infrastructures needed for that purpose;

(6) the storage of ore or concentrates, including the establishment of accumulation areas and the crushing and sieving of ore and concentrates;

(7) the construction of capping during site rehabilitation and restoration and any work that can alter or modify previous rehabilitation work on an accumulation area for mine tailings.

Drilling and soil stripping work required for any activity referred to in the first paragraph is included in the carrying on of the activity.

O.C. 871-2020, s. 78.

79. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Chapter must include the following supplemental information and documents:

(1) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 1 km;

(2) a characterization study concerning the deposit, ore, mine tailings or concentrate, as the case may be;

(3) the plans and specifications needed for the carrying on of the activity;

- (4) the water management plan, including a summary of the water used and the water discharged;
- (5) a predictive noise study when a dwelling or public institution is located less than 1 km from the mine site;
- (6) when the project includes the laying out of a mine tailings accumulation area:
 - (a) a hydrogeological study presenting a conceptual model that describes the hydrogeological context and groundwater flows in the area concerned and shows the hydrological links between the site and the receiving environment;
 - (b) a modelling study, signed by an engineer or geologist, showing that the impermeability measures in place will ensure that groundwater quality is not degraded;
 - (c) if a dike is to be built, a geotechnical study of the stability of the dike, the load-bearing capacity of the underlying ground and an assessment of the settlement that may occur or, where applicable, the reasons why such analyses are not necessary;
- (7) when the project concerns the operation of an ore treatment plant, air dispersion modelling in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1);
- (8) when the project includes an ore treatment plant, a hydrogeological study presenting a conceptual model that describes the hydrogeological context and groundwater flows in the area concerned and establishes the hydrological links between the site and the receiving environment;
- (9) a description of the proposed monitoring, maintenance, supervision and control measures, including a description of the equipment, apparatus, observation wells, sampling points and any other device needed for that purpose.

O.C. 871-2020, s. 79.

80. Every application for authorization for the mining activities referred to in section 78 that constitute activities referred to in Chapter I of Title II applicable to industrial establishments must also include the information listed in section 60.

O.C. 871-2020, s. 80.

DIVISION II

EXEMPTED ACTIVITIES

O.C. 871-2020, Div. II.

81. Excavation work performed as part of a project to explore for mineral substances is exempted from authorization pursuant to this Chapter on the following conditions:

- (1) the stripping of bedrock or removal of non-consolidated deposits affects an area of less than 10,000 m²;
- (2) less than 500 tonnes of mineral substances are extracted or removed for geological or geochemical sampling;
- (3) no accumulation area for mine tailings is laid out;
- (4) the non-consolidated deposits removed are deposited at a distance of 30 m or more from any wetland or body of water;

- (5) the materials excavated contain no asbestos.

To calculate the areas and volumes mentioned in the first paragraph, the reference unit is the area of the claim. However, if the work is not carried out on a claim, the reference unit is a radius of 1 km from the closest stripped or excavated zone.

O.C. 871-2020, s. 81.

CHAPTER IV

HYDROCARBONS

O.C. 871-2020, c. IV.

DIVISION I

ACTIVITIES REQUIRING AUTHORIZATION

O.C. 871-2020, Div. I.

82. Natural gas storage activities referred to in the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1), as well as petroleum enhanced recovery activities, require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 82; S.Q. 2022, c. 10, s. 103.

83. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Chapter must include the following supplemental information and documents:

(1) the initial characterization study carried out in accordance with sections 37 to 39 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2), including the hydrogeological study referred to in section 38 of that Regulation;

(2) *(paragraph revoked)*;

(3) *(paragraph revoked)*;

(4) the technical programs applicable to each project phase with respect to surveying, drilling, completion and reconditioning, as submitted to the Minister responsible for the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1) in an application for authorization or approval under that Act;

(5) a predictive noise study when a dwelling or public institution is located less than 600 m from the site of the activities;

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

(7) a program to detect and repair leaks in order to quickly detect any leak and providing for the planning of inspections of equipment, pipes, tanks and ponds, including a program to detect, quantify and repair any leak of VOCs, methane or ethane.

O.C. 871-2020, s. 83; S.Q. 2022, c. 10, s. 104.

84. *(Revoked)*.

O.C. 871-2020, s. 84; S.Q. 2022, c. 10, s. 105.

DIVISION II

EXEMPTED ACTIVITIES

O.C. 871-2020, Div. II.

85. The following activities in connection with hydrocarbons are exempted from authorization pursuant to this Chapter:

(1) the temporary closure of a well authorized under the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1);

(2) the permanent closure of a well authorized under the Act respecting natural gas storage and natural gas and oil pipelines when the well has an emanation at the surface vent of less than 50 m³ per day;

(3) the reconditioning of a well authorized under the Act respecting natural gas storage and natural gas and oil pipelines.

O.C. 871-2020, s. 85.

CHAPTER V

SAWMILLS AND WOOD PROCESSING PLANTS

O.C. 871-2020, c. V.

DIVISION I

ACTIVITIES REQUIRING AUTHORIZATION

O.C. 871-2020, Div. I.

86. The construction and operation of the following sites require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

(1) a sawmill;

(2) a mill manufacturing veneer, plywood, particle board or other pressed wood products.

O.C. 871-2020, s. 86.

87. In addition to the general content prescribed by section 16, an application for authorization for an activity referred to in paragraph 2 of section 86 must include the following supplemental information and documents:

(1) the plans and specifications for the facilities concerned;

(2) a predictive noise study when a dwelling or public institution is located less than 600 m from the site where the activities will be carried on;

(3) air dispersion modelling in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1);

(4) a process diagram summarizing the mill's operations.

O.C. 871-2020, s. 87.

DIVISION II

ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

O.C. 871-2020, Div. II.

88. The construction and operation of a sawmill are eligible for a declaration of compliance on the following conditions:

- (1) the sawmill's annual production capacity is equal to or less than 25,000 m³;
- (2) the sawmill's activities are carried on
 - (a) 100 m or more from a category 1 or 2 water withdrawal site and 30 m or more from a category 3 groundwater withdrawal site;
 - (b) 30 m or more from a watercourse, lake or wetland;
- (3) the storage areas for biomass used for energy production and bulk timber, and the crosscutting area, are watertight;
- (4) the boundaries of the bulk storage areas are identified using visual markers or posts;
- (5) the sawmill's operating area is located 15 m or more from the boundary of the land where the activity is carried on;
- (6) the operating area is equipped with a storm water management system to evacuate storm water from the site;
- (7) the discharge point for wastewater is not located in the littoral zone or on the shore of a lake;
- (8) the wastewater cannot come into contact with a wetland.

O.C. 871-2020, s. 88.

89. The wastewater produced by any activity referred to in section 88 must, at all times, have

- (1) a pH between 6 and 9.5;
- (2) a suspended matter concentration below or equal to 50 mg/l;
- (3) a phenolic substances (4AAP) concentration below or equal to 0.15 mg/l;
- (4) a petroleum hydrocarbons concentration (C₁₀-C₅₀) below or equal to 2 mg/l;
- (5) a 5-day carbonaceous biochemical oxygen demand (BOD₅) below or equal to 50 mg/l.

O.C. 871-2020, s. 89.

90. The noise emitted by the operation of a sawmill referred to in section 88, represented by the acoustic reference noise level measured at the dwelling or public institution, other than a dwelling owned by or rented to the owner or operator of the sawmill or an educational institution or tourist establishment when it is closed, must not exceed, over any 1-hour period, the higher of the following levels:

- (1) the residual noise level;

(2) 40 dBA between 7:00 p.m. and 7:00 a.m. and 45 dBA between 7:00 a.m. and 7:00 p.m.

O.C. 871-2020, s. 90.

91. In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 88 must include, in the location plan required, the location of the discharge points and visual markers.

O.C. 871-2020, s. 91.

DIVISION III

EXEMPTED ACTIVITIES

O.C. 871-2020, Div. III.

92. The installation and operation of a mobile sawmill on the same lot for a period of not more than 6 months, with no fixed facilities, are exempted from authorization pursuant to this Chapter.

O.C. 871-2020, s. 92.

93. The noise emitted by the operation of a sawmill referred to in section 92, represented by the acoustic reference noise level measured at the dwelling or public institution, other than a dwelling belonging or rented to the owner or operator of the sawmill or an educational institution or tourist establishment when it is closed, must not exceed, over any 1-hour period, the higher of the following levels:

(1) the residual noise level;

(2) 40 dBA between 7:00 p.m. and 7:00 a.m. and 45 dBA between 7:00 a.m. and 7:00 p.m.

O.C. 871-2020, s. 93.

CHAPTER VI

ELECTRICITY PRODUCTION, TRANSFORMATION AND STORAGE

O.C. 871-2020, c. VI.

DIVISION I

ACTIVITIES REQUIRING AUTHORIZATION

O.C. 871-2020, Div. I.

94. The following activities connected with the production, transformation and storage of electricity require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

(1) the construction and subsequent operation of

(a) an electric power control or transformer station or an electricity storage system;

(b) a wind farm or wind generator;

(c) a solar energy facility;

(d) a power station burning fossil fuels;

(e) a hydroelectric power station;

(2) the relocation of an electric power control or transformer station or an electricity storage system;

(3) an increase in the power of a wind farm, facility or power station referred to in one of subparagraphs *b* to *e* of paragraph 1.

O.C. 871-2020, s. 94.

95. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Chapter must include the plans and specifications for the facilities concerned.

For the construction, relocation or operation of an electric power control or transformer station or an electricity storage system with a voltage equal to or exceeding 120 kV, the application for authorization must include a predictive noise study when a dwelling or public institution is located less than 600 m from the site of the activities.

For a power station burning fossil fuels, the application for authorization must include air dispersion modelling in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1).

O.C. 871-2020, s. 95.

DIVISION II

EXEMPTED ACTIVITIES

O.C. 871-2020, Div. II.

96. The following activities are exempted from authorization pursuant to this Chapter:

(1) the construction and subsequent operation of

(a) an electric power control or transformer station or an electricity storage system with a voltage below or equal to 120 kV;

(b) a solar energy facility that

i. is located on a building that is not constructed for that purpose;

ii. has a capacity below or equal to 100 kW;

(c) a power station burning fossil fuels and using fuel burning equipment referred to in section 307, except if the increase in power increases the total power of the power station to 3,000 kW or more;

(d) a wind farm or wind generator with a capacity below or equal to 100 kW;

(2) the relocation of an electric power control or transformer station or an electricity storage system with a voltage below or equal to 120 kV;

(3) an increase in the power of

(a) a facility, power station, wind farm or wind generator referred to in one of subparagraphs *b* to *d* of paragraph 1;

(b) a hydroelectric power station following a modification of technical equipment referred to in section 53;

(4) the installation and operation, for a period of 14 days or less, of a temporary power station burning fossil fuels, used for the purpose of re-establishing the distribution of electricity.

O.C. 871-2020, s. 96; I.N. 2022-06-01.

CHAPTER VII

CONTAMINATED SOIL MANAGEMENT

O.C. 871-2020, c. VII.

DIVISION I

CONTAMINATED SOIL BURIAL SITES

O.C. 871-2020, Div. I.

97. The establishment and operation of a contaminated soil burial site require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 97.

98. In addition to the general content prescribed by section 16, the application for authorization for a contaminated soil burial site must include the following supplemental information and documents:

(1) the information and documents required by the second paragraph of section 68 for a residual materials elimination facility, adapted as required;

(2) a soil inspection program at the entrance to the site;

(3) the quality assurance and control programs designed to ensure the application of the provisions of section 37 of the Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18).

O.C. 871-2020, s. 98.

DIVISION II

CONTAMINATED SOIL TRANSFER STATIONS, TREATMENT FACILITIES AND STORAGE SITES

O.C. 871-2020, Div. II.

§ 1. — *Application for authorization*

O.C. 871-2020, Sd. 1.

99. The establishment and operation of the following facilities, stations and sites require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

(1) a contaminated soil treatment facility;

(2) a contaminated soil transfer station;

(3) a contaminated soil storage site.

O.C. 871-2020, s. 99.

100. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

(1) a characterization study establishing the initial soil quality that may be altered by the operation of the facility, station or site, based on the contaminants likely to be present in the soil accepted;

(2) a hydrogeological study;

(3) a monitoring program for soil entering or leaving the facility, station or site in order to meet the requirements of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

(4) a detailed environmental monitoring program for surface water, groundwater and air quality;

(5) the plans and specifications for the facility, station or site;

(6) in the case of a contaminated soil transfer station, a geotechnical study for the site where the station will be established, signed by an engineer or geologist, defining the geotechnical properties of the non-consolidated deposits and rock and assessing the geotechnical constraints associated with the work to lay out and operate the transfer station;

(7) in the case of a contaminated soil treatment facility,

(a) a demonstration of the effectiveness and mastery of the process, based either on a description of previous applications or on a demonstration test;

(b) a program to verify process performance, during and after treatment, by analyzing the treated substances and the choice of geochemical monitoring parameters;

(c) a quality assurance program.

O.C. 871-2020, s. 100.

§ 2. — *Period of validity and renewal of authorization*

O.C. 871-2020, Sd. 2.

101. An authorization issued for the establishment and operation of a contaminated soil storage site or contaminated soil transfer station is valid for a period of 5 years.

The authorization may be renewed in accordance with Chapter III of Title IV of Part I.

O.C. 871-2020, s. 101.

DIVISION III

TREATMENT AND RECLAMATION OF CONTAMINATED SOIL

O.C. 871-2020, Div. III.

§ 1. — *Activities requiring authorization*

O.C. 871-2020, Sd. 1.

102. The following activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

- (1) the treatment of contaminated soil at a place other than a treatment facility;
- (2) the reclamation of contaminated soil at a place other than the place of origin.

O.C. 871-2020, s. 102.

103. In addition to the general content prescribed by section 16, every application for authorization for an activity to treat or reclaim contaminated soil covered by this Division must include the following supplemental information and documents:

- (1) for the on-site treatment of contaminated soil:
 - (a) a characterization study of the state of the soil, groundwater and surface water on the land;
 - (b) a detailed environmental monitoring program for surface water, groundwater and air quality;
 - (c) a program to verify process performance, during and after treatment, by analyzing the treated substances and the choice of geochemical monitoring parameters;
 - (d) a quality assurance program;
 - (e) a demonstration of the effectiveness and mastery of the process, based either on a description of previous applications or on a demonstration test;
- (2) for the off-site treatment of contaminated soil, a characterization study establishing the initial soil quality that may be altered by the treatment process;
- (3) for the reclamation of contaminated soil,
 - (a) a program to monitor soil entering the land where it will be used for reclamation purposes;
 - (b) a characterization study of the state of the soil on all or part of the land where the soil will be used for reclamation purposes.

O.C. 871-2020, s. 103.

§ 2. — Activities eligible for a declaration of compliance

O.C. 871-2020, Sd. 2.

104. The reception, on or in land, of soil containing contaminants at a concentration equal to or less than the limit values provided for in Schedule I of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37), is eligible for a declaration of compliance when the soil meets the following conditions:

- (1) it is intended for reclamation on the land;
- (2) it does not contain asbestos;
- (3) it will not increase the total volume of contaminated soil received on the land to over 10,000 m³, whether that total is achieved as the result of one or several projects.

O.C. 871-2020, s. 104.

105. In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 104 must include the characterization study referred to in section 2.12 of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37).

The owner of the land receiving the soil is responsible for making the declaration of compliance.

O.C. 871-2020, s. 105.

§ 3. — *Exempted activities*

O.C. 871-2020, Sd. 3.

106. The reception, on or in land, of soil containing contaminants at a concentration equal to or less than the limit values provided for in Schedule I of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) is exempted from authorization pursuant to this Division when the soil meets the following conditions:

(1) it is intended for reclamation on the land;

(2) it does not contain asbestos;

(3) it will not increase the total volume of contaminated soil received on the land to over 1,000 m³, whether that total is achieved as the result of one or several projects.

O.C. 871-2020, s. 106.

CHAPTER VIII

CEMETERIES, CREMATORIIUMS AND ALKALINE HYDROLYSIS ESTABLISHMENTS

O.C. 871-2020, c. VIII.

DIVISION I

ACTIVITIES REQUIRING AUTHORIZATION

O.C. 871-2020, Div. I.

107. The following activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

(1) the laying out and operation of a cemetery where human or animal remains or ashes are buried;

(2) the construction and operation of a crematorium;

(3) the construction and operation of an alkaline hydrolysis establishment for human or animal remains.

O.C. 871-2020, s. 107.

108. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in section 107 must include the following supplemental information and documents:

(1) for the activity referred to in paragraph 1 of that section, a hydrogeological study of the land;

(2) for the activity referred to in paragraph 2 of that section,

(a) the plans and specifications of the facilities concerned;

(b) air dispersion modelling in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1);

(3) for the activity referred to in paragraph 3 of that section, the plans and specifications for the facilities concerned.

O.C. 871-2020, s. 108.

DIVISION II

ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

O.C. 871-2020, Div. II.

109. The construction and operation of an alkaline hydrolysis establishment for human and animal remains are eligible for a declaration of compliance on the following conditions:

(1) the alkaline hydrolysis process of the establishment achieves a temperature equal to or greater than 150 °C and a pressure equal to or greater than 400 kPa;

(2) the establishment is equipped with a pH measurement system coupled with a temperature probe;

(3) the wastewater from the alkaline hydrolysis process is discharged into a system to filter and neutralize aqueous waste that includes a grease trap to recover body fat;

(4) the discharge point for the wastewater is connected directly to a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1).

O.C. 871-2020, s. 109; O.C. 1461-2022, s. 6.

110. In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 109 must include

(1) the identification of the municipal wastewater treatment plan that receives the wastewater from the alkaline hydrolysis process;

(2) the number of the municipal resolution showing its consent to the treatment of the wastewater at its treatment plant.

O.C. 871-2020, s. 110.

111. The wastewater from an alkaline hydrolysis establishment covered by a declaration of compliance in accordance with section 109 must

(1) have a pH between 6 and 9.5;

(2) be at a temperature below or equal to 65 °C.

The declarant must report the measurements made in a register.

O.C. 871-2020, s. 111.

DIVISION III

EXEMPTED ACTIVITIES

O.C. 1461-2022, s. 7.

111.1. The laying out and operation of a cemetery used exclusively for the burial of ashes from human cremation or from the incineration of animals whose carcasses are not considered to be inedible meat within

the meaning of the Regulation respecting food (chapter P-29, r. 1), are exempted from authorization pursuant to this Chapter, on the following conditions:

- (1) the ashes come from a crematorium or an authorized incinerator;
- (2) the site of the cemetery is outside the inner protection zones of a water supply well.

O.C. 1461-2022, s. 7.

CHAPTER IX

SAND PITS AND QUARRIES

O.C. 871-2020, c. IX.

DIVISION I

GENERAL PROVISION

O.C. 871-2020, Div. I.

112. This Chapter applies to sand pits and quarries referred to in the Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1).

O.C. 871-2020, s. 112.

DIVISION II

ACTIVITIES REQUIRING AUTHORIZATION OR AN AMENDMENT OF AUTHORIZATION

O.C. 871-2020, Div. II.

113. The following activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

- (1) the establishment of a sand pit or quarry;
- (2) the treatment of surface mineral substances in a sand pit or quarry;
- (3) in the case of a sand pit or quarry established before 17 August 1977,
 - (a) the enlargement of the sand pit or quarry onto land that did not belong, on that date, to the owner of the sand pit or quarry;
 - (b) as part of the redevelopment or restoration of a sand pit or quarry,
 - i. the backfilling of the quarry with soil containing contaminants resulting from human activities in a concentration equal to or less than the limit values provided for in Schedule I of the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);
 - ii. the revegetation of exposed areas in the sand pit or quarry using fertilizing residuals;
 - iii. the laying out of a landfill site for residual materials;
 - iv. the laying out of a space or the construction of a structure or works.

O.C. 871-2020, s. 113.

114. The following changes require amendment of the authorization pursuant to subparagraph 3 of the second paragraph of section 30 of the Act:

- (1) the enlargement of a sand pit or quarry beyond the area or boundaries specified in the authorization;
- (2) an amendment to the redevelopment and restoration plan for a sand pit or quarry.

O.C. 871-2020, s. 114; I.N. 2022-06-01.

115. The activities referred to in paragraphs 1 and 2 and in subparagraph *a* of paragraph 3 of section 113 as well as the activities referred to in paragraph 1 of section 114 include, as the case may be, the subsequent operation of the sand pit or quarry or the subsequent use of the treatment covered by the application.

O.C. 871-2020, s. 115.

116. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in paragraph 1 or subparagraph *a* of paragraph 3 of section 113 must include the following supplemental information and documents:

- (1) a copy of the title of ownership, lease or other document giving the applicant rights to the surface mineral substance in the sand pit or quarry;
- (2) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 600 m;
- (3) a cross section showing the topography of the land and the surface mineral substances to be extracted, except in the case of a sand pit located on land in the domain of the State;
- (4) when the activity involves operations below the water table, a hydrogeological study;
- (5) a plan for the rehabilitation or restoration of the quarry or sand pit in accordance with Chapter VIII of the Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1);
- (6) a predictive noise study when the sand pit or quarry is located within the distances set out in the first paragraph of section 25 of the Regulation respecting sand pits and quarries.

In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in subparagraph *b* of paragraph 3 of section 113 must include the plan referred to in subparagraph 5 of the first paragraph.

When several persons or municipalities wish to extract non-consolidated surface mineral substances from a sand pit, the owner of the site is responsible for filing the application for authorization.

O.C. 871-2020, s. 116.

DIVISION III

ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

O.C. 871-2020, Div. III.

117. The following activities, including any subsequent operation, are eligible for a declaration of compliance on the conditions set out in the second paragraph:

- (1) the establishment of a sand pit;

(2) in the case of a sand pit established before 17 August 1977, the enlargement of the sand pit onto land that did not belong, on that date, to the owner of the sand pit;

(3) the enlargement of a sand pit beyond the area or boundaries specified in the authorization.

The following conditions apply to the activities referred to in the first paragraph:

(1) the sand must be established or enlarged at least 150 m from a dwelling or public institution;

(2) the total area of the sand pit must not exceed 10 ha;

(3) the quantity of non-consolidated surface mineral substances extracted annually must not exceed 100,000 tonnes;

(4) the non-consolidated surface mineral substances extracted must not be washed in the sand pit;

(5) the maximum depth of the sand pit must lie above the water table.

O.C. 871-2020, s. 117.

118. The activity referred to in paragraph 2 of section 113 with respect to the treatment of surface mineral substances in a sand pit or quarry is eligible for a declaration of compliance when the following conditions are met:

(1) the surface mineral substances are not washed in the sand pit or quarry;

(2) the quantity of surface mineral substances treated annually does not exceed 100,000 tonnes.

O.C. 871-2020, s. 118.

119. In addition to what is provided for in section 41, the declarant of an activity referred to in section 117 must include, with the declaration of compliance, the financial guarantee required by Chapter VII of the Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1).

O.C. 871-2020, s. 119.

120. When several persons or municipalities wish to extract non-consolidated surface mineral substances from a sand pit eligible for a declaration of compliance in accordance with section 117, the owner of the site is responsible for making the declaration.

O.C. 871-2020, s. 120.

CHAPTER X

HOT MIX ASPHALT PLANTS AND CONCRETE PLANTS

O.C. 871-2020, c. X.

DIVISION I

HOT MIX ASPHALT PLANTS

O.C. 871-2020, Div. I.

§ 1. — *General provision*

O.C. 871-2020, Sd. 1.

121. This Division applies to hot mix asphalt plants referred to in the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48).

O.C. 871-2020, s. 121.

§ 2. — *Activities requiring authorization or an amendment of authorization*

O.C. 871-2020, Sd. 2; O.C. 1461-2022, s. 8.

122. The establishment and operation of a hot mix asphalt plant require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 122.

122.1. The addition, by a hot mix asphalt plant, of the use of post-consumer asphalt shingle fines as raw material requires an amendment of authorization under subparagraph 3 of the second paragraph of section 30 of the Act.

O.C. 1461-2022, s. 9; I.N. 2023-03-01.

123. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

(1) the plans and specifications for the facilities concerned;

(2) in accordance with section 10 of the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48), a predictive noise study if the activity is to be carried on within the distances provided for in section 8 or 9 of the Regulation;

(3) air dispersion modelling performed in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1).

O.C. 871-2020, s. 123.

123.1. In addition to the general content prescribed by section 29, every application for the amendment of an authorization for an activity referred to in this Division covering the use of post-consumer asphalt shingle fines by a hot mix asphalt plant built or installed less than 300 m from a dwelling, except in the case of a dwelling owned by or leased to the owner or operator of the hot mix asphalt plant, and any school, place of worship, campground or institution referred to in the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), must include air dispersion modelling performed in accordance with Schedule H of the Clean Air Regulation

(chapter Q-2, r. 4.1), showing compliance with the air quality standards in Schedule K of that Regulation and, where applicable, with the air quality criteria prescribed by the Minister in the authorization issued.

O.C. 1461-2022, s. 10.

§ 3. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 3.

124. The following activities are eligible for a declaration of compliance on the conditions set out in the second paragraph:

- (1) the establishment and subsequent operation of a hot mix asphalt plant;
- (2) the relocation of a hot mix asphalt plant covered by an authorization.

The following conditions apply to the activities referred to in the first paragraph:

(1) the plant, including any areas used for the loading, unloading, and discharge of surface mineral substances and granular residual materials and any sedimentation pond used in the operation of the plant, is not located in a watercourse, lake or wetland;

(2) where applicable, the granular residual materials needed for its operations are stored in accordance with this Regulation and with the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49);

(3) no asbestos and no asphalt shingle fines are used in the hot mix asphalt production process;

(4) no other hot mix asphalt plant is located within a radius of 800 m;

(5) the plant is established at the place indicated for a maximum period of 13 months after the declaration of compliance is sent;

(5.1) the place indicated has not been used for such a plant by the same declarant in the 12 months before the declaration of compliance is sent;

(6) the plant uses only liquid or gaseous fossil fuels, other than waste oil;

(7) for the establishment and operation of a hot mix asphalt plant, the plant is located more than 800 m from a dwelling or public institution;

(8) for the relocation of a hot mix asphalt plant covered by an authorization:

(a) the new location of the plant is more than 300 m from a dwelling or public institution;

(b) the establishment and operation of the plant have been covered by an authorization in the previous 5 years;

(c) air dispersion modelling for the plant, performed by a competent person in accordance with the requirements of Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), has shown that the concentration of contaminants in the atmosphere, at a distance of 300 m or more from the plant, complies with the standards of Schedule K of that Regulation and, where applicable, with the air quality criteria prescribed by the Minister in the authorization issued.

O.C. 871-2020, s. 124; O.C. 1461-2022, s. 11.

DIVISION II**CONCRETE PLANTS**

O.C. 871-2020, Div. II.

§ 1. — *Activities requiring authorization*

O.C. 871-2020, Sd. 1.

125. The establishment and operation of a concrete plant require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 125.

126. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

(1) the plans and specifications for the facilities concerned;

(2) a predictive noise study in the following cases:

(a) when the activity will be carried on in an area zoned by the municipality for residential, commercial or mixed (commercial-residential) purposes, or less than 300 m from such an area;

(b) when a dwelling or public institution is located less than 150 m from the site, other than a dwelling owned by or rented to the owner or operator of the concrete plant;

(3) air dispersion modelling for the plant performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1).

O.C. 871-2020, s. 126.

§ 2. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 2.

127. The establishment and operation of a ready mix concrete plant are eligible for a declaration of compliance on the following conditions:

(1) the plant is established at the place indicated for a maximum period of 13 months after the declaration of compliance is sent;

(2) where applicable, the granular residual materials needed for its operations are stored in accordance with this Regulation and with the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49);

(3) the plant is located more than 30 m from a watercourse, lake or wetland;

(4) water from washing operations is collected and stored in a watertight pond, and the discharge point for wastewater from the pond is not located in the littoral zone or on the shore of a lake, or in a wetland.

O.C. 871-2020, s. 127.

128. Water from washing operations discharged into the environment by a plant referred to in section 127 must meet the following requirements:

- (1) the concentration of suspended matter is below or equal to 50 mg/l;
- (2) the pH is between 6 and 9.5;
- (3) the petroleum hydrocarbons concentration (C_{10} - C_{50}) is below or equal to 2 mg/l.

O.C. 871-2020, s. 128.

129. The noise emitted by a plant referred to in section 127, represented by the reference noise level measured at the dwelling or public institution, must not exceed, over any 1-hour period, the higher of the following levels:

- (1) the residual noise level;
- (2) 40 dBA between 7:00 p.m. and 7:00 a.m., and 45 dBA between 7:00 a.m. and 7:00 p.m.

The first paragraph does not apply to

- (1) a dwelling owned by or rented to the owner or operator of the plant;
- (2) a dwelling in a temporary industrial camp;
- (3) educational institutions and tourist establishments when they are closed.

O.C. 871-2020, s. 129.

CHAPTER XI

CROP CULTIVATION AND LIVESTOCK RAISING

O.C. 871-2020, c. XI.

DIVISION I

GENERAL PROVISION

O.C. 871-2020, Div. I.

130. The terms used in this Chapter have the meaning defined by section 3 of the Agricultural Operations Regulation (chapter Q-2, r. 26).

Despite the first paragraph and the definition of “annual phosphorus (P_2O_5) production” in section 3 of the Agricultural Operations Regulation, for the purposes of this Chapter annual phosphorus production must be determined in accordance with section 50.01 of that Regulation.

O.C. 871-2020, s. 130.

131. Within 60 days following the implementation of an activity requiring authorization or eligible for a declaration of compliance referred to in Divisions III and IV of this Chapter, the operator must provide the Minister with an attestation from an engineer concerning the watertightness of the livestock waste storage facilities, the livestock buildings and the livestock waste disposal facilities that are laid out for the project.

O.C. 871-2020, s. 131.

DIVISION II

CULTIVATION OF NON-AQUATIC PLANTS AND MUSHROOMS

O.C. 871-2020, Div. II.

§ 1. — *General provision*

O.C. 871-2020, Sd. 1.

132. This Division applies to the cultivation of non-aquatic plants and mushrooms in a building or greenhouse.

O.C. 871-2020, s. 132; O.C. 1369-2021, s. 18.

§ 2. — *Activities requiring authorization*

O.C. 871-2020, Sd. 2.

133. The following activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

(1) the cultivation of cannabis in a building or greenhouse;

(2) the cultivation of non-aquatic plants, other than cannabis, and of mushrooms in a building or greenhouse where cultivation involves the discharge of wastewater into the environment.

O.C. 871-2020, s. 133; O.C. 1369-2021, s. 19.

134. *(Revoked).*

O.C. 871-2020, s. 134; O.C. 1369-2021, s. 20.

§ 3. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 3.

135. The cultivation of non-aquatic plants, other than cannabis, and of mushrooms in a building or greenhouse, carried on by an operator on a total area of more than 10,000 m² but less than 50,000 m², is eligible for a declaration of compliance on the condition that all wastewater discharged into the environment is stored in a watertight container before being spread on a cultivated parcel in accordance with an agri-environmental fertilization plan, or before being eliminated.

An operator carrying on an activity referred to in the first paragraph must log in a register

(1) the relevant dates and the volume of wastewater stored, spread or eliminated;

(2) the information needed to identify the operator of the raising site or spreading site where the wastewater is spread, or the contact information for the site where the wastewater is eliminated.

O.C. 871-2020, s. 135; O.C. 1369-2021, s. 21.

§ 4. — *Exempted activities*

O.C. 871-2020, Sd. 4.

136. The cultivation of non-aquatic plants, other than cannabis, or of mushrooms in a building or greenhouse, carried on by an operator on a total area equal to or less than 10,000 m², are exempted from authorization on the condition that wastewater is not discharged into the littoral zone, onto a riverbank or lakeshore, or into a wetland.

O.C. 871-2020, s. 136; O.C. 1369-2021, s. 22.

137. *(Section renumbered).*

O.C. 871-2020, s. 137; O.C. 1369-2021, s. 23.



See section 340.1.

138. *(Revoked).*

O.C. 871-2020, s. 138; O.C. 1369-2021, s. 24.

139. *(Section renumbered).*

O.C. 871-2020, s. 139; O.C. 1369-2021, s. 23.



See section 345.1.

DIVISION III

SITING AND OPERATION OF A LIVESTOCK-RAISING SITE

O.C. 871-2020, Div. III.

§ 1. — *Activities requiring authorization*

O.C. 871-2020, Sd. 1.

140. The siting and operation of a raising site require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 140.

141. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

- (1) an agro-environmental fertilization plan (AEFP) established on the basis of the planned situation, and a phosphorous report;
- (2) the plans and specifications for the facilities, works and equipment concerned;
- (3) a certificate from the clerk or clerk-treasurer of the municipality concerned attesting that the project does not contravene the municipal by-laws on odours;
- (4) a report on the determination of the annual deposit of phosphorous (P₂O₅) in yards, signed by an agronomist;

(5) a copy of the leases and agreements for the use of a livestock waste storage facility that is not located on the raising site where the activity is carried on, if applicable;

(6) a technical report signed by an engineer showing that all the existing facilities covered by the application, whether or not located on the site covered by the application, comply with the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

O.C. 871-2020, s. 141.

§ 2. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 2.

142. The following activities are eligible for a declaration of compliance on the conditions set out in the second paragraph:

(1) the siting and operation of a raising site with an annual phosphorous (P_2O_5) production of less than 4,200 kg;

(2) on a raising site with an annual phosphorous (P_2O_5) production of less than 4,200 kg, a change in a facility for raising animals from solid livestock waste management to liquid livestock waste management.

The raising facilities, livestock waste evacuation equipment and livestock waste storage facilities for an activity referred to in the first paragraph must be located:

(1) outside the intermediate bacteriological protection zone for a category 1, 2 or 3 groundwater withdrawal site;

(2) outside the inner protection zone for a category 1 or 2 surface water withdrawal site.

O.C. 871-2020, s. 142.

143. In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 142 must include the following supplemental information and documents:

(1) the phosphorous report for the project;

(2) a declaration from an agronomist and an engineer attesting that the project complies with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

Within 60 days after the project is completed, the declarant must send the Minister a declaration from an agronomist and, when the project involves work on raising facilities or livestock waste evacuation equipment, a declaration from an engineer attesting that the project was completed in accordance with the declaration of compliance.

O.C. 871-2020, s. 143.

144. The construction and modification of a watertight storage facility for livestock waste on a raising site with an annual phosphorous production of less than 4,200 kg, and an increase in the capacity of such a facility, are eligible for a declaration of compliance.

O.C. 871-2020, s. 144.

145. In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 144 must include the following supplemental information and documents:

(1) the numbers of the plans and specifications for the storage facility and the date of their signing by the engineer;

(2) a declaration from an engineer attesting that the project complies with this Regulation and with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

Within 60 days after the activity is completed, the declarant must send the Minister an attestation by an engineer stating that it was completed in accordance with the first paragraph.

O.C. 871-2020, s. 145.

§ 3. — *Exempted activities*

O.C. 871-2020, Sd. 3.

146. The siting and operation of a raising site using solid livestock waste management with an annual phosphorous (P_2O_5) production equal to or less than 1,600 kg are exempted from authorization pursuant to this Division.

However, this exemption does not apply to a livestock waste storage facility.

O.C. 871-2020, s. 146.

DIVISION IV

INCREASE IN ANNUAL PHOSPHOROUS PRODUCTION ON A RAISING SITE

O.C. 871-2020, Div. IV.

§ 1. — *General provision*

O.C. 871-2020, Sd. 1.

147. For the purposes of this Division, in the case of a raising site for which the operator is required to establish an agro-environmental fertilization plan pursuant to section 22 of the Agricultural Operations Regulation (chapter Q-2, r. 26), the increase is calculated by subtracting, from annual production of phosphorous (P_2O_5) planned for the project, the annual production resulting from the number of animals present and provided for on the site and indicated in the annual phosphorous report

(1) in the case of a raising site existing prior to 1 January 2011, for the first growing season after that date; or

(2) in the case of a raising site established after 1 January 2011, for the first growing season for the raising site.

The phosphorous report referred to in the first paragraph is used to calculate whether any subsequent threshold is reached or exceeded, for the duration of operations at the raising site.

O.C. 871-2020, s. 147.

§ 2. — Activities requiring authorization

O.C. 871-2020, Sd. 2.

148. Any increase in the annual production of phosphorous (P_2O_5) on a raising site, and the subsequent operation of the site, requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act or, where applicable, the amendment of such authorization pursuant to subparagraph 3 of the second paragraph of section 30 of the Act,

(1) unless, following the increase, production remains below 4,200 kg and the increase is eligible for a declaration of compliance in accordance with section 150;

(2) if, following the increase, production is equal to or greater than 4,200 kg, or 4,200 kg increased by 1,000 kg or a multiple of 1,000 kg, calculated as follows: [4,200 kg + (1,000 kg x 1, 2, 3, 4, etc.)].

Despite the first paragraph, where an increase is such that more than one threshold will be reached or exceeded, only the highest threshold reached or exceeded requires authorization or an amendment of authorization. In addition, authorization for reaching or exceeding a threshold is valid until authorization or an amendment of authorization is required for an increase that is such that a higher subsequent threshold is reached or exceeded.

This section does not apply to an increase in the annual production of phosphorous (P_2O_5) within the limits set in an authorization issued prior to 5 August 2010.

O.C. 871-2020, s. 148; I.N. 2022-06-01.

149. In addition to the general content prescribed by section 16, every application for authorization or for an amendment of authorization for an activity referred to in this Division must include the supplemental information and documents referred to in section 141.

O.C. 871-2020, s. 149.

§ 3. — Activities eligible for a declaration of compliance

O.C. 871-2020, Sd. 3.

150. Any increase in the annual production of phosphorous (P_2O_5) on a raising site, and the subsequent operation of the site, such that production is equal to or exceeds one of the following production thresholds, without reaching 4,200 kg, is eligible for a declaration of compliance on the conditions set out in the third paragraph:

- (1) 1,600 kg;
- (2) 2,100 kg;
- (3) 2,600 kg;
- (4) 3,100 kg;
- (5) 3,600 kg;
- (6) 4,100 kg.

Despite the first paragraph, where an increase is such that more than one threshold is reached or exceeded, a declaration of compliance is required only for the highest threshold reached or exceeded. In addition, the declaration of compliance submitted for reaching or exceeding a threshold is valid until a new declaration of compliance is required for an increase that is such that a higher subsequent threshold is reached or exceeded.

The raising facilities, livestock waste evacuation equipment and animal waste storage facilities of a site referred to in the first paragraph must be located:

- (1) outside the intermediate bacteriological protection zones for a category 1, 2 or 3 groundwater withdrawal site;
- (2) outside the inner protection zone for a category 1 or 2 surface water withdrawal site.

O.C. 871-2020, s. 150; O.C. 1461-2022, s. 12.

151. In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 150 must include the following supplemental information and documents:

- (1) the phosphorous report for the project;
- (2) a declaration from an agronomist and an engineer attesting that the project complies with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

Within 60 days after the project is completed, the declarant must send the Minister a declaration from an agronomist and, when the project involves work on raising facilities or livestock waste evacuation equipment, a declaration from an engineer attesting that the project was completed in accordance with the declaration of compliance.

O.C. 871-2020, s. 151.

CHAPTER XII

MAPLE SYRUP PRODUCTION

O.C. 871-2020, c. XII.

DIVISION I

ACTIVITIES REQUIRING AUTHORIZATION

O.C. 871-2020, Div. I.

152. The establishment and operation of a facility, equipment or any other apparatus to collect or treat sap for maple syrup production require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 152.

DIVISION II

ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

O.C. 871-2020, Div. II.

153. The establishment and operation of a facility, equipment or any other apparatus to collect or treat sap for maple syrup production are eligible for a declaration of compliance on the following conditions:

- (1) the facility, equipment or apparatus is used in one or more maple stands with a total of more than 20,000 but fewer than 75,000 active tapholes;
- (2) the wastewater is not discharged into the littoral zone, onto a riverbank or lakeshore, or into a wetland.

The wastewater from any activity referred to in the first paragraph must have a pH between 6 and 9.5.

O.C. 871-2020, s. 153.

DIVISION III

EXEMPTED ACTIVITIES

O.C. 871-2020, Div. III.

154. The establishment and operation of a facility, equipment or any other apparatus to collect or treat sap for maple syrup production are exempted from authorization pursuant to this Division on the following conditions:

(1) the facility, equipment or apparatus is used in one or more maple stands with a total of more than 20,000 or fewer tapholes;

(2) the wastewater is not discharged into the littoral zone, onto a riverbank or lakeshore, or into a wetland.

O.C. 871-2020, s. 154.

CHAPTER XIII

WASHING OF FRUIT AND VEGETABLES

O.C. 871-2020, c. XIII.

DIVISION I

ACTIVITIES REQUIRING AUTHORIZATION

O.C. 871-2020, Div. I.

155. The installation, modification or operation of a system to wash fruit or vegetables cultivated by one or more operators on a raising site or spreading site requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 155.

156. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in section 155 must include the following supplemental information and documents:

(1) the plans and specifications for the facilities concerned;

(2) a technical report, signed by an engineer, describing the washing process and the rates and loads of the wastewater discharged into the environment;

(3) a plan for the reclamation of residual plant matter and off-grade products.

O.C. 871-2020, s. 156.

DIVISION II

ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

O.C. 871-2020, Div. II.

157. 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 5 ha but less than 20 ha are eligible for a declaration of compliance on the condition that discharges of wastewater into the environment

- (1) have a suspended matter concentration equal to or below 50 mg/l;
- (2) are not made directly into the littoral zone, onto a riverbank or lakeshore, or into a wetland.

O.C. 871-2020, s. 157.

DIVISION III

EXEMPTED ACTIVITIES

O.C. 871-2020, Div. III.

158. 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 of less than 5 ha are exempted from authorization pursuant to this Chapter on the condition that wastewater is not discharged into the littoral zone, onto a riverbank or lakeshore, or into a wetland.

O.C. 871-2020, s. 158.

CHAPTER XIV

FISHING PONDS AND AQUACULTURE SITES

O.C. 871-2020, c. XIV.

DIVISION I

ACTIVITIES REQUIRING AUTHORIZATION

O.C. 871-2020, Div. I.

159. The siting and operation of a commercial fishing pond or aquaculture site require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 159.

160. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in section 159 must include the following supplemental information and documents:

- (1) the plans and specifications for the facilities concerned or, in the case of existing facilities, a survey signed by an engineer showing the facilities that will be used and those that will be modified;
- (2) a diagram showing the flow of water needed for the carrying on of the activity.

O.C. 871-2020, s. 160.

DIVISION II

ACTIVITIES ELIGIBLE FOR A DECLARATION OF COMPLIANCE

O.C. 871-2020, Div. II.

161. A change in fish species as part of the operation of a commercial fishing pond or aquaculture site is eligible for a declaration of compliance, with respect to the following species of salmonid fish:

- (1) brook trout;
- (2) Arctic char;
- (3) rainbow trout;
- (4) brown trout;
- (5) lake trout;
- (6) Atlantic salmon;
- (7) any hybrid of 2 of the above species, such as splake or wendigo.

O.C. 871-2020, s. 161.

162. In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 161 for an aquaculture site must include an opinion from an independent professional confirming that there will be no change in

- (1) the authorized rate for the annual discharge of phosphorous per ton of annual production;
- (2) the daily authorized average phosphorous load for the period from May to October.

O.C. 871-2020, s. 162.

DIVISION III

EXEMPTED ACTIVITIES

O.C. 871-2020, Div. III.

163. The siting and operation of a temporary or mobile commercial fishing pond within the meaning of section 2 of the Commercial Aquaculture Regulation (chapter A-20.2, r. 1) are exempted from authorization pursuant to this Chapter on the following conditions:

- (1) the activity is carried on without the addition of food;
- (2) the fishing pond is not located in the littoral zone, on a riverbank or lakeshore, or in a wetland;
- (3) in the case of a mobile fishing pond, it is removed immediately after the activity is completed.

O.C. 871-2020, s. 163.

164. The siting and operation of an aquaculture site to carry on shellfish culture in a marine environment are exempted from authorization pursuant to this Division on the condition that the shellfish culture is suspended and no food is added.

O.C. 871-2020, s. 164.

165. The siting and operation of an aquaculture site to carry on algal culture using indigenous species in the marine environment are exempted from authorization pursuant to this Division on the condition that the algal culture is suspended and no fertilizer is added.

O.C. 871-2020, s. 165.

TITLE III

ACTIVITIES WITH A SPECIFIC ENVIRONMENTAL IMPACT

O.C. 871-2020, Tit. III.

CHAPTER I

WATER WITHDRAWALS

O.C. 871-2020, c. I.

DIVISION I

GENERAL PROVISIONS

O.C. 871-2020, Div. I.

166. For the purposes of this Chapter,

(1) the average volume of water withdrawn or consumed per day is calculated on the basis of a period of 90 consecutive days corresponding to the period during which water consumption is the highest;

(2) the number of persons served by a water withdrawal is calculated in accordance with Schedule 0.1 of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) on the basis of the system, establishment or place to which it is mainly or exclusively connected.

O.C. 871-2020, s. 166.

167. The water withdrawals carried out at all withdrawal sites connected to the same establishment, facility or waterworks system are deemed to constitute a single water withdrawal.

Despite section 6, a water withdrawal exempted pursuant to paragraph 2 of section 173 is considered in the analysis of an application for authorization for a water withdrawal filed for the same establishment, facility or waterworks system.

O.C. 871-2020, s. 167.

DIVISION II**ACTIVITIES REQUIRING AUTHORIZATION**

O.C. 871-2020, Div. II.

§ 1. — *Application for authorization*

O.C. 871-2020, Sd. 1.

168. This Chapter applies to activities requiring authorization pursuant to subparagraph 2 of the first paragraph of section 22 of the Act, namely water withdrawals within the meaning of section 31.74 of the Act that are not covered by section 31.75 of the Act.

It also applies to any water withdrawal made for human consumption in a temporary industrial camp supplying no more than 80 persons, even if the withdrawal is less than 75,000 litres per day, when the facilities for managing and treating water in the camp require authorization pursuant to subparagraph 3 of the first paragraph of section 22 of the Act.

Similarly, it applies to any water withdrawal made for human consumption for any other establishment, facility or waterworks system supplying 21 persons or more, even if the withdrawal is less than 75,000 litres per day.

O.C. 871-2020, s. 168.

169. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Chapter must include the following supplemental information and documents:

(1) a copy of the title of ownership for the land needed to lay out the water withdrawal facility and, in the case of groundwater withdrawal, to lay out its inner protection zone, or a copy of any other document giving the applicant the right to use the land for that purpose;

(2) a description of the land use guidelines and designations applicable to the environments concerned as well as existing uses nearby, including water withdrawal sites located on adjacent properties;

(3) the planned use of the water to be withdrawn;

(4) the plans and specifications of each of the new facilities concerned, for a category 1 or 2 water withdrawal to serve a municipal waterworks system supplying 21 to 500 persons and at least one dwelling, or a land use and development plan, in other cases;

(5) a technical report on the water withdrawal scenario, signed by a professional with suitable qualifications in the field, including an assessment of the ability of each of the water withdrawal facilities concerned to meet the water needs identified in order to demonstrate the reasonable nature of the withdrawal;

(6) for the following water withdrawals, the technical report referred to in paragraph 5 must also contain an assessment of the effects of the water withdrawal on the groundwater withdrawal facilities of other users on neighbouring properties and on wetlands in the vicinity and, if effects are observed, the actions that will be taken to minimize the impacts on the users and wetlands concerned:

(a) water withdrawals with an annual daily volume of 379,000 litres or more per day when the water is withdrawn, by a farm producer, to raise livestock referred to in section 2 of the Agricultural Operations Regulation (chapter Q-2, r. 26), to cultivate plants or mushrooms, or for maple syrup production, or when the water is withdrawn for the operation of a fishing pond or aquaculture site; or

(b) water withdrawals with an annual daily volume of 75,000 litres or more but less than 379,000 litres when made for any other purpose;

(7) a hydrogeological study signed by a professional for the following water withdrawals:

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

(b) withdrawals of water intended to be sold or distributed as spring water or mineral water or to be an ingredient identified as spring water or mineral water in the manufacture, conservation or treatment of food products within the meaning of the Food Products Act (chapter P-29);

(c) category 1 water withdrawals;

(d) category 2 water withdrawals to serve a municipal waterworks system supplying 21 to 500 persons and at least one dwelling;

(e) groundwater withdrawals of 379,000 litres or more per day on average, unless withdrawn by a farm producer to raise livestock referred to in section 2 of the Agricultural Operations Regulation, to cultivate plants or mushrooms, or for maple syrup production, or withdrawn for the operation of a fishing pond or aquaculture site;

(8) when the application for authorization concerns a water withdrawal for human consumption or food processing:

(a) the initial characterization of water quality for the site of the withdrawal, in order to determine the vulnerability of the water supply source and assess if treatment or monitoring is required, signed by a professional with suitable qualifications in the field;

(b) the location of the protection zones for the water withdrawal and, for a groundwater withdrawal, the intrinsic vulnerability of each protection zone;

(c) an inventory of the activities performed in the inner protection zone delimited for the water withdrawal site;

(d) the location, where applicable, within a radius of 30 m of a groundwater withdrawal site, of a device for the evacuation, reception or treatment of water referred to in the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);

(e) an economic impact assessment for the agricultural activities performed in the protection zones of the withdrawal site with respect to the constraints imposed by the Water Withdrawal and Protection Regulation (chapter Q-2 r. 35.2) and, where agricultural activities are affected, the means the applicant has taken or intends to take to minimize the impact on the operators concerned, such as the signing of a financial assistance agreement;

(9) where the application concerns a category 1 groundwater withdrawal, the information referred to in section 68 of the Water Withdrawal and Protection Regulation that is not already required by another provision;

(10) the total volume of all withdrawals made in the St. Lawrence river basin to supply the waterworks system covered by the application for authorization during the 10-year period preceding the application, along with the water consumption volumes connected to the withdrawals;

(11) in the case of a water withdrawal in the St. Lawrence river basin referred to in section 31.95 of the Act, any information or document allowing the Minister to ensure compliance with the provisions of that section.

O.C. 871-2020, s. 169.

170. In the case of a water withdrawal referred to in the Regulation respecting the framework for authorization of certain projects to transfer water out of the St. Lawrence River Basin (chapter Q 2, r. 5.1), the application for authorization must include the following supplemental information and documents:

(1) if the applicant is not a municipality:

(a) the name of the local municipality whose population will be served by the waterworks system supplied with the water whose transfer is planned;

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

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

(3) when the proposed water transfer is covered by subparagraph *a* of subparagraph 1 of the first paragraph of section 31.91 of the Act, any information or document allowing the Minister to apply sections 31.91 and 31.92 of the Act;

(4) when the proposed transfer of water is covered by subparagraph *b* of subparagraph 1 of the first paragraph of section 31.91 of the Act, any information or document allowing the Minister to apply sections 31.91, 31.92 and 31.93 of the Act.

O.C. 871-2020, s. 170.

171. The hydrogeological study required for an application for authorization for a water withdrawal must include the following information and documents:

(1) a description of the hydrogeological context within a minimum radius of 1 km and in the entire influence zone of the water withdrawal, based in particular on the meteorology, topography, hydrography, hydrology, geology and hydrogeology of the site, and the maps and stratigraphic cross-sections needed to support the description;

(2) a pumping test and pumping test analysis;

(3) a location plan for the observation wells used and a diagram of their layout, including in particular the stratigraphic profile, the elements of well construction, and the static piezometric level;

(4) the reasons for the location and design of the observation wells;

(5) a calculation showing the anticipated piezometric reductions for the wells and wetlands present in the influence zone of the water withdrawal;

(6) a calculation showing the replenishment and hydrological balance of the aquifer;

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

(8) a conceptual model showing the behaviour of the groundwater in the target aquifer.

O.C. 871-2020, s. 171.

§ 2. — *Period of validity of certain authorizations*

O.C. 871-2020, Sd. 2.

172. Despite the first paragraph of section 31.81 of the Act, the period of validity of an authorization issued for the withdrawal of water for the operation of an aquaculture site on land is 15 years when, for each ton of annual production, the operation

- (1) targets an annual discharge of phosphorous, in its effluents, of 4.2 kg or less; and
- (2) withdraws a volume of water of 10,000 litres per hour or less.

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

O.C. 871-2020, s. 172.

DIVISION III

EXEMPTED ACTIVITIES

O.C. 871-2020, Div. III.

173. The following water withdrawals, and the related work and works, are exempted from authorization pursuant to this Chapter:

(1) water withdrawals using a ditch or drain, if the withdrawal is not intended to store water and the ditch or drain enables discharges into the receiving environment;

(1.1) water withdrawals using a ditch, a drain or a pumping device if the withdrawals are intended for the drainage of a building;

(2) water withdrawals using a naturally-fed irrigation pond, on the following conditions:

(a) the irrigation pond is man-made;

(b) the irrigation pond is no more than 6 m deep;

(c) the irrigation pond is more than 30 m from a watercourse, lake or wetland;

(d) the irrigation pond is more than 100 m from a withdrawal facility for groundwater used for human consumption that is not owned by the operator;

(e) the withdrawal is not made to flood land for harvesting purposes;

(f) the withdrawal is made outside the St. Lawrence River Basin or, if it is made within the basin, does not exceed an average volume of 379,000 litres per day;

(3) water withdrawals made using a permanent facility laid out for civil security purposes;

(4) temporary and non-recurring water withdrawals, made at one or more withdrawal sites;

(a) as part of exploration activities for mineral substances, unless made for the purpose of dewatering or keeping dry open pits, excavations or underground galleries;

- (b)* as part of civil engineering or contaminated site rehabilitation work, if they do not exceed 180 days;
- (c)* to analyze the performance of a groundwater withdrawal facility or establish the properties of an aquifer, if
 - i. the duration of the water withdrawal does not exceed 30 days; and
 - ii. the water withdrawal is made for the purposes of a test the implementation and interpretation of which are compliant with a scientific method recognized in the field of hydrogeology;
- (d)* to analyze the quality of water for human consumption, if the withdrawal does not exceed 200 days;
- (5) temporary, non-recurring water withdrawals made using a coffer dam.

O.C. 871-2020, s. 173; O.C. 1461-2022, s. 13.

CHAPTER II

WATER MANAGEMENT

O.C. 871-2020, c. II.

DIVISION I

GENERAL PROVISIONS

O.C. 871-2020, Div. I.

174. Unless otherwise provided for, for the purposes of this Chapter,

- (1) the maintenance of a system or equipment concerns work to maintain its useful life and clean it, if no change is made to the initial function of the system or equipment;
- (2) a modification includes the replacement of a pipe, device, apparatus or piece of equipment by another, or its relocation;
- (3) section 32.3 of the Act does not apply to
 - (a)* an application for authorization for the modification of a water management or treatment facility referred to in the Regulation respecting private waterworks and sewer services (chapter Q-2, r. 4.01);
 - (b)* an application for authorization for the establishment, modification or extension of a water management or treatment facility that is not referred to in the Regulation respecting private waterworks and sewer services and is not operated by a municipality.

O.C. 871-2020, s. 174.

175. The owner of a site must give an engineer responsibility for supervising work to establish, modify or extend a waterworks system, sewer system or storm water management system.

The owner of the site must, within 60 days of the end of the work, obtain from an engineer a report on the performance of the work, in particular to attest its compliance with the conditions set out in this Regulation and, where applicable, the conditions listed in the authorization issued for the work.

This section does not apply to

- (1) section 184, for all activities, if the waterworks system concerned is intended to serve 20 persons or less;
- (2) the activities referred to in section 186 if the waterworks system concerned is intended to serve 20 persons or less;
- (3) the activities referred to in sections 185 and 187;
- (4) section 197, for the replacement of a pipe by another of the same diameter and for the installation or modification of a manhole in an existing sewer system;
- (5) the activities referred to in sections 199 and 201;
- (6) the activities referred to in subparagraph 5 of the first paragraph of section 224;
- (7) section 225, with respect to the modification of a culvert, work in a ditch or the replacement of an existing pipe by a ditch or by another pipe of the same diameter, as well as the installation or modification of a manhole or catch basin in an existing storm water management system;
- (8) the activities referred to in section 226;
- (9) the establishment, extension or modification of a storm water management system on a high-risk site referred to in paragraph 4 of section 218.

For the purposes of section 11, the report produced by an engineer pursuant to the second paragraph must be kept by the operator of the system.

O.C. 871-2020, s. 175; O.C. 1461-2022, s. 14.

176. The operator of a temporary industrial camp housing 21 persons or more must, before the arrival of those persons, obtain an attestation from a professional engineer indicating that

- (1) the siting of the apparatus or equipment used to treat the drinking water supply for the camp, or an increase in the capacity of the existing apparatus or equipment, will allow the requirements of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40) to be met;
- (2) the treatment and evacuation of wastewater and, where applicable, of process water from the apparatus or equipment used to treat drinking water, will not constitute a source of contamination.

When a temporary industrial camp is finally closed, the operator must also ensure that the apparatus or equipment used to treat and evacuate wastewater has been drained and removed or filled with materials appropriate to the environment.

The operator of a temporary industrial camp must provide the Minister, at the Minister's request, with the following information about the camp:

- (1) its geographical coordinates;
- (2) the maximum number of persons housed simultaneously at the camp;
- (3) the dates scheduled for the camp's occupation.

O.C. 871-2020, s. 176.

DIVISION II

WATER SUPPLY

O.C. 871-2020, Div. II.

§ 1. — *Establishment, modification or extension of waterworks systems*

O.C. 871-2020, Sd. 1.

§§ 1. — *General provisions*

O.C. 871-2020, Sd. 1.

177. This Subdivision applies to any waterworks system to which subparagraph 3 of the first paragraph of section 22 of the Act applies.

O.C. 871-2020, s. 177.

178. The materials used as bedding and surround soil, and to backfill trenches for pipes carrying water for human consumption must comply with the requirements in the standard specification BNQ 1809-300.

The materials used as bedding and surround soil for pipes carrying water for human consumption must be free of contaminants from human activity over a minimum height of 300 mm above the pipes.

O.C. 871-2020, s. 178; O.C. 1461-2022, s. 15.

179. All products and materials used that come into contact with water intended for human consumption must have been cleaned and disinfected before their first use and

(1) must comply with the safety requirements in the BNQ Standard 3660-950 or NSF/ANSI Standard 61; or

(2) must, in the case of cast-in-place concrete, have been prepared in a plant certified compliant under BNQ Standard 2621-905.

O.C. 871-2020, s. 179.

§§ 2. — *Activities requiring authorization*

O.C. 871-2020, Sd. 2.

180. In addition to the general content prescribed by section 16, every application for authorization concerning a waterworks system must include the following supplemental information and documents:

(1) the plans and specifications of the system, or of the extension to or modification of the system;

(2) the plan provided for in subparagraph 1 of the second paragraph of section 16, showing the location of the work concerned in relation to existing public roads and the lots served;

(3) a technical report signed by an engineer

(a) demonstrating the capacity to supply water to the persons served in sufficient quantities or, if that is not the case, demonstrating that the measures taken are sufficient to ensure a supply of water;

(b) in the case of a facility to produce water for human consumption, demonstrating compliance with the requirements of the Regulation respecting the quality of drinking water (chapter Q-2, r. 40);

(4) for the work concerned, an attestation of compliance with the standard specification BNQ-1809-300 or, if the work is not compliant, the reason for departing from one or more of the provisions of the specification;

(5) a monitoring program for process water discharged into the environment;

(6) to replace, where applicable, the certificate from the clerk required by section 32.3 of the Act, a resolution from the municipality concerned showing that it undertakes to acquire the system or extension.

O.C. 871-2020, s. 180.

§§ 3. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 3.

181. The establishment and extension of any part of a waterworks system, excluding the parts used to treat water intended for human consumption, are eligible for a declaration of compliance on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the system or extension is owned by a municipality or in the process of being acquired by the municipality, or is operated by the government or by a government body.

O.C. 871-2020, s. 181.

182. The following modifications to a waterworks system are eligible for a declaration of compliance on the conditions set out in the second paragraph:

(1) the addition of a pumping, booster or rechlorination station, or a reservoir;

(2) the replacement of a reservoir by a reservoir of greater capacity.

The following conditions apply to the activities referred to in the first paragraph:

(1) the completion of the work does not result in a modification of the water treatment process or an increase in the treatment capacity of the waterworks system;

(2) the system is owned by a municipality or is in the process of being acquired by the municipality, or is operated by the government or by a government body.

O.C. 871-2020, s. 182.

183. In addition to the elements provided for in section 41, a declaration of compliance for an activity referred to in this Division must include the following supplemental information and documents:

(1) if the system or extension are not owned by a municipality or are not operated by the Government or by a government body, the number of the municipal resolution showing that it has undertaken to acquire the system or extension;

(2) a declaration from an engineer attesting that the conditions applicable to the activity pursuant to this Subdivision and, where applicable, the conditions provided for by regulation, have been complied with.

O.C. 871-2020, s. 183; O.C. 1461-2022, s. 17.

§§ 4. — *Exempted activities*

O.C. 871-2020, Sd. 4.

184. The following activities are exempted from authorization pursuant to this Subdivision, on the conditions set out in the second paragraph:

- (1) the addition or replacement of a pipe or any other equipment intended to serve a single building;
- (2) the establishment, modification or extension of a waterworks system intended to serve 20 persons or less.

In the case of the activity referred to in subparagraph 1 of the first paragraph, the work must at least meet the requirements in the standard specification BNQ 1809-300 for the work concerned.

In the case of the activity referred to in subparagraph 2 of the first paragraph, the following conditions apply:

- (1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;
- (2) the establishment, modification or extension does not result in an increase in the number of persons served to more than 20.

O.C. 871-2020, s. 184; O.C. 1461-2022, s. 18.

185. The establishment, modification and extension of a waterworks system in a temporary industrial camp are exempted from authorization pursuant to this Subdivision.

O.C. 871-2020, s. 185.

186. The following modifications to a waterworks system are exempted from authorization pursuant to this Subdivision on the conditions set out in the second paragraph:

- (1) the replacement or relocation of a pipe or a pumping, booster or rechlorination station;
- (2) the replacement of a reservoir by a reservoir of lesser or equal capacity;
- (3) the addition or replacement of other equipment, device or accessory.

The following conditions apply to the activities referred to in the first paragraph:

- (1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;
- (2) the replacement or addition does not result in a modification of the water treatment process or an increase in the capacity of the waterworks system.

O.C. 871-2020, s. 186; O.C. 1461-2022, s. 19.

187. The following activities are exempted from authorization pursuant to this Subdivision:

- (1) the establishment and modification of a treatment device in a building to correct a water quality problem resulting from the building or its connection to the waterworks system;
- (2) the installation, modification, addition or replacement of pipes connecting a facility for withdrawing groundwater intended to be sold or distributed as spring water or mineral water or to be an ingredient

identified as spring water or mineral water in the manufacture, conservation or treatment of food products within the meaning of the Food Products Act (chapter P-29);

(3) the installation, modification, addition or replacement of tanks used to store groundwater referred to in paragraph 2 or of devices in the bottling system.

O.C. 871-2020, s. 187.

§ 2. — *Other apparatus and equipment for water treatment*

O.C. 871-2020, Sd. 2.

188. This Subdivision applies to any water treatment apparatus or equipment intended for water treatment to which subparagraph 3 of the first paragraph of section 22 of the Act applies that is not a waterworks system.

O.C. 871-2020, s. 188.

189. The installation, modification, replacement and operation of any apparatus or equipment to treat feed water prior to its use for purposes other than human consumption, on the following conditions:

(1) where process water from the apparatus or equipment is discharged into the environment, it has first been treated by a treatment system that is covered by an authorization or a declaration of compliance or that is exempted from such an authorization;

(2) where the wastewater from an establishment, excluding domestic wastewater, and process water from the apparatus or equipment are discharged into a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1), the combined flow of those waters is less than 10 m³ per day.

O.C. 871-2020, s. 189; O.C. 1461-2022, s. 20.

DIVISION III

WASTEWATER MANAGEMENT AND TREATMENT

O.C. 871-2020, Div. III.

§ 1. — *Establishment, modification or extension of sewer systems*

O.C. 871-2020, Sd. 1.

§§ 1. — *General provision*

O.C. 871-2020, Sd. 1.

190. This Subdivision applies to sewer systems to which subparagraph 3 of the first paragraph of section 22 of the Act applies.

O.C. 871-2020, s. 190.

§§ 2. — *Activities requiring authorization*

O.C. 871-2020, Sd. 2.

191. In addition to the general content prescribed by section 16, every application for authorization concerning a sewer system must include the following supplemental information and documents:

- (1) the plans and specifications for the system, extension or modification concerned;
- (2) the plan provided for in section 17, showing the location of the work concerned in relation to existing public roads and the lots served;
- (3) a technical report signed by an engineer
 - (a) assessing wastewater loads and flows, including any supplementary wastewater planned;
 - (b) demonstrating that the treatment plant has the capacity to treat the wastewater loads and flows generated by the project on the basis of the receiving environment and uses;
 - (c) describing the effects of the project on the frequency of overflow events at each overflow located downstream from the connection point, and on the frequency of diversions at the treatment plant;
 - (d) demonstrating the impact on groundwater withdrawals made in the vicinity if the treatment involves the infiltration of water into the soil;
- (4) when an overflow or pumping station is added or modified, its technical information sheet, the revised diagram of flows to the treatment plant and, where applicable, its pumping and calibration curves;
- (5) the performance reports for any overflow modified or affected by the project and, when the project adds increased flow, the performance reports for the treatment plant for the 3 years preceding the year in which the application is submitted;
- (6) for the work concerned, an attestation of compliance with the standard specification BNQ-1809-300 or, if the work is not compliant, the reason for departing from one or more of the provisions of the specification;
- (7) to replace, where applicable, the certificate from the clerk required by section 32.3 of the Act, a resolution from the municipality concerned showing that it undertakes to acquire the system or extension;
- (8) for a facility to treat domestic wastewater, a monitoring program to verify the ability of the facility to comply with the discharge standards applicable.

O.C. 871-2020, s. 191.

§§ 3. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 3.

192. The extension of a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) or operated by the government or a government body is eligible for a declaration of compliance, on the following conditions:

- (1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;
- (2) the extension is used only to collect and transport wastewater;
- (3) the completion of the work is not likely to cause an overflow or diversion of wastewater into the environment;
- (4) no overflow or diversion works is added to the system;
- (5) the system extension is designed to collect wastewater only, and not storm water;
- (6) as the case may be,

(a) once the work is completed, the extension is not likely to cause an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, or in the frequency of diversions at the treatment plant;

(b) a planning of overflow events and diversions has first been filed with the Minister by each municipality concerned, which planning meets the following conditions:

i. the planning provides for measures allowing to compensate the additions of flows from the work and preventing the increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, and in the frequency of diversions at the treatment plant;

ii. the planning describes each measure provided for and the overflows and diversions covered by each measure;

iii. the implementation of those measures is to be completed by the municipality not later than 31 December 2030;

(7) the extension is not likely to cause a failure to meet the discharge standards applicable to the treatment plant;

(8) the system is not covered by a depollution attestation.

O.C. 871-2020, s. 192; O.C. 1461-2022, s. 21.

193. A modification to a treatment plant governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) is eligible for a declaration of compliance on the following conditions:

(1) the completion of the work is not likely to result in an overflow event or a diversion of wastewater into the environment;

(2) once the work is completed, the modification will not

(a) change the treatment capacity of the treatment plant;

(b) change the conditions, restrictions or prohibitions set out in the depollution attestation if the treatment plant is covered by a depollution attestation;

(3) no diversion works is added to the sewer system.

O.C. 871-2020, s. 193.

194. The laying out of a works to treat septic tank sludge on the site of a treatment plant covered by a depollution attestation is eligible for a declaration of compliance on the following conditions:

(1) the work is completed within the property line of the place where the treatment plant is situated and is not likely to result in an overflow event or a diversion of wastewater into the environment;

(2) the laying out of the works will not

(a) change the treatment capacity of the treatment plant;

(b) change the conditions, restrictions or prohibitions set out in the depollution attestation if the treatment plant is covered by a depollution attestation;

(3) the process water from the sludge dewatering process is treated by the treatment plant.

O.C. 871-2020, s. 194.

195. In addition to the elements provided for in section 41, a declaration of compliance for an activity governed by this Subdivision must include the following supplemental information and documents:

(1) in the case of the activity referred to in section 192 whose work is covered by the planning provided for in subparagraph *b* of paragraph 6 of that section, an attestation from each municipality concerned including

(a) its contact information;

(b) the confirmation that a planning meeting the conditions set out in subparagraph *b* of paragraph 6 of section 192 has been filed with the Minister and the date of filing;

(1.1) in the case of the activity referred to in section 192, an attestation from the municipality operating the treatment plant serving the sewer system confirming that the discharge standards applicable to the plant are not likely to be exceeded despite the extension;

(2) in all cases, a declaration from an engineer attesting that the conditions applicable to the activity pursuant to this Subdivision and, where applicable, the conditions provided for by regulation, have been complied with.

O.C. 871-2020, s. 195; O.C. 1461-2022, s. 22.

§§ 4. — *Exempted activities*

O.C. 871-2020, Sd. 4.

196. The establishment, modification and extension of a sewer system in a temporary industrial camp are exempted from authorization pursuant to this Subdivision when the work is not likely to cause an overflow or diversion of wastewater into the environment.

O.C. 871-2020, s. 196.

197. The modification of a sewer system is exempted from authorization pursuant to this Subdivision on the following conditions:

(1) the modification does not involve a device for treating wastewater or a prefabricated holding tank referred to in paragraph 4 of section 54;

(2) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2.1) in the case of a sewer system that is not governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1), the completion of the work is not likely to cause an overflow or diversion of wastewater into the environment;

(2.2) no overflow works is added to the system;

(3) once the work is completed, the modified system or extension is not likely to cause an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point or an increase in the frequency of diversions at the treatment plant.

For the purposes of this section, a modification includes, in addition to what is specified in section 174, the addition of any equipment, accessory or device to an existing sewer system and any repair made to a pumping station, overflow or retention basin.

O.C. 871-2020, s. 197; O.C. 1461-2022, s. 23.

198. The establishment and modification of sludge dewatering equipment at a treatment plant are exempted from authorization pursuant to this Subdivision on the following conditions:

- (1) the work is carried out within the property line of the place where the treatment plant is situated and is not likely to cause a discharge of wastewater into the environment;
- (2) the equipment or modification will not change the treatment capacity of the treatment plant;
- (3) only sludge from the treatment plant is treated, and the process water from the sludge dewatering is treated at the treatment plant.

O.C. 871-2020, s. 198.

199. The addition and replacement of a mains and any other equipment serving a single building to the system are exempted from authorization pursuant to this Subdivision when the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned.

O.C. 871-2020, s. 199.

200. The modification and extension of a sewer system covered by a depollution attestation are exempted from authorization pursuant to this Subdivision, on the following conditions:

- (1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;
- (2) the extension is used only to collect and transport wastewater;
- (3) *(paragraph revoked)*;
- (4) no overflow is added to the system;
- (5) *(paragraph revoked)*;
- (6) once the work is completed, the modification or extension is not likely to change the conditions, restrictions or prohibitions set out in the depollution attestation.

O.C. 871-2020, s. 200; O.C. 1461-2022, s. 24.

201. The establishment and modification of a waste water disposal and treatment device to serve a building or place subject to the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22) are exempted from authorization pursuant to this Subdivision, including the addition of an outlet to the littoral zone.

A modification includes, in addition to what is specified in section 174, an extension, renewal or repair.

For the purposes of this section, the provisions of Chapter I of Title IV of Part II on wetlands and bodies of water do not apply.

O.C. 871-2020, s. 201.

§ 2. — *Operation of sewer systems*

O.C. 871-2020, Sd. 2.

202. The operation of any sewer system that includes a treatment device, unless already covered by an authorization, requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the

Act, unless the system is a municipal wastewater treatment works referred to in Division III.1 of Chapter IV of Title I of the Act and is not covered by the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22).

This section does not apply to a sewer system serving a temporary industrial camp.

O.C. 871-2020, s. 202; O.C. 1461-2022, s. 25.

203. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in section 202 must include a technical report signed by an engineer, showing that the device has the capacity to treat the wastewater flows and loads on the basis of the receiving environment and uses.

O.C. 871-2020, s. 203.

§ 3. — Other apparatus and equipment for wastewater treatment

O.C. 871-2020, Sd. 3.

§§ 1. — General provision

O.C. 871-2020, Sd. 1.

204. This Subdivision applies to apparatus and equipment intended to treat wastewater to which subparagraph 3 of the first paragraph of section 22 of the Act applies, other than a sewer system.

O.C. 871-2020, s. 204.

§§ 2. — Activities requiring authorization

O.C. 871-2020, Sd. 2.

205. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Subdivision must include the following supplemental information and documents:

(1) the plans and specifications for the facilities concerned and their maintenance program;

(2) a technical report signed by an engineer assessing wastewater loads and flows, the ability of the facilities to treat the wastewater on the basis of the receiving environment and, if a discharge into a sewer system is involved, the effect of the project on the frequency of overflow events at each overflow located downstream from the connection point and the frequency of diversions at the treatment plant;

(3) when the wastewater is discharged into a sewer system, the performance reports for any overflows modified or affected by the project and the performance reports for the treatment plant for the 3 years preceding the year in which the application is submitted;

(4) a diagram of the process indicating all the treatment stages, the number of treatment units, the treatment capacity of each piece of equipment in the process and the total capacity of the treatment system.

O.C. 871-2020, s. 205.

§§ 3. — Activities eligible for a declaration of compliance

O.C. 871-2020, Sd. 3.

206. The modification of any apparatus or equipment intended to treat wastewater that is covered by an authorization and to which discharge standards apply is eligible for a declaration of compliance if the

modification leads to a level of performance and efficiency at least equivalent to those obtained before the modification for the treatment of the contaminants present in the wastewater.

In addition to the elements provided for in section 41, the declaration of compliance must include a declaration from an engineer attesting that the modification to the apparatus or equipment allows the following objectives to be achieved:

- (1) ongoing compliance with the standards of the Acts and the regulations under it, as well as with the conditions, restrictions and prohibitions set out in the operator's authorization;
- (2) the equivalent or improved performance and efficiency of the apparatus or equipment, compared to those of the original apparatus or equipment.

Not later than 60 days from the modification of the apparatus or equipment, the applicant must file with the Minister an attestation from an engineer stating that the work was performed in accordance with the information and documents filed in the declaration of compliance or, if changes have occurred, that the modification to the apparatus or equipment allows the objectives referred to in subparagraphs 1 and 2 of the second paragraph to be achieved.

O.C. 871-2020, s. 206.

§§ 4. — *Exempted activities*

O.C. 871-2020, Sd. 4.

207. The installation and subsequent operation of an oil separator that discharges wastewater into the environment at a rate of less than 10 m³ per day are exempted from authorization pursuant to this Subdivision on the following conditions:

- (1) the separator is compliant with CAN/ULC S656 or at least an equivalent standard;
- (2) the wastewater is discharged 100 m or more from a category 1 or 2 water withdrawal site or 30 m or more from a category 3 groundwater withdrawal site.

O.C. 871-2020, s. 207.

208. The wastewater discharged by an activity referred to in section 207 must have a petroleum hydrocarbons concentration (C₁₀-C₅₀) below or equal to 5 mg/l.

O.C. 871-2020, s. 208.

209. The installation and subsequent operation of apparatus or equipment intended to treat the discharge into the environment of a quantity of wastewater from a washing facility for road vehicles used for passenger transportation of less than 10 m³ per day are exempted from authorization pursuant to this Subdivision on the following conditions:

- (1) the water comes only from the operation of the facility and includes no domestic wastewater;
- (2) the apparatus or equipment includes a sand remover or settling tank and an oil separator;
- (3) the water is discharged 100 m or more from a category 1 or 2 water withdrawal site or 30 m or more from a category 3 groundwater withdrawal site.

O.C. 871-2020, s. 209.

210. The water discharged by a washing facility referred to in section 209 must

- (1) have a petroleum hydrocarbons concentration (C_{10} - C_{50}) below or equal to 5 mg/l;
- (2) form no visible surface foam at the discharge point.

The cleaning products used by a washing facility for road vehicles used for passenger transportation referred to in section 201

- (1) must not contain octylphenols or nonylphenols and their derivatives;
- (2) must have a phosphorous concentration of less than 2.2%.

O.C. 871-2020, s. 210.

211. The installation and subsequent operation a water cooling tower facility that discharges purge water into the environment are exempted from authorization pursuant to this Subdivision on the following conditions:

- (1) the wastewater does not infiltrate into the ground;
- (2) the total refrigerating capacity of the water cooling tower facility is equal to or less than 700 tons.

O.C. 871-2020, s. 211.

212. The purge water discharged by a facility referred to in section 211 must

- (1) have a pH between 6 and 9.5;
- (2) have a total chlorine residual concentration below or equal to 0.1 mg/l;
- (3) have a concentration of suspended matters below or equal to 50 mg/l;
- (4) have a total phosphorous concentration below or equal to 1 mg/l.

The maintenance products used by a facility referred to in section 211 must not contain non-oxidizing biocides.

O.C. 871-2020, s. 212.

213. The operation of mobile apparatus or equipment to dewater sludge from wastewater treatment is eligible for a declaration of compliance on the following conditions:

- (1) the operation is not likely
 - (a) to lead to a discharge of wastewater into the environment;
 - (b) to change the conditions, restrictions or prohibitions in any authorization issued for the treatment system or concerning the use of the apparatus or equipment;
- (2) the sludge comes only from the treatment system;
- (3) the sludge treated is not a hazardous material within the meaning of the Regulation respecting hazardous materials (chapter Q-2, r. 32);
- (4) the process water from the sludge dewatering process is directed towards a treatment system;

(5) the sludge is managed in accordance with any authorization issued for the apparatus or equipment or connected with the use of the apparatus or equipment.

O.C. 871-2020, s. 213.

213.1. The installation and subsequent operation of a temporary treatment system to remove suspended matters, that is installed as part of construction or demolition work and that is intended to treat wastewater generated only by that activity, are exempted from authorization pursuant to this Subdivision.

The following conditions apply to the activities referred to in the first paragraph:

(1) where the water is discharged into the environment, the flow must be less than 10 m³ per day, except work for dewatering of the area of work in a watercourse, and they must have

- (a) a suspended matter concentration below or equal to 50 mg/l;
- (b) a pH between 6 and 9.5;
- (c) a petroleum hydrocarbons concentration (C₁₀-C₅₀) below or equal to 2 mg/l;

(2) the water must not have been in contact with contaminated soils.

O.C. 1461-2022, s. 26.

213.2. The installation and operation of a treatment apparatus or equipment used to treat water generated by an activity covered by a declaration of compliance or exempted from authorization under Chapters I and II of Title IV of Part II are exempted from authorization pursuant to this Subdivision.

O.C. 1461-2022, s. 26.

214. The following activities are exempted from authorization pursuant to this Subdivision:

(1) the installation and subsequent operation of an oil separator located beneath electrical equipment put in place for fire protection purposes if it is designed, inspected and maintained by or at the request of Hydro-Québec;

(2) the installation and subsequent operation of an oil separator from which wastewater is discharged into a sewer system governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);

(3) the installation and subsequent operation of an oil separator from which wastewater is discharged into a holding tank in compliance with Standard BNQ 3682-901 or the standard CSA-B66;

(4) the installation and subsequent operation of any apparatus or equipment intended to treat water in a closed circuit that produces no discharge of water into the environment;

(5) the installation and subsequent operation of a water cooling tower facility from which purge water is discharged into a sewer system governed by the Regulation respecting municipal wastewater treatment works;

(6) the installation and subsequent operation of an apparatus or equipment intended to treat the discharge of wastewater from a facility to wash road vehicles used for passenger transportation into a sewer system governed by the Regulation respecting municipal wastewater treatment works;

(7) the installation and subsequent operation of an apparatus or equipment intended to treat discharges of wastewater at a rate of less than 10 m³ per day, other than domestic wastewater, into a sewer system governed by the Regulation respecting municipal wastewater treatment works;

(8) the installation and subsequent operation of an apparatus or equipment intended to treat water produced as part of an activity referred to in section 55 or in Title II of Part II that is eligible for a declaration of compliance or exempted from authorization, with the exception of activities connected to livestock raising sites and aquaculture sites;

(9) the installation and operation of a system or device to treat water in a swimming pool or other artificial pool referred to in the Regulation respecting water quality in swimming pools and other artificial pools (chapter Q-2, r. 39).

O.C. 871-2020, s. 214; O.C. 1461-2022, s. 27.

§ 4. — *Overflows or diversions of wastewater*

O.C. 871-2020, Sd. 4.

215. The following activities carried on over a total anticipated period of more than 24 hours require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

(1) a planned overflow or diversion of wastewater with a total anticipated volume of more than 10,000 m³ in the inner or intermediate protection zone of a withdrawal facility;

(2) a planned overflow or diversion of wastewater with a total anticipated volume of more than 100,000 m³ in any other place.

O.C. 871-2020, s. 215.

216. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Subdivision must include the measures put in place to inform the public of any planned overflow or diversion of wastewater.

O.C. 871-2020, s. 216.

DIVISION IV

STORM WATER MANAGEMENT

O.C. 871-2020, Div. IV.

§ 1. — *General provisions*

O.C. 871-2020, Sd. 1.

217. This Division applies to storm water management systems referred to in subparagraph 3 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 217.

218. Unless otherwise provided for, for the purposes of this Division,

(1) “culvert” does not mean a culvert laid out in a watercourse;

(2) “ditch” does not include a swale, a percolation trench or a grassed ditch;

(3) “grassed ditch” has the meaning given by the Design code of a storm water management system eligible for a declaration of compliance (chapter Q-2, r. 9.01);

(4) “high-risk site” means one of the following sites, when exposed to the elements:

- (a) a landfill site;
 - (b) a site where industrial activities likely to contaminate storm water are carried on;
 - (c) an outdoor bulk storage site likely to contaminate storm water;
 - (d) a site where hazardous residual materials, chemical products or salts are loaded or unloaded;
 - (e) a site where activities to repair or clean heavy vehicles or railway vehicles likely to contaminate storm water are carried on;
 - (f) a site where vehicle recycling, long-term storage, crushing and shredding activities are carried on;
- (5) “discharge point” means a place where wastewater or storm water is discharged into a wetland or body of water, but not a place where storm water is discharged into a ditch or sewer system;
- (6) in addition to what is required by section 174, modifications to a storm water management system include
- (a) work performed in a ditch, including the installation of a pipe, manhole, catch basin or culvert in a ditch;
 - (b) work performed on a retaining works;
 - (c) the addition of a pumping station, including the discharge pipe;
 - (d) the addition, to an existing system, of equipment, an accessory, a device, a manhole, a catch basin or a works to manage or treat storm water;
 - (e) the replacement of an existing pipe by a ditch;
- (7) a watershed is delimited using the Base de données topographiques du Québec at a scale of 1:20 000;
- (8) the area of forest cover is calculated using the most recent forest cover map in the ecoforest information system;
- (9) *(paragraph revoked)*.

O.C. 871-2020, s. 218; O.C. 1461-2022, s. 28.

219. When a pipe for a storm water management system is established, modified or replaced, and when a pipe connected to a combined sewer system is replaced, the tests and criteria that apply to the pipe are those set out in section 11.3 of standard specification BNQ 1809-300.

O.C. 871-2020, s. 219.

§ 2. — *Activities requiring authorization*

O.C. 871-2020, Sd. 2.

220. In addition to the general content prescribed by section 16, every application for authorization for a storm water management system that does not drain a high-risk site must include the following supplemental information and documents:

- (1) the plans and specifications of the system, extension or modification concerned;
- (2) the plan provided for in section 17, showing the location of the work concerned in relation to existing public roads and the lots served;

(3) a technical report signed by an engineer

(a) assessing the hydrological changes caused by the project and each project activity;

(b) demonstrating the monitoring and control measures that will be put in place to reduce the impact of the water discharged on water quality and the potential for erosion and flooding in the receiving environment;

(c) if the system discharges water to a combined sewer system, describing the effect of the project on the frequency of overflow events at each overflow located downstream from the connection point and the frequency of diversions at the treatment plant;

(4) for the work concerned, an attestation of compliance with the standard specification BNQ 1809-300 or, if the work is not compliant, the reason for departing from one or more of the provisions of the specification;

(5) the program for operating and maintaining the equipment used to treat water and control flows;

(6) to replace, where applicable, the certificate from the clerk required by section 32.3 of the Act, a resolution from the municipality concerned showing that it undertakes to acquire the system or extension.

O.C. 871-2020, s. 220.

§ 3. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 3.

221. The establishment and extension of a storm water management system that is part of a combined sewer system connected to a treatment plant governed by the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) are eligible for a declaration of compliance on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) no overflow or diversion works is added to the combined sewer system;

(3) the completion of the work is not likely to cause the discharge of wastewater into the environment;

(4) if storm water is infiltrated into the soil, the bottom of the works used for infiltration is situated at least 1 m above bedrock level or above the seasonal peak groundwater level established using the methods mentioned in the second paragraph of section 83 of the Design code of a storm water management system eligible for a declaration of compliance (chapter Q-2, r. 9.01);

(5) as the case may be,

(a) once the work is completed, the extension is not likely to cause an increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, or in the frequency of diversions at the treatment plant;

(b) a planning of overflow events and diversions has first been filed with the Minister by each municipality concerned, which planning meets the following conditions:

i. the planning provides for measures allowing to compensate the additions of flows from the work and preventing the increase in the frequency of overflow events for any of the overflows situated downstream from the connection point, and in the frequency of diversions at the treatment plant;

ii. the planning describes each measure provided for and the overflows and diversions covered by each measure;

iii. the implementation of those measures is to be completed by the municipality not later than 31 December 2030;

(6) the system is not covered by a depollution attestation.

O.C. 871-2020, s. 221; I.N. 2021-11-01; O.C. 1461-2022, s. 29.

222. The establishment and extension of a storm water management system that does not depend on a combined sewer system are eligible for a declaration of compliance on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the storm water drained by the system or extension does not come from a high-risk site;

(3) if storm water is infiltrated into the soil, the bottom of the works used for infiltration is situated at least 1 m above bedrock level or above the seasonal peak groundwater level established on the basis of the oxidation-reduction level observed;

(4) the water discharged cannot come into contact with a wetland not situated on a riverbank or lakeshore and in the littoral zone of a lake or a watercourse via surface runoff;

(5) it is designed in compliance with the Design code of a storm water management system eligible for a declaration of compliance (chapter Q-2, r. 9.01);

(6) only storm water management works determined by the Design code of a storm water management system eligible for a declaration of compliance are used.

O.C. 871-2020, s. 222; I.N. 2021-11-01; O.C. 1461-2022, s. 30.

223. In addition to the elements provided for in section 41, a declaration of compliance for an activity referred to in this Division must include the following supplemental information and documents:

(1) in the case of the activity referred to in section 221 whose work is referred to in subparagraph *b* of paragraph 5 of that section, an attestation from each municipality concerned including

(a) its contact information;

(b) the confirmation that a planning meeting the conditions set out in the planning provided for in subparagraph *b* of paragraph 5 of section 221 has been filed with the Minister and the date of the filing;

(1.1) in the case of the activity referred to in section 221, an attestation from the municipality operating the treatment plant serving the sewer system confirming that the discharge standards applicable to the plant are not likely to be exceeded despite the extension;

(2) in all cases, a declaration from an engineer attesting that the conditions applicable to the activity pursuant to this Subdivision are met, along with the conditions applicable by regulation, if any.

O.C. 871-2020, s. 223; O.C. 1461-2022, s. 31.

§ 4. — *Exempted activities*

O.C. 871-2020, Sd. 4.

224. The following activities are exempted from authorization pursuant to this Division on the conditions set out in the second paragraph:

(1) the establishment, modification and extension of a storm water management system outside the urbanization perimeter of a municipality;

(2) the establishment, modification and extension of a storm water management system when the watershed of the receiving environment established at the discharge point contains more than 65% forest cover by area, and less than 10% by area within the urbanization perimeter of a municipality;

(3) the establishment and extension of a storm water management system with a drained area, as calculated at the discharge point or infiltration site, equal to or less than 2 ha and an impermeable surface of no more than 1 ha;

(4) the establishment and extension of a storm water management system draining a single lot on which a single principal building is erected;

(5) the installation, modification and extension of a storm water management system as part of a project for a new road layout implemented by the minister responsible for the Act respecting roads (chapter V-9) when the addition of impermeable surfaces involves an area of less than 1 ha.

The following conditions apply to the activities referred to in the first paragraph:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) where the system feeds into a sewer system, the areas of the drained surfaces and the impermeable drained surfaces are not increased;

(3) the storm water drained by the system or extension does not come from a high-risk site;

(4) if storm water is infiltrated into the soil, the bottom of the works used for infiltration is situated at least 1 m above bedrock level or above the seasonal peak groundwater level established on the basis of the oxidation-reduction level observed;

(5) the wastewater does not come into contact with a wetland not situated on a riverbank or lakeshore or in the littoral zone of a lake or a watercourse via surface runoff.

For the activity referred to in subparagraph 2 of the first paragraph, the following conditions must be met:

(1) the storm water management system must not discharge into rivière des Mille Îles;

(2) the storm water is not diverted to another watershed;

(3) the discharge point is not located in a lake.

O.C. 871-2020, s. 224; I.N. 2021-11-01; O.C. 1461-2022, s. 32.

225. A modification to a storm water management system is exempted from authorization pursuant to this Division on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) the completion of the work is not likely to cause the discharge or diversion of wastewater into the environment;

(3) if storm water is infiltrated into the soil, the bottom of the works used for infiltration is situated at least 1 m above bedrock level or above the seasonal peak groundwater level established on the basis of the oxidation-reduction level observed;

- (3.1) no discharge point is added to the system;
- (3.2) if there is relocation of an existing discharge point, the receiving watercourse remains the same;
- (4) if the modification involves piping a ditch,
 - (a) the storm water is not diverted to another drainage basin;
 - (b) the watershed where the storm water is directed contains more than 65% forest cover by area, and less than 10% by area within the urbanization perimeter of a municipality;
 - (c) *(subparagraph revoked)*;
 - (d) the discharge point is not located in a lake;
 - (e) the wastewater cannot come into contact with a wetland not situated on a riverbank or in the littoral zone of a watercourse via surface runoff;
 - (f) the system does not feed into a combined sewer system;
- (5) if the modification concerns the replacement of a pipe in a system in the 10 final metres before the discharge point:
 - (a) if the work is performed by the minister responsible for the respecting roads (chapter V-9), the area of the drained surface, as calculated at the discharge point, remains unchanged and no impermeable surface area is added to the drained surface;
 - (b) in other cases, the diameter of the replacement pipe is equal to or smaller than the initial pipe;
- (6) if the modification concerns a flow control device or a water retaining works, the work does not reduce the storage volume of the storm water management works or increase its evacuation capacity.

The conditions provided for in the first paragraph do not apply to the modifications referred to in sections 224 and 226.

O.C. 871-2020, s. 225; I.N. 2021-11-01; O.C. 1461-2022, s. 33.

226. The following activities are exempted from authorization pursuant to this Division:

- (1) the establishment, modification and extension of a storm water management system on a livestock raising site or spreading site, a maple syrup production site, or a fishing pond or aquaculture site;
- (2) the establishment, modification and extension of a storm water management system laid out on the site of an activity referred to in Title II of Part II that is eligible for a declaration of compliance or exempted from authorization;
- (3) the modification and extension of a storm water management system laid out on a site used to store and handle road salt and abrasives that is eligible for a declaration of compliance pursuant to section 293;
- (4) the addition or replacement of a pipe or any other equipment intended to connect a single building to a storm water management system;
- (5) the establishment and extension of a storm water management system in the case of the replacement of a combined sewer by a sanitary or partially separated sanitary sewer and the conversion of a combined sewer system into a sanitary or partially separated sanitary sewer.

For the activities referred to in subparagraphs 1 to 3 of the first paragraph, where the system feeds into a sewer system, the areas of the drained surfaces are not increased.

O.C. 871-2020, s. 226; O.C. 1461-2022, s. 34.

226.1. The modification and extension of a storm water management system that feeds into a sewer system covered by a depollution attestation are exempted from authorization pursuant to this Subdivision, on the following conditions:

(1) the specifications for the work are prepared in accordance with the standard specification BNQ 1809-300 or at least meet the requirements of that specification for the work concerned;

(2) if storm water is infiltrated into the soil, the bottom of the works used for infiltration is situated at least 1 m above bedrock level or above the seasonal peak ground-water level established on the basis of the oxidation-reduction level observed;

(3) the system has no discharge point and no discharge point is added to the system.

O.C. 1461-2022, s. 35.

CHAPTER III

HAZARDOUS RESIDUAL MATERIALS AND BIOMEDICAL WASTE MANAGEMENT

O.C. 871-2020, c. III.

DIVISION I

HAZARDOUS RESIDUAL MATERIALS

O.C. 871-2020, Div. I.

§ 1. — *General provision*

O.C. 871-2020, Sd. 1.

227. This Division applies to hazardous residual materials governed by the Regulation respecting hazardous materials (chapter Q-2, r. 32).

O.C. 871-2020, s. 227.

§ 2. — *Activity referred to in section 70.8 of the Act*

O.C. 871-2020, Sd. 2.

§§ 1. — *Application for authorization*

O.C. 871-2020, Sd. 1.

228. The application for authorization for the possession of a hazardous residual material for a period of more than 24 months in accordance with the first paragraph of section 70.8 of the Act must be submitted to the Minister at least 90 days before possession of the hazardous residual material reaches the 24-month limit.

O.C. 871-2020, s. 228.

§§ 2. — *Exempted activities*

O.C. 871-2020, Sd. 2.

229. Possession of a hazardous residual material for a period of more than 24 months when the material does not require the keeping of a register pursuant to section 104 of the Regulation respecting hazardous materials (chapter Q-2, r. 32) is exempted from an authorization pursuant to section 70.8 of the Act.

O.C. 871-2020, s. 229.

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

O.C. 871-2020, Sd. 3.

§§ 1. — *Activities requiring authorization*

O.C. 871-2020, Sd. 1.

230. In addition to the activities referred to in subparagraphs 1 to 4 of the first paragraph of section 70.9 of the Act, the transportation of hazardous residual materials to a hazardous materials elimination site requires authorization pursuant to subparagraph 5 of that paragraph.

O.C. 871-2020, s. 230.

231. Section 70.14 of the Act does not apply to the following activities:

(1) the operation of a commercial treatment process to recycle or reuse hazardous residual materials referred to in paragraphs 3, 4 and 8 of section 4 of the Regulation respecting hazardous materials (chapter Q-2, r. 32);

(2) the operation of a commercial treatment to crush, sieve or sort solid hazardous residual materials, other than materials and objects containing PCBs or contaminated by PCBs, on the following conditions:

- (a) the quantity of hazardous residual materials stored at the operating site is less than 100,000 kg;
 - (b) the hazardous residual materials are treated within 90 days of receipt;
 - (c) the hazardous residual materials treated are not destined for disposal or use for energy purposes;
- (3) the transportation of hazardous residual materials to a hazardous materials elimination site.

O.C. 871-2020, s. 231.

232. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in subparagraphs 1 to 4 of the first paragraph of section 70.9 of the Act must include the following supplemental information and documents:

(1) for the commercial operation of a treatment process for hazardous residual materials, a description program for the sampling and analysis of the materials resulting from the treatment process and the manner in which they will be managed;

(2) for the use hazardous residual materials for energy purposes, after possession has been taken of them for that purpose,

(a) in the case of used oil, a description of the monitoring programs that will be applied on receipt of the oil to ensure that it meets the quality standards provided for in the Regulation respecting hazardous materials (chapter Q-2, r. 32);

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

i. a description of the monitoring programs that will be applied on receipt of the hazardous residual materials to ensure that the materials delivered are the materials authorized and that they are compliant with the Regulation respecting hazardous materials;

ii. a schedule for the sampling and analysis of process ash, particles and liquids, as well as sludge, and the management method for each material.

O.C. 871-2020, s. 232.

233. In addition to the general content prescribed by section 16, every application for authorization for the operation of place where hazardous materials are finally disposed of pursuant to subparagraph 1 of the first paragraph of section 70.9 of the Act must include, in addition to what is provided for in the first paragraph of section 232, the supplemental information and documents referred to in the second paragraph of section 68 for a residual materials elimination facility, adapted as required.

O.C. 871-2020, s. 233.

§§ 2. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 2.

234. The storage of hazardous residual materials, after possession has been taken of them for that purpose, is eligible for a declaration of compliance on the following conditions:

(1) the materials are stored to be reclaimed or disposed of in a place that can legally receive them;

(2) the hazardous materials do not result from a step in a manufacturing process or a purification process for air emissions, effluents or residues used in a sector referred to in Schedule 3 of the Regulation respecting hazardous materials (chapter Q-2, r. 32), or from the maintenance of those processes;

(3) the total quantity of hazardous materials stored is less than 40,000 kg;

(4) the hazardous materials do not contain PCBs and are not contaminated by PCBs, unless they consist of less than 100 kg of fluorescent lamp ballasts stored at one of the following sites:

(a) a collection site operated by or on behalf of a municipality;

(b) a place for the collection and storage of products referred to in the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1), where the products are managed exclusively for the purpose of a recovery and reclamation program under that Regulation.

O.C. 871-2020, s. 234.

§§ 3. — *Exempted activities*

O.C. 871-2020, Sd. 3.

235. The storage of hazardous residual materials, after possession has been taken of them for that purpose, is exempted from authorization pursuant to this Subdivision on the following conditions:

(1) the materials are stored to be reclaimed or disposed of in a place that can legally receive them;

(2) the hazardous materials do not result from a step in a manufacturing process or a purification process for air emissions, effluents or residues used in a sector referred to in Schedule 3 of the Regulation respecting hazardous materials (chapter Q-2, r. 32), or from the maintenance of those processes;

(3) the hazardous materials do not contain PCBs and are not contaminated by PCBs;

(4) the total quantity of hazardous materials stored is less than

(a) 3,000 kg,

i. in the case of a storage site under the responsibility or operated on behalf of a municipality;

ii. in the case of a place for the collection and storage of products referred to in the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1), where the products are managed exclusively for the purpose of a recovery and reclamation program under that Regulation;

(b) 1,000 kg in the case of any other place.

O.C. 871-2020, s. 235.

DIVISION II

BIOMEDICAL WASTE

O.C. 871-2020, Div. II.

§ 1. — *General provision*

O.C. 871-2020, Sd. 1.

236. This Division applies to biomedical waste governed by the Regulation respecting biomedical waste (chapter Q-2, r. 12).

The terms used in this Division have the meaning given by that Regulation.

O.C. 871-2020, s. 236.

§ 2. — *Activities requiring authorization*

O.C. 871-2020, Sd. 2.

237. The management of biomedical waste requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 237.

238. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Subdivision must include the following supplemental information and documents:

(1) the plans and specifications for cleaning equipment for vehicles and containers used for biomedical waste;

(2) the area served by the facility;

(3) the quantity of biomedical waste covered by the application;

(4) the measures that will be taken if the capacity of the facility is reduced or if operations cease for longer than 4 days;

(5) where the application concerns a facility that treats biomedical waste by incineration, a declaration, signed by an engineer, attesting that the planned design and operation of the equipment comply with the Act and its regulations.

O.C. 871-2020, s. 238.

§ 3. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 3.

239. The following activities in connection with biomedical waste management are eligible for a declaration of compliance:

(1) the transportation of biomedical waste;

(2) the storage of biomedical waste off its generation site, except if the storage is exempted pursuant to paragraphs 4 and 6 of section 241.

O.C. 871-2020, s. 239.

240. In addition to the information provided for in section 41, a declaration of compliance for an activity referred to in section 239 must include the following supplemental information and documents:

(1) in a location plan, the location of the following areas:

(a) waste loading and unloading areas and areas for parking the vehicles used for those purposes;

(b) areas for cleaning vehicles and containers;

(c) waste storage areas;

(2) the plans and specifications for refrigeration equipment.

O.C. 871-2020, s. 240.

§ 4. — *Exempted activities*

O.C. 871-2020, Sd. 4.

241. The following activities connected with the management of biomedical waste are exempted from authorization pursuant to this Division:

(1) the transportation of a load of less than 5 kg of medical sharps or domestic sharps;

(2) the transportation of less than 100 kg of biomedical waste per month by the producer of the waste;

(3) the transportation of less than 100 kg of domestic sharps per month by an operator referred to in section 3.2 of the Regulation respecting biomedical waste (chapter Q-2, r. 12);

(4) the collection and storage of domestic sharps by an operator referred to in section 3.2 of the Regulation respecting biomedical waste;

(4.1) the collection and storage of sharp medical objects used as part of the raising of animals to which the Agricultural Operations Regulation (chapter Q-2, r. 26) applies;

(5) the storage of biomedical waste on its generation site;

(6) the storage of biomedical waste at a public health and social services institution when the waste comes only from such institutions, at a rate of less than 100 kg per month per institution;

(7) the treatment of biomedical waste by disinfection in an autoclave, in the following cases:

(a) the biomedical waste is treated on its generation site;

(b) the biomedical waste is domestic sharps and is treated on a biomedical waste generation site;

(c) the biomedical waste is treated at a public health and social services institution when the waste comes only from such institutions, at a rate of less than 100 kg per month per institution.

O.C. 871-2020, s. 241; O.C. 1461-2022, s. 36.

CHAPTER IV

STORAGE, USE AND TREATMENT OF MATERIALS

O.C. 871-2020, c. IV.

DIVISION I

STORAGE AND TREATMENT OF RESIDUAL MATERIALS FOR RECLAMATION PURPOSES

O.C. 871-2020, Div. I.

§ 1. — *General provisions*

O.C. 871-2020, Sd. 1.

242. For the purposes of this Division, when a type of surface referred to in one of the paragraphs below is required for the carrying on of an activity, a type of surface referred to in a paragraph following that paragraph can also be used:

(1) a compacted surface;

(2) a compacted granular surface;

(3) a concrete-covered or bituminous concrete-covered surface;

(4) a watertight surface.

O.C. 871-2020, s. 242.

243. The activities governed by this Division must, to be eligible for a declaration of compliance or exempted from authorization, meet the location standards applicable to them pursuant to the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49).

O.C. 871-2020, s. 243.

244. An activity declared in accordance with section 144 does not require authorization or a declaration of compliance pursuant to this Division.

O.C. 871-2020, s. 244.

§ 2. — *Activities requiring authorization*

O.C. 871-2020, Sd. 2.

245. This Subdivision applies to activities requiring authorization pursuant to subparagraph 8 of the first paragraph of section 22 of the Act.

However, it does not apply to the storage of residual materials on the site where they are produced, if they are stored temporarily and for a purpose other than on-site reclamation.

O.C. 871-2020, s. 245.

246. In addition to the general content prescribed by section 16, every application for authorization for an activity involved in the establishment and operation of a residual materials reclamation facility, including any activity to store and treat residual materials for reclamation purposes, must include the following supplemental information and documents:

- (1) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 500 m;
- (2) the plans and specifications for the facilities concerned;
- (3) when a weighing apparatus is present, the program for the use, maintenance and calibration of the apparatus in order to provide accurate data;
- (4) if tires are stored, a fire prevention and emergency measures plan including the information and documents provided for in section 2 of the Regulation respecting used tire storage (chapter Q-2, r. 20).

O.C. 871-2020, s. 246.

247. In addition to the general content prescribed by section 16 and the specific content prescribed by section 246, every application for authorization for an activity connected to a putrescible organic materials reclamation facility, including any activity for the sorting, storing or treatment of such materials, must include the following supplemental information and documents:

- (1) a hydrogeological study, except for the following facilities:
 - (a) a facility for storage only;
 - (b) a biomethanization facility on a spreading or raising site treating less than 25% of exogenous materials;
 - (c) a composting facility where the maximum volume maximal of putrescible materials present is less than 7,500 m³ at all times;
 - (d) a composting or biomethanization facility at which all activities take place in airtight facilities;
- (2) the plan required by subparagraph 1 of the second paragraph of section 16 showing the site and the surrounding environment within a radius of 500 m;
- (3) level 2 air dispersion modelling for odours, performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), to determine the frequency and duration of episodes of odours perceptible in the vicinity, except for activities governed by the Agricultural Operations Regulation (chapter Q-2, r. 26) and for biomethanization facilities on a spreading or raising site treating less than 25% of exogenous materials;

(4) an odour management plan for putrescible residual materials to limit and monitor the emission of odours causing an odour nuisance beyond the boundaries of the site, except if the activity is governed by the Agricultural Operations Regulation.

Subparagraphs 1, 3 and 4 of the first paragraph do not apply to the spreading, in the forest, of aquaculture sludge and used fresh water from the cleaning of outdoor raising units or the cleaning of outdoor sedimentation units at an aquaculture or fishing pond site. Subparagraphs 3 and 4 of the first paragraph do not apply to the storage of aquaculture sludge and used fresh water from the cleaning of outdoor raising units or the cleaning of outdoor sedimentation units at an aquaculture or fishing pond site.

O.C. 871-2020, s. 247.

248. In addition to the general content prescribed by section 16 and the specific content prescribed by section 246, every application for authorization for an activity connected with a residual organic materials reclamation by composting facility must include the following supplemental information and documents:

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

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

O.C. 871-2020, s. 248.

249. In addition to the general content prescribed by section 16 and the specific content prescribed by section 246, every application for authorization for an activity connected with a residual organic materials reclamation by biomethanization facility must include the following supplemental information and documents:

(1) a diagram of processes at the facility;

(2) a technical report on the operations, describing the steps in the biomethanization process and the contingency measures, signed by an engineer;

(3) a monitoring and quality control program for digestates and biogases, specifying in particular the parameters analyzed and the analysis frequency.

O.C. 871-2020, s. 249.

250. In addition to the general content prescribed by section 16, every application for authorization for an activity connected to the storage and treatment by combustion of residual materials from a pulp and paper mill within the meaning of section 1 of the Regulation respecting pulp and paper mills (chapter Q-2, r. 27), on the site of the mill or the site of a treatment plant for process water other than a municipal plant, must include the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 1 km.

O.C. 871-2020, s. 250.

251. In addition to the general content prescribed by section 16, every application for authorization for an activity connected with a facility to reclaim out-of-service vehicles, including vehicle recycling, storage, crushing and shredding activities, or to reclaim refrigeration and air conditioning units within the meaning of the Regulation respecting halocarbons (chapter Q-2, r. 29), must include the following supplemental information and documents:

(1) the plan required by subparagraph 1 of the second paragraph of section 17 showing the site and the surrounding environment within a radius of 1 km;

(2) in the case of an enterprise storing shredding residue and metals, a hydrogeological study;

(3) a plan showing the longitudinal and cross sections of the pile of stored materials generated by a crushing and shredding facility, at its point of maximum height;

(4) in the case of an enterprise storing metal shredding residue, a groundwater monitoring program.

O.C. 871-2020, s. 251.

§ 3. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 3.

§§ 1. — *Raising sites, spreading sites, fishing pond sites and aquaculture sites*

O.C. 871-2020, Sd. 1.

252. The construction, laying out, modification and operation, on a raising site, of a composting facility for animals that die on-site with a maximum capacity equal to or less than 150 m³, and the storage and spreading of the compost produced on a raising site or spreading site, are eligible for a declaration of compliance on the following conditions:

(1) the declarant holds a dismembering plant permit in the “composting” category referred to in the Regulation respecting food (chapter P-29, r. 1);

(2) the construction, laying out or modification of the composting facility is completed in accordance with the plans and specifications;

(3) *(subparagraph revoked)*;

(4) the materials admitted to the facility are

(a) the carcasses or parts of dead animals that meet the following conditions:

i. the animals are poultry, pigs, goats or sheep;

ii. the animals come from a raising site operated by the declarant;

iii. the animals die from natural causes or following an accident, or are slaughtered because of age or disease;

(b) livestock waste from a raising site operated by the declarant;

(c) plant waste and organic waste resulting from the cultivation of plants by the declarant;

(d) bark, sawdust, and wood shavings and chips;

(5) the materials admitted to the facility must not contain

(a) invasive exotic plant species;

(b) varnished, painted, stained, treated or engineered wood, or wood contained in oriented strand board, plywood or particle board;

(c) wood from a sorting facility for construction and demolition materials;

(6) the dryness of the materials being composted and of the compost produced is equal to or greater than 25%;

(7) contaminated water from the materials to be or being composted and the compost produced does not come into contact with surface water or groundwater;

(8) water runoff does not come into contact with the materials to be or being composted or the compost produced;

(9) the composting area meets the following conditions:

(a) it is laid out on a watertight surface;

(b) its watertightness has been confirmed in a technical report by an engineer within the previous 5 years;

(10) the composting facility is protected from the elements;

(11) the compost produced is stored

(a) on a watertight surface; or

(b) in piles on parcels of land under cultivation, each pile being located 100 m or more from an existing pile or the site of a pile removed less than 12 months previously;

(12) the compost produced is completely removed and reclaimed by being spread on parcels of land under cultivation within 12 months from the end of the treatment or within 12 months from being stored in piles on parcels of land under cultivation, whichever is sooner;

(13) the composting and storage activities are carried on

(a) *(subparagraph revoked)*;

(b) outside the flood zone;

(c) for compost stored on a watertight surface, 100 m or more from a category 1, 2 or 3 groundwater withdrawal site, except in the case of a water withdrawal site connected to the activity.

A composting activity referred to in the first paragraph must be carried out in accordance with a technical report signed by an agronomist or engineer that includes

(1) a description of the composting process that ensures the maturity of the compost produced;

(2) a plan for mitigation measures to deal with the expected environmental impacts;

(3) a protocol for operations monitoring, compost quality control and environmental monitoring.

For the purposes of this section, the maximum capacity of the facility includes the carcasses or parts of dead animals to be composted, the materials being composted and the compost produced.

O.C. 871-2020, s. 252; O.C. 1596-2021, s. 65; O.C. 1461-2022, s. 37.

253. In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 252 must include a declaration from an engineer and, where applicable, from an agronomist attesting that the project complies with that section and with the provisions of the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

The declarant must send the Minister an attestation from an engineer and, where applicable, from an agronomist that the activity is carried on in accordance with the first paragraph:

(1) within 60 days from the construction, laying out or modification of composting facility;

- (2) within 12 months after operations at the composting facility begin.

O.C. 871-2020, s. 253.

254. The declarant of an activity referred to in section 252 must measure the internal temperature of the materials being composted in the facility at intervals of no more than 72 hours.

O.C. 871-2020, s. 254.

255. Activities to spread the following materials in the forest are eligible for a declaration of compliance on the conditions set out in the second paragraph:

(1) waste freshwater from the cleaning of outdoor raising units or the cleaning of outdoor sedimentation units at an aquaculture site with an annual production of less than 50 tons of fish or a fishing pond site;

(2) sludge from a freshwater aquaculture site with an annual production of less than 50 tons of fish or a fishing pond site.

The following conditions apply to the activities referred to in the first paragraph:

(1) the sludge may contain

(a) natural limestone certified compliant with the BNQ 0419-070 standard;

(b) a calcium or magnesium amendment certified compliant with the BNQ 0419-090 standard that may be used for that purpose;

(2) the spreading is carried out on land with a slope of less than 5%;

(3) the spreading is carried out on soil that is not frozen and is not snow-covered, between 1 May and 1 October;

(4) the spreading is carried out at a distance of

(a) 1 m or more from a ditch including, if there is an embankment, a distance of at least 1 m from the top of the embankment;

(b) 3 m or more from a wetland, 15 m or more from the littoral zone and a minimum distance from a riverbank or lakeshore that is more than the distance determined by a municipal by-law, if applicable;

(c) 75 m or more from a dwelling or public institution that is not owned by the owner of the aquaculture site, fishing pond site or spreading site;

(5) the spreading is carried out in a way that ensures that the sludge and wastewater does not come into contact with surface water or groundwater;

(6) with the exception of sludge and water from a non-commercial fishing pond site, the spreading is described in a forest spreading plan, signed by a forest engineer and including the following information:

(a) the source and recovery method for sludge and wastewater from aquaculture and, where applicable, the amendments added;

(b) the contact information for the fishing pond site or aquaculture site covered by the application;

(c) the cadastral designation for the lots and the boundaries of the spreading site where the activity will be carried on and its geographical coordinates;

(d) the silvicultural prescriptions for the spreading of the fertilizing elements contained in the sludge or wastewater from aquaculture, the spreading method, the spreading period and the type of forest environment;

(e) the interannual plan for the rotation of spreading areas, if applicable;

(f) a scale plan of the site showing a radius of 100 m around the spreading activity, and in particular the distances from the elements mentioned in paragraph 4, where applicable.

O.C. 871-2020, s. 255.

256. In addition to what is required by section 41, the declaration of compliance for an activity referred to in section 255 must include a declaration from a forest engineer attesting that the project is compliant with the conditions set out in that section and in the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

Despite the first paragraph, in the case of an activity connected with a non-commercial fishing pond, a declaration from an engineer is not required.

O.C. 871-2020, s. 256.

257. Activities to spread the following materials on a raising site or spreading site are eligible for a declaration of compliance on the conditions set out in the second paragraph:

(1) waste freshwater from the cleaning of outdoor raising units or the cleaning of outdoor sedimentation units at an aquaculture site for fish or a fishing pond site;

(2) sludge from an aquaculture site for fish raised in freshwater or a fishing pond site.

The following conditions apply to the activities referred to in the first paragraph:

(1) the sludge may contain

(a) natural limestone certified compliant with the BNQ 0419 070 standard;

(b) a calcium or magnesium amendment certified compliant with the BNQ 0419-090 standard that may be used for that purpose;

(2) the spreading must be carried out 75 m or more from a dwelling or public institution that is not owned by the owner of the aquaculture site, fishing pond site or spreading site.

O.C. 871-2020, s. 257.

258. In addition to what is provided for in paragraphs 1, 2 and 6 of section 41, the declaration of compliance for an activity referred to in section 257 must include the following information:

(1) the information needed to identify the operator of the raising site or spreading site where the sludge or wastewater from aquaculture is spread;

(2) when the spreading is carried out at a place other than a place referred to in an agro-environmental fertilization plan established pursuant to section 22 of the Agricultural Operations Regulation (chapter Q-2, r. 26), the area available for spreading on the parcels of land under cultivation, in hectares.

O.C. 871-2020, s. 258.

§§ 2. — *Crushing, sieving and storage of granular residual materials*

O.C. 871-2020, Sd. 2.

259. Activities to crush, sieve and store stone, residue from the dimension stone sector, bricks, concrete or bituminous concrete for reclamation purposes are eligible for a declaration of compliance on the following conditions:

(1) the total volume of such materials on the site is equal to or less than 1,000 m³ at all times;

(2) the total volume of uncrushed and unsieved materials on site, other than crushed stone and residue from the dimension stone sector with a diameter of less than 300 mm, is equal to or less than 300 m³ at all times;

(3) the materials fall into one of the 4 categories provided for in section 26 of the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49) or, if they have not been categorized, contain no asbestos and do not come from a site where the following activities are carried on:

(a) the activities referred to in Schedule 3 of the Regulation respecting hazardous materials (chapter Q-2, r. 32), with the exception of transportation activities for which the economic activity code is 4591;

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

(c) activities to repair, maintain and recycle road vehicles;

(d) activities to recycle treated wood;

(e) activities to rehabilitate contaminated land;

(4) the storage areas are on a compacted surface and laid out in a way that prevents water accumulation.

O.C. 871-2020, s. 259; I.N. 2020-12-31.

260. An activity referred to in section 259 must be carried on in accordance with the following conditions:

(1) wastewater that has been in contact with the materials stored on the site and that is discharged into the environment or a municipal sewer must have

(a) a pH between 6 and 9.5;

(b) a suspended matter concentration below or equal to 50 mg/l;

(c) a petroleum hydrocarbons concentration (C₁₀-C₅₀) below or equal to 2 mg/l;

(2) the materials stored on the site:

(a) are stored separately by type of material, with the exception of a mixture of granular residual materials for a reclamation project authorized pursuant to section 22 of the Act or carried on in accordance with section 284 of this Regulation;

(b) are protected from the elements or placed in a way that prevents the accumulation and infiltration of water.

O.C. 871-2020, s. 260.

§§ 3. — Residual materials transfer stations and sorting stations

O.C. 871-2020, Sd. 3.

261. The establishment and operation of a residual materials transfer station for transfers to a sorting centre or reclamation site are eligible for a declaration of compliance, on the following conditions:

(1) the capacity of the station is less than 200 tonnes per week and the total volume of such materials on the site is less than 300 m³ at all times;

(2) only the following materials generated in Québec are admitted to the station:

(a) the residual materials referred to in section 2 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10);

(b) residual materials from construction or demolition work, except materials containing asbestos;

(c) street-cleaning residues;

(d) if the capacity of the station is less than 30 tonnes per week and the total volume of such materials on the site is less than 100 m³ at all time, organic materials sorted at source;

(3) the areas of the transfer station are

(a) laid out on a concrete-covered or bituminous concrete-covered surface;

(b) when exposed to the elements, equipped with a system to collect leachates that are discharged to a municipal wastewater treatment works or treatment facility authorized pursuant to subparagraph 3 of the first paragraph of section 22 of the Act;

(4) the areas where activities to transfer residual materials referred to in subparagraph *a* of paragraph 2 are carried on are protected from the elements, or the materials are transferred in containers that are closed or covered by an impermeable canvas;

(5) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified.

O.C. 871-2020, s. 261.

262. An activity referred to in section 261 must be carried on in accordance with the following conditions:

(1) no sorting or treatment of materials is carried out on-site;

(2) at least once every 12 months, the declarant inspects the concrete-covered and bituminous concrete-covered surfaces to detect and repair breakages and cracks.

O.C. 871-2020, s. 262.

263. The establishment and operation of a sorting station for residual materials from construction and demolition work are eligible for a declaration of compliance on the following conditions:

(1) the total volume of materials on the lot is equal to or less than 300 m³ at all times;

(2) the declarant does not operate another similar station on the same lot, or within a radius of 500 m;

(3) the residual materials admitted to the station are generated solely in Québec and do not contain

- (a) household waste;
 - (b) residual materials from an industrial process;
 - (c) residual materials containing or contaminated by PCBs;
 - (d) asbestos;
 - (e) radioactive waste;
 - (f) explosives;
 - (g) plants;
 - (h) treated wood unless resulting from household work;
 - (i) materials in a liquid state at 20 °C;
 - (j) materials that cannot be identified because of burning, crushing, shredding or another similar treatment;
 - (k) hazardous materials;
 - (l) contaminated soil;
- (4) the areas of the sorting station are
- (a) laid out on a concrete-covered or bituminous concrete-covered surface;
 - (b) equipped with a system to collect water that has come into contact with the residual materials, which is discharged to a municipal wastewater treatment works or treatment facility authorized pursuant to subparagraph 3 of the first paragraph of section 22 of the Act;
- (5) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified.

O.C. 871-2020, s. 263.

264. An activity referred to in section 263 must be carried on in accordance with the following conditions:

- (1) the sorting activities do not involve water;
- (2) the treatment of the residuals materials is authorized pursuant to section 22 of the Act and carried on in accordance with this Regulation;
- (3) sorted materials and materials rejected after sorting are stored separately;
- (4) asphalt shingles, roofing gravel, gypsum board or the materials that result from their treatment, treated wood and materials rejected after sorting are stored in a way that protects them from the elements and in containers that are closed or covered with impermeable canvas fixed in such a way as to prevent any infiltration;
- (5) at least once every 12 months, the declarant inspects concrete-covered and bituminous concrete-covered surfaces to detect and repair breakages and cracks;

(6) materials dispatched for reclamation or elimination are sent to a recipient that can legally receive them.

O.C. 871-2020, s. 264.

§§ 4. — *Composting*

O.C. 871-2020, Sd. 4.

265. Composting and the reclamation of the compost produced in closed thermophilic equipment are eligible for a declaration of compliance on the following conditions:

- (1) the equipment has a volume equal to or less than 50 m³;
- (2) the declarant does not operate other similar equipment on the same lot, or within a radius of 500 m;
- (3) the composting activity is not carried on in a body of water;
- (4) the thermophilic equipment is operated
 - (a) by the person who generates the input, other than structuring materials;
 - (b) by a municipality, for waste produced by its citizens;
 - (c) by the owner, for waste produced on the property;
- (5) the input placed in the thermophilic equipment is organic and does not contain
 - (a) materials in a liquid state at 20 °C;
 - (b) human faeces or urine, bathroom tissue or livestock waste;
 - (c) uncomposted manure;
 - (d) slaughterhouse waste;
 - (e) animal carcasses or inedible meat within the meaning of the Regulation respecting food (chapter P-29, r. 1), and any other materials that may have been contaminated by them;
 - (f) varnished, painted, stained, treated or engineered wood, or wood contained in oriented strand board, plywood or particle board, and any wood from a sorting station for construction or demolition materials;
 - (g) invasive exotic terrestrial plant species;
- (6) the thermophilic equipment must be designed to meet the following conditions:
 - (a) it does not generate leachate that must be managed outside the equipment;
 - (b) it allows the aerobic conditions to be monitored and maintained at all times;
 - (c) it is equipped with a dispersion, confinement or filtration device to limit odours;
 - (d) it is equipped with a covered system for unloading compost;
 - (e) it allows the temperature of the composting process to be maintained at or above 55 °C for 3 days;
- (7) when the thermophilic equipment is set up outdoors, the activities are carried on

(a) if no inputs are stored on-site, at least 10 m from any dwelling or public institution, other than a dwelling owned by or rented to the owner or operator of the equipment;

(b) if inputs are stored on-site, at least 50 m from any dwelling or public institution, other than a dwelling owned by or rented to the owner or operator of the equipment;

(8) the containers used to store the inputs are

(a) collection bins for organic waste; or

(b) any other type of closed container that does not allow leachate to escape;

(9) the compost produced is used exclusively for purposes other than human consumption.

O.C. 871-2020, s. 265.

266. Any activity referred to in section 265 must be carried on in accordance with the following conditions:

(1) it is governed by a composting schedule prepared by an agronomist or engineer that ensures compliance with the requirements on leachates, odours and temperature set out in paragraph 6 of this section;

(2) when the inputs are collected by the operator, they are not stored for more than 18 hours before being placed in the thermophilic equipment;

(3) the composting and maturation temperature is monitored daily to ensure that a hygienized and mature compost is achieved;

(4) quality control on the compost must be performed by an accredited laboratory two times per year and analyze salmonella and the maturity criterion defined in the CAN/BNQ 0413-200 standard. If the monitoring shows that the compost contains salmonella or is not mature,

(a) the compost must be sent to an elimination or treatment site that can legally receive it;

(b) the operator must make the necessary adjustments to correct the situation.

O.C. 871-2020, s. 266.

267. In addition to what is required by section 41, the declarant must confirm in the declaration of compliance that the activity referred to in section 265 will be carried on in accordance with the conditions set out in the composting schedule referred to in paragraph 1 of section 266.

O.C. 871-2020, s. 267.

§§ 5. — *Ecocentres*

O.C. 871-2020, Sd. 5.

268. The establishment and operation of an ecocentre is eligible for a declaration of compliance on the following conditions:

(1) the quantity of each type of material stored on the lot is equal to or less than 100 m³, or 60 m³ of leaves stored in bulk, at all times;

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

(3) the stored materials do not contain

- (a) organic materials, with the exception of wood, cardboard, paper and leaves stored in bulk;
- (b) invasive exotic plant species;
- (c) residues containing asbestos;
- (d) treated wood from industrial work or work on linear or rail infrastructures;
- (e) materials in a liquid state at 20 °C;

(4) each type of material is stored

(a) separately in containers; or

(b) on a concrete-covered or bituminous concrete- covered surface, laid out in a way that prevents water accumulation and is delimited by a low wall, and on which the height of materials on the ground does not exceed 3 m;

(5) the materials stored are protected from the elements:

(a) materials ready for re-use from a household source, such as clothing, electrical appliances, electric or electronic devices, kitchen articles, furniture, toys, books and sports equipment;

(b) paper and cardboard;

(c) textiles;

(6) the materials are sorted at source by the persons who generated them;

(7) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified;

(8) non-admissible materials can be stored in containers representing a total volume of not more than 30 m³.

O.C. 871-2020, s. 268.

§§ 6. — *Street-cleaning residue*

O.C. 871-2020, Sd. 6.

269. The storage and treatment of street-cleaning residue for reclamation purposes are eligible for a declaration of compliance on the following conditions:

(1) the residue comes from spring-time cleaning operations along the sides of streets and roads in a municipality of less than 5,000 inhabitants;

(2) the residue consists of sand and abrasives, and the treatment of the residue is intended to remove contaminants and impurities;

(3) following the treatment, the residue is reused as a winter abrasive or reclaimed for the purpose of an authorized activity;

(4) the total volume of the materials stored on the site is at all times equal to or less than 300 m³;

(5) the storage and treatment areas are

(a) laid out on a watertight surface;

(b) equipped with a system to collect storm water that is discharged into the environment or towards a storm water management system;

(c) equipped with a system to collect water that has come into contact with the street-cleaning residue and discharge it into the environment or towards a system to collect leachates that are discharged towards a municipal wastewater treatment works or towards a water treatment system authorized pursuant to subparagraph 3 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 269.

270. Any activity referred to in section 269 must be carried on in accordance with the following conditions:

(1) water that has been in contact with the residue and that is discharged into the environment has, at all times,

(a) a pH between 6 and 9.5;

(b) a suspended matter concentration below or equal to 50 mg/l;

(c) total sulphides below or equal to 1 mg/l;

(d) a petroleum hydrocarbons concentration (C₁₀-C₅₀) below or equal to 2 mg/l;

(e) a 5-day carbonaceous biochemical oxygen demand (BOD₅) below or equal to 50 mg/l;

(2) spot sampling is carried out 2 times per year when a discharge into the environment occurs;

(3) at least once every 12 months, the declarant inspects watertight surfaces to detect and repair breakages and cracks.

O.C. 871-2020, s. 270.

§ 4. — *Exempted activities*

O.C. 871-2020, Sd. 4.

§§ 1. — *Raising sites and spreading sites*

O.C. 871-2020, Sd. 1.

271. The storage of solid manure heaped in a cultivated field forming part of a spreading site, for reclamation by spreading, is exempted from authorization.

O.C. 871-2020, s. 271.

272. The storage, for reclamation by spreading, of the following materials on a raising site with an annual phosphorous (P₂O₅) production below 4,200 kg, is exempted from authorization pursuant to this Division:

(1) livestock waste accumulated in a yard;

(2) solid manure heaped in a cultivated field.

For the purposes of this section, annual phosphorous (P_2O_5) production must be determined in accordance with section 50.01 of the Agricultural Operations Regulation (chapter Q-2, r. 26).

O.C. 871-2020, s. 272.

273. The storage of solid manure heaped close to the livestock raising building where it originates, for reclamation by spreading, on a raising site with an annual phosphorous (P_2O_5) production below 4,200 kg, is exempted from authorization pursuant to this Division if all the buildings on the raising site have an annual phosphorous (P_2O_5) production resulting from solid manure management equal to or below 1,600 kg.

For the purposes of this section, annual phosphorous (P_2O_5) production must be determined in accordance with section 50.01 of the Agricultural Operations Regulation (chapter Q-2, r. 26).

O.C. 871-2020, s. 273.

274. Activities to spread one or more of the following materials on a cultivated parcel are exempted from authorization pursuant to this Division:

- (1) livestock waste;
- (2) wastewater from a farm dairy;
- (3) compost produced on a raising site or spreading site to the extent provided in section 279;
- (4) organic agricultural residue resulting solely from the cultivation of plants by the operator on a raising site or spreading site.

O.C. 871-2020, s. 274.

275. The following activities are exempted from authorization pursuant to this Division on the conditions set out in the second paragraph:

- (1) the storage for reclamation by spreading, on a cultivated parcel, of organic agricultural residue resulting solely from the cultivation of plants by the operator of a raising site and spreading site;
- (2) the storage on a raising site, for reclamation through re-use as animal feed, of organic waste from the agri-food industry or organic agricultural residue resulting solely from the cultivation of plants by the operator of a raising site or spreading site.

The following conditions apply to the activities referred to in the first paragraph:

- (1) contaminated water from the materials stored does not come into contact with surface water or groundwater;
- (2) water runoff does not come into contact with the stored materials;
- (3) storage and spreading activities take place 100 m or more from a category 1, 2 or 3 groundwater withdrawal site, except in the case of a water withdrawal site connected to the activity;
- (4) when materials are stored outside on a cultivated parcel,
 - (a) the total volume of residue on the raising site or spreading site is at all times equal to or less than 150 m³;
 - (b) the piles of residue on cultivated parcels are
 - i. laid out in a stable manner with an angle of repose above 30°;

- ii. spread or used before winter;
 - iii. located 100 m or more from an existing pile or the site of a pile removed less than 12 months previously;
 - iv. when intended for reclamation by spreading, they are used to fertilize the cultivated parcel on which they are located or an adjacent parcel during the growing season when they were first constituted;
- (5) when stored outdoors but not on a cultivated parcel,
 - (a) the total volume of residue on the operator's site is at all time below or equal to 50 m³;
 - (b) the residue is stored on a compacted surface;
 - (6) when stored indoors, the residue is on a watertight surface.

O.C. 871-2020, s. 275.

§§ 2. — *Treatment stations for dead leaves*

O.C. 871-2020, Sd. 2.

276. The installation and operation of a sorting and treatment station solely for dead leaves are exempted from authorization pursuant to this Division on the following conditions:

- (1) the total volume of such materials on the site is equal to or less than 300 m³ at all times;
- (2) the activity is carried on 200 m or more from any dwelling or public institution;
- (3) the receiving and treatment areas are on a compacted granular surface and laid out in a way that prevents water accumulation;
- (4) the storage area is laid out on a concrete-covered or bituminous concrete-covered surface;
- (5) the materials are treated within 18 hours of being received;
- (6) the materials rejected during the treatment are stored in a single container.

O.C. 871-2020, s. 276.

§§ 3. — *Storage and conditioning of non-contaminated wood*

O.C. 871-2020, Sd. 3.

277. The storage and conditioning of non-contaminated wood are exempted from authorization pursuant to this Division on the following conditions:

- (1) the total volume of wood on the site is at all times equal to or less than 300 m³;
- (2) the wood stored and conditioned includes no varnished, painted, stained, treated or engineered wood, or wood from oriented strand board, plywood or particle board;
- (3) the storage and conditioning areas are laid out on a concrete-covered or bituminous concrete-covered surface and in a way that prevents water accumulation;
- (4) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified;

(5) bark and wood shavings or chips are protected from the elements or stored in containers that are closed or covered by an impermeable canvas;

(6) the conditioning activities do not rely on water;

(7) the conditioning area is cleaned after use each day, without the use of water.

The person who carries on an activity referred to in the first paragraph must, at least once every 12 months, inspect the concrete-covered and bituminous concrete-covered surfaces to detect and repair breakages and cracks.

O.C. 871-2020, s. 277; I.N. 2022-12-01.

§§ 3.1. — *Conditioning of organic materials sorted at source by equipment or apparatus*

O.C. 1461-2022, s. 38.

277.1. The operation of equipment or apparatus for the conditioning of organic materials at source on the site where the materials are produced is exempted from authorization pursuant to this Division, on the following conditions:

(1) the equipment or apparatus is equipped with a dispersion, confinement or filtration device to limit odours;

(2) the process does not include a step for the reduction of the size of non-compostable materials;

(3) the equipment or apparatus is designed so as not to produce leachate that must be treated outside the equipment or apparatus.

O.C. 1461-2022, s. 38.

§§ 4. — *Composting and compost*

O.C. 871-2020, Sd. 4.

278. The composting of domestic residual materials of a volume of less than 4 m³ at all times is exempted from authorization pursuant to this Division when the compost produced is used for domestic purposes by the person who generated the residual materials.

O.C. 871-2020, s. 278.

279. The composting of residual materials is exempted from authorization pursuant to this Division when the compost produced is used by the operator, on the following conditions:

(1) the inputs other than the structuring material are generated by the operator;

(2) the total volume of materials on the lot is less than 500 m³ at all times in the case of a raising site or spreading site and 150 m³ in other cases;

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

(4) the activities are carried on 75 m or more from any dwelling or public institution, other than a dwelling owned by or rented to the owner or operator;

(5) the inputs consist of vegetable matter only and comprise

(a) green residue, namely bark, leaves, grass clippings, shrub clippings, organic materials from plant cultivation, wood shavings, wood chips, sawdust and macrophytes;

(b) food residue that meets the following conditions:

- i. it comes from the preparation or distribution of food and drinks;
- ii. it is generated by a sector other than the residential sector;
- iii. it is sorted on the site where it is generated and collected in bulk;

(6) the plant matter does not contain:

(a) human faeces or urine, or bathroom tissue;

(b) livestock waste;

(c) animal carcasses and other animal matter;

(d) varnished, painted, stained, treated or engineered wood, or wood contained in oriented strand board, plywood or particle board, and any wood from a sorting station for construction or demolition materials;

(e) invasive exotic terrestrial plant species;

(7) the dryness of the composting pile is equal to or greater than 30%.

Despite the first paragraph, livestock waste may be added to plant matter when the activity is carried on on a raising site or spreading site.

O.C. 871-2020, s. 279.

§§ 5. — *Ecocentres*

O.C. 871-2020, Sd. 5.

280. The establishment and operation of an ecocentre are exempted from authorization pursuant to this Division on the following conditions:

- (1) the total volume of materials on the lot is less than 100 m³;
- (2) the operator does not carry on the same activity within a radius of 500 m;
- (3) the materials are sorted at source;
- (4) the materials do not contain
 - (a) organic materials, with the exception of wood, cardboard, paper and leaves stored in bulk;
 - (b) invasive exotic plant species;
 - (c) asbestos;
 - (d) treated wood from industrial work or work on linear or rail infrastructures;
 - (e) materials in a liquid state at 20 °C;

(5) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified.

O.C. 871-2020, s. 280.

§§ 5.1. — *Return site*

O.C. 1461-2022, s. 39.

280.1. The establishment and operation of any return site referred to in the Regulation respecting the development, implementation and financial support of a deposit-refund system for certain containers (chapter Q-2, r. 16.1) are exempted from authorization pursuant to this Division.

O.C. 1461-2022, s. 39.

§§ 6. — *Separate collection sorting stations*

O.C. 871-2020, Sd. 6.

281. The establishment and operation of a separate collection sorting station are exempted from authorization pursuant to this Division on the following conditions:

(1) the materials admitted to the station are those referred to in section 2 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials (chapter Q-2, r. 10);

(2) the sorting activities are carried on inside a closed building;

(3) the receiving area for materials is protected from the elements and laid out on a watertight surface;

(4) the storage area for sorted materials is laid out on a concrete-covered or bituminous concrete-covered surface and, if the sorted materials are paper, cardboard or textiles, the storage area is protected from the elements;

(5) cleaning activities can only be carried on if the wastewater is discharged into a municipal sewer system;

(6) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified.

O.C. 871-2020, s. 281.

§§ 7. — *Storage and reclamation of granular residual materials*

O.C. 871-2020, Sd. 7.

282. The storage of granular residual materials for reclamation is exempted from authorization pursuant to this Division on the following conditions:

(1) the total volume of materials stored on the lot is equal to or less than 300 m³ at all times;

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

(3) the materials contain no asbestos;

(4) without exceeding the volume specified in paragraph 1, where the volume is equal to or more than 60 m³, the storage areas are laid out on a compacted surface in a way that prevents the accumulation of water.

O.C. 871-2020, s. 282.

283. The storage of granular residual materials on the site of a hot mix asphalt plant referred to in section 124 or a ready mix concrete plant referred to in section 127 is exempted from authorization pursuant to this Division on the following conditions:

(1) the granular materials are used in the hot mix asphalt or ready mix concrete production process in accordance with the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49);

(2) the granular residual materials are reclaimed or removed from the site of the plant within 13 months from the date of sending of the declaration of compliance referred to in section 124 or 127.

O.C. 871-2020, s. 283.

284. The reclamation of granular residual materials is exempted from authorization pursuant to this Division on the following conditions:

(1) with the exception of crushed stone, the material is not used only to grade or raise the level of the land on which it used;

(2) the granular material is used as permitted for its category, in accordance with the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49);

(3) the user of the granular material holds the attestation provided by the producer of the material in accordance with section 25.1 of the Regulation respecting the reclamation of residual materials or, if the user is the producer, the user holds the information and documents allowing to demonstrate the category of the material;

(4) *(paragraph revoked)*;

(5) for the purpose of its use, the granular material, with the exception of crushed stone, is compacted;

(6) with the exception of a category 1 natural granulate within the meaning of the Regulation respecting the reclamation of residual materials, the granular material is not used at the surface and is covered, except if it is used for a road, parking lot or road shoulder other than those of an institution providing elementary education, a childcare centre or a day care centre;

(7) the thickness of the granular material put in place does not exceed 500 mm, except if a greater thickness is required by the plans and specifications;

(8) the bottom of the excavation in which the granular material is placed is located above the highest groundwater level, except if the material is category 1 crushed stone or cuttings and tailings from the dimension stone sector within the meaning of the Regulation respecting the reclamation of residual materials.

O.C. 871-2020, s. 284; O.C. 1461-2022, s. 40; O.C. 985-2023, s. 8.

§§ 8. — *Storage of certain materials*

O.C. 871-2020, Sd. 8.

285. The outdoor storage of used tires for reclamation purposes is exempted from authorization pursuant to this Division on the following conditions:

(1) the total number of tires on the lot is less than 2,000 and the total volume of the tires on the lot is less than 135 m³;

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

O.C. 871-2020, s. 285.

286. The storage of used tires in a closed building by a person qualified to reclaim them and who reclaims them for personal needs is exempted from authorization pursuant to this Division.

O.C. 871-2020, s. 286.

287. The storage of residual materials that have been sorted and are ready for re-use, if the storage is performed for commercial or philanthropic purposes or by a municipality, is exempted from authorization pursuant to this Division if the materials are

(1) previously sorted construction material such as doors and windows, mouldings, sinks, bathtubs and other plumbing accessories, hardwood flooring and other untreated wood items;

(2) household objects such as clothing, textiles, household appliances, electrical or electronic devices, kitchen articles, furniture, toys, books and sports equipment.

The materials referred to in subparagraph 2 of the first paragraph must be stored in a way that protects them from the elements.

O.C. 871-2020, s. 287.

288. The storage of paper, cardboard, plastic, glass, textiles or metals for reclamation purposes is exempted from authorization pursuant to this Division on the following conditions:

(1) the total volume of materials stored is equal to or less than 300 m³ pour for each type of material;

(2) the materials are stored by a person qualified to receive them and who reclaims them;

(3) the metals

(a) are not hazardous materials or contaminated by hazardous materials;

(b) do not contain halocarbons, unless they are recovered at the storage site;

(c) do not come from dental amalgam separators;

(4) the storage area for the materials is laid out on a concrete-covered or bituminous concrete-covered surface;

(5) paper, cardboard and textiles are stored in a way that protects them from the elements;

(6) the site is laid out in a way that ensures that access is controlled and that the admissibility of the materials can be verified.

O.C. 871-2020, s. 288.

289. The storage of residual materials that have been sorted and that consist of paper, cardboard, glass, textiles or metals, in a closed building for reclamation purposes, is exempted from authorization pursuant to this Division on the following conditions:

(1) the materials are stored by a person qualified to receive them and who reclaims them;

(2) the storage area is laid out on a concrete-covered or bituminous concrete-covered surface.

O.C. 871-2020, s. 289.

290. The storage of metals for reclamation purposes is exempted from authorization pursuant to this Division on the following conditions:

- (1) the total volume of the metals stored on the lot is less than 100 m³;
- (2) the operator does not carry on the same activity within a radius of 500 m;
- (3) the metals are not hazardous materials or contaminated by hazardous materials;
- (4) the metals do not contain halocarbons, unless they are recovered at the storage site;
- (5) the metals do not come from dental amalgam separators.

O.C. 871-2020, s. 290.

§§ 9. — *Storage, crushing and sieving of certain materials*

O.C. 871-2020, Sd. 9.

291. The storage, crushing and sieving of bricks, concrete, bituminous concrete and crushed stone during construction or demolition work are exempted from authorization pursuant to this Division on the following conditions:

- (1) the materials contain no asbestos;
- (2) the materials are stored on the site of the construction or demolition work.

O.C. 871-2020, s. 291.

DIVISION II

STORAGE OF ROAD SALT, ABRASIVES AND TREATED WOOD

O.C. 871-2020, Div. II.

§ 1. — *Activities requiring authorization*

O.C. 871-2020, Sd. 1.

292. The following activities require authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

- (1) the bulk storage in a storage centre of the salt and abrasives used for winter road maintenance;
- (2) the storage of treated wood.

O.C. 871-2020, s. 292.

§ 2. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 2.

293. The establishment and operation of a storage and handling centre for road salt and abrasives are eligible for a declaration of compliance, subject to the eligibility conditions for location and layout provided for in the Snow, road salt and abrasives management Regulation (chapter Q-2, r. 28.2).

O.C. 871-2020, s. 293.

294. In addition to what is required by section 41, every declaration of compliance for an activity referred to in section 293 must include the maximum storage capacity for road salt and abrasives at the centre, expressed as a volume or weight.

O.C. 871-2020, s. 294.

§ 3. — *Exempted activities*

O.C. 871-2020, Sd. 3.

295. The following activities are exempted from authorization pursuant to this Division:

- (1) the storage of new or used treated wood, for a maximum period of 2 consecutive weeks;
- (2) the storage of treated wood in a wholesale or retail establishment operated by a person other than the manufacturer;
- (3) the storage of treated wood on the site of construction or demolition work.

O.C. 871-2020, s. 295.

296. The storage of treated wood at a place other than a wholesale or retail establishment is exempted from authorization pursuant to this Division on the following conditions:

- (1) the total volume of treated wood stored at the site is less than 50 m³;
- (2) when the treated wood is not protected from the elements, it is stored
 - (a) 100 m or more from a category 1 or 2 water withdrawal site and 30 m or more from a category 3 groundwater withdrawal site;
 - (b) 60 m or more from a watercourse or lake and 30 m or more from a wetland, except if the treated wood is intended for use in work in the wetland.

O.C. 871-2020, s. 296.

DIVISION III

APPLICATION OF PESTICIDES

O.C. 871-2020, Div. III.

§ 1. — *General provision*

O.C. 871-2020, Sd. 1.

297. This Division applies to pesticides governed by the Pesticides Act (chapter P-9.3).

O.C. 871-2020, s. 297.

§ 2. — *Activities requiring authorization*

O.C. 871-2020, Sd. 2.

298. Work involving the use of the following pesticides requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act:

- (1) Class 1 pesticides as established by paragraph 2 of section 3 of the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2);
- (2) pesticides applied from an aircraft in a forest environment or for non-agricultural purposes;
- (3) any pesticide applied in a body of water with a surface outlet into a hydrographic network.

Subparagraphs 2 and 3 of the first paragraph do not apply to the application of phytocides or *Bacillus thuringiensis* (*Kurstaki* variety) from an aircraft in a forest environment or for non-agricultural purposes.

O.C. 871-2020, s. 298; O.C. 1461-2022, s. 41.

299. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Subdivision must include the following supplemental information and documents:

- (1) the identify of the permit and certificate holders who will apply the pesticides and the category and sub-category of permit or certificate they hold;
- (2) if the activity is intended to eliminate a type of fish that is an undesirable species in a wetland or body of water, a report signed by a person qualified in the field showing the bathymetric calculations for the environment where the infestation has occurred;
- (3) if the activity is intended to control aquatic vegetation in a wetland or body of water, a program to rehabilitate the environment concerned following the application of pesticides;
- (4) a safety program to protect the health of persons exposed to the application of pesticides;
- (5) the steps taken to make the public aware of the application of pesticides.

O.C. 871-2020, s. 299.

CHAPTER V

ATMOSPHERIC EMISSIONS

O.C. 871-2020, c. V.

DIVISION I

APPARATUS AND EQUIPMENT TO PREVENT, ABATE OR STOP A RELEASE OF CONTAMINANTS INTO THE ATMOSPHERE

O.C. 871-2020, Div. I.

§ 1. — *Activities requiring authorization*

O.C. 871-2020, Sd. 1.

300. This Division applies to the installation and operation of an apparatus or equipment to prevent, abate or stop the release of contaminants into the atmosphere which require authorization pursuant to subparagraph 6 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 300.

301. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Subdivision must include the plans and specifications of the apparatus or equipment and their technical information sheet and maintenance program.

O.C. 871-2020, s. 301.

§ 2. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 2.

302. The installation, modification and operation of an apparatus or equipment to prevent, abate or stop the release of particles into the atmosphere are eligible for a declaration of compliance on the following conditions:

(1) in the case of a modification or replacement, the new apparatus or equipment has a level of performance and efficiency at least equivalent to those of the initial apparatus or equipment;

(2) the discharge of contaminants into the atmosphere is not increased;

(3) the contaminants emitted into the atmosphere consist solely of particles;

(4) the apparatus or equipment is installed and operated at one of the following sites or during one of the following activities:

(a) a flour mill or other establishment for processing grain;

(b) a distillery or brewery;

(c) a powdered food plant;

(d) a concrete plant;

(e) a closed storage site;

(f) a sandblasting workshop;

(g) a drilling operation other than the drilling of a well to supply drinking water;

(h) the crushing or sieving of waste brick, concrete, cement, bituminous concrete or architectural stone;

(i) the transfer, fall or handling of sawdust and wood chips

i. in a cement works, for its sporadic emission sources, except for a clinker kiln and cooler;

ii. in a plant for the primary processing of wood and wood products;

(5) the apparatus or equipment meets the standards for the emission of particles set out in the Clean Air Regulation (chapter Q-2, r. 4.1).

O.C. 871-2020, s. 302.

303. In addition to what is required by section 41, a declaration of compliance for an activity referred to in section 302 must include a declaration from an engineer attesting that

(1) the apparatus or equipment allows the standards for the discharge of contaminants set out in the Clean Air Regulation (chapter Q-2, r. 4.1) to be met;

(2) in the case of a modification or replacement, the new apparatus or equipment has a level of performance and efficiency at least equivalent to those of the initial apparatus or equipment.

O.C. 871-2020, s. 303.

304. The replacement or modification of an apparatus or equipment intended to prevent, abate or stop the release of contaminants into the atmosphere for which standards for the discharge of contaminants are set out in an authorization issued pursuant to section 22 of the Act or in a regulation made under the Act is eligible for a declaration of compliance on the following conditions:

- (1) the initial apparatus or equipment is already covered by an authorization;
- (2) the replacement or modification ensures a level of performance and efficiency at least equivalent to those of the initial apparatus or equipment;
- (3) the replacement or modified apparatus or equipment is subject to regular sampling of atmospheric emissions pursuant to an authorization issued pursuant to section 22 of the Act or pursuant to the provisions of a regulation made under the Act.

O.C. 871-2020, s. 304; O.C. 1461-2022, s. 42.

305. In addition to what is required by section 41, a declaration of compliance for an activity referred to in section 304 must include a declaration from an engineer attesting that the replacement or the modification of the apparatus or equipment meets the following objectives:

- (1) ongoing compliance with the applicable regulatory standards and with the conditions, restrictions, prohibitions and specific standards set out in the operator's authorization;
- (2) the equivalent or enhanced performance and efficiency of the apparatus or equipment compared to those of the initial apparatus or equipment.

Within 60 days of the replacement or the modification to the apparatus or equipment, the applicant must send the Minister an attestation from an engineer attesting that the work was performed in accordance with the information and documents submitted with the declaration of compliance or, if a change has occurred, an attestation from an engineer certifying that the replacement or modification to the apparatus or equipment meets the objectives set out in subparagraphs 1 and 2 of the first paragraph.

O.C. 871-2020, s. 305; O.C. 1461-2022, s. 43.

§ 3. — *Exempted activities*

O.C. 871-2020, Sd. 3.

306. The following activities are exempted from authorization pursuant to this Division:

- (1) the installation and operation of an apparatus or equipment intended to prevent, abate or stop the release of contaminants into the atmosphere on a vehicle, aircraft, ship, locomotive or any motorized watercraft;
- (2) the installation and operation of an apparatus or equipment intended to prevent, abate or stop the release of contaminants into the atmosphere
 - (a) from any temporary power station referred to in paragraph 4 of section 96;
 - (b) from any fuel burning equipment or stationary internal combustion engine referred to in section 307;

(3) the installation and operation of an apparatus or equipment intended to prevent, abate or stop the release of contaminants into the atmosphere that is used incidentally to an activity covered by a declaration of compliance or exempted.

O.C. 871-2020, s. 306; O.C. 1461-2022, s. 44.

DIVISION II

OTHER ACTIVITIES

O.C. 871-2020, Div. II.

§ 1. — *Installation and use of fuel burning equipment or a stationary internal combustion engine*

O.C. 871-2020, Sd. 1.

307. The installation and use of fuel burning equipment or a stationary internal combustion engine with a total power of less than 3,000 kW are exempted from authorization pursuant to this Subdivision when the equipment or engine uses fossil fuels other than waste oil or uses wood, wood waste within the meaning of section 55 of the Clean Air Regulation (chapter Q-2, r. 4.1) or granules produced from lignocellulosic crops.

O.C. 871-2020, s. 307.

§ 2. — *Application of paint*

O.C. 871-2020, Sd. 2.

§§ 1. — *General provision*

O.C. 871-2020, Sd. 1.

308. For the purposes of this Subdivision, “paint” has the meaning given in the second paragraph of section 17 of the Clean Air Regulation (chapter Q-2, r. 4.1).

O.C. 871-2020, s. 308.

§§ 2. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 2.

309. The construction, operation and modification of an establishment where paint application activities for industrial or commercial purposes are carried on are eligible for a declaration of compliance on the following conditions:

(1) the establishment uses more than 10 litres but less than 20 litres of paint per day, including products that may be added to the paint such as solvents, hardeners or catalysts;

(2) the establishment has a spray booth for the application of paint;

(3) the establishment is designed in a way that ensures that buffing, grinding and polishing activities are carried on in an enclosed space to prevent particle emissions;

(4) no other establishment where paint application activities are carried on is located within a radius of 60 m;

(5) air dispersion modelling has been performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1), showing compliance with the air quality standards in Schedule K of that Regulation.

O.C. 871-2020, s. 309.

310. In addition to what is required by section 41, a declaration of compliance for an activity referred to in section 309 must include the following information:

- (1) a description of the modelling performed;
- (2) in the location plan required, the location of the discharge points;
- (3) a declaration from a qualified professional

(a) confirming that modelling has been performed in accordance with Schedule H of the Clean Air Regulation (chapter Q-2, r. 4.1) and showing that it demonstrates compliance with the air quality standards in Schedule K of that Regulation;

(b) stating that the operating conditions needed to ensure compliance with the standards in the Clean Air Regulation, in particular as regards the efficiency of paint application and air cleaning apparatus, and the number and characteristics of the emission points;

(4) confirmation from the declarant that the activity will be carried on in accordance with the operating conditions indicated in the declaration from a professional.

O.C. 871-2020, s. 310.

§§ 3. — *Exempted activities*

O.C. 871-2020, Sd. 3.

311. The construction, operation or modification of an establishment where paint application activities are carried on for industrial or commercial purposes are exempted from authorization pursuant to this Division on the following conditions:

- (1) the establishment uses

(a) less than 5 litres of paint per day, including products that may be added to the paint such as solvents, hardeners or catalysts; or

(b) less than 10 litres of paint per day, including products that may be added to the paint such as solvents, hardeners or catalysts, when the establishment has

- i. an enclosed space for buffing, grinding and polishing activities to prevent particle emissions;
- ii. spray guns able to spray paint at a rate equal to or greater than an HVLP spray gun;
- iii. filters with a minimum particle capture efficiency of 95%;

- (2) no other establishment carries on similar paint application activities within a radius of 60 m.

O.C. 871-2020, s. 311.

TITLE IV

ACTIVITIES CARRIED ON IN CERTAIN ENVIRONMENTS

O.C. 871-2020, Tit. IV.

CHAPTER I

WETLANDS AND BODIES OF WATER

O.C. 871-2020, c. I.

DIVISION I

GENERAL PROVISIONS

O.C. 871-2020, Div. I.

312. This Chapter applies to activities requiring authorization pursuant to subparagraph 4 of the first paragraph of section 22 of the Act that are carried on in a wetland or body of water referred to in section 46.0.2 of the Act.

O.C. 871-2020, s. 312.

313. Unless otherwise provided for, for the purposes of this Chapter,

- (1) a reference to a littoral zone, riverbank or lakeshore includes any wetlands present;
- (2) a reference to body of water includes any wetlands present in the littoral zone or on the riverbank or lakeshore, excluding any wetlands present in a flood zone;
- (3) a reference to a flood zone excludes the littoral zone, riverbanks and lakeshores, and any wetlands present;
- (4) a reference to a pond, marsh, swamp, peat bog or wetland in general is a reference to the environment concerned if it is not situated in the littoral zone or on a riverbank or lakeshore;
- (5) a reference to an area or length is a reference to the cumulative area or length for the type of environment affected by the activity;
- (6) the construction of an infrastructure, works, building or equipment includes its siting, replacement, reconstruction, substantial modification, its relocation and dismantling, and any prior activity to clear trees;
- (7) the maintenance of an infrastructure, works, building or equipment includes its inspection, refurbishment and repair; it is carried on in the immediate vicinity of the infrastructure, works, building or equipment and includes the necessary vegetation control;
- (8) a substantial modification includes a change to the structural or functional characteristics of an infrastructure, work, building or equipment; it also includes an enlargement, extension or prolongation;
- (9) a stabilization works is a works to increase the mechanical resistance of the soil or an infrastructure and protect it against erosion and landslides, excluding the approaches and protection works for bridges and culverts which form an integral part of those structures, and retaining walls;
- (10) a road is an infrastructure the right of way of which includes a roadway, shoulders and, where applicable, ditches and turning circles, but excludes a temporary road and a winter road as well as a

stabilization works, a railway, a bridge, a culvert or any other work to cross a watercourse; subject to the exceptions mentioned above, the following are considered to be roads:

(a) a road laid out by the minister responsible for the Act respecting roads (chapter V-9);

(b) a trail that is not laid out as part of a forest development activity or any work allowing traffic, such as cycle paths, which do not include accesses to the littoral zone of a lake or watercourse that may be attached thereto, or structures that may be constructed in the accesses;

(11) a temporary road is a road put in place for a maximum period of 3 years and which is dismantled after use;

(11.1) necessary access to a main residential building or accessory building does not include a road;

(12) a forest development activity is an activity carried out elsewhere than on land in the domain of the State and specifically intended to develop and conserve forest land;

(13) a silvicultural treatment is a forest development activity that is intended, as part of a specific silvicultural regime and scenario, to direct the development of a stand, in particular as regards its renewal, or to improve its yield and quality;

(14) the diameter of a tree is measured at a height of 1.3 m from the highest ground level;

(15) a boat shelter is an open-plan work, other than a boat shed or garage, that may have a roof and is used to temporarily store a watercraft or boat during the season in which it is used;

(16) a building is considered to be a main residential building where it includes at least a residential part;

(17) a mains or any other equipment serving a building connected to a waterworks system, sewer system or storm water management system and that is situated within the property line of the building is considered as being part of the building;

(18) the term “underground linear public utility infrastructures” includes, when they are underground, the following infrastructures:

(a) a natural gas supply or distribution pipeline;

(b) a power or telecommunications transmission and distribution line.

O.C. 871-2020, s. 313; O.C. 1596-2021, s. 66; O.C. 1461-2022, s. 45.

DIVISION II

WETLANDS AND BODIES OF WATER

O.C. 871-2020, Div. II.

§ 1. — *General provision*

O.C. 871-2020, Sd. 1.

314. This Division applies to all wetlands and bodies of water.

O.C. 871-2020, s. 314.

§ 2. — *Activities requiring authorization*

O.C. 871-2020, Sd. 2.

315. In addition to what is required by section 46.0.3 of the Act, the characterization study required by that section must include

(1) a georeferenced map showing the environments affected and the site of the activity concerned, including a scale drawing showing the location of the hydrographic network of the watershed concerned;

(2) the area of the environments affected;

(3) the relevant elements in a water master plan, integrated management plan for the St. Lawrence, regional wetlands and bodies of water plan, metropolitan development plan, land use and development plan, interim control by-law or municipal by-law, if any;

(4) the direction of water flow;

(5) the land inventory sheets and the location, on a map, of the places where inventories have been conducted;

(6) for a peat extraction project:

(a) a characterization of water quality in the peat bog for the year preceding the application and in the planned discharge points;

(b) a program to sample the water discharged at the outlet of the sedimentation ponds and in the receiving watercourses during the extraction period;

(c) a monitoring program for particle emissions.

An application for authorization must include, in addition to the general content prescribed by section 16, a description of the disturbances or human pressures on the environments affected by the project and of the ability of the environments concerned to be re-established, or of the possibilities for restoring them in whole or in part once the project is completed.

O.C. 871-2020, s. 315.

§ 3. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 3.

316. Work to manage an invasive exotic plant species by tarping, on an area equal to or greater than 75 m² but less than 2,000 m², is eligible for a declaration of compliance on the following conditions:

(1) the work is not carried out in the littoral zone;

(2) the work is intended to maintain the ecological functions of wetlands and bodies of water, control the risks for human health, or maintain an existing use;

(3) the vegetation in the tarped sector is dominated by invasive exotic plant species.

O.C. 871-2020, s. 316.

317. The construction of a surface water withdrawal facility is eligible for a declaration of compliance on the following conditions:

(1) the facility is not situated in a meander or a zone subject to erosion or the accumulation of sediments and alluvial deposits;

(2) any work required to stabilize the littoral zone or a riverbank or lakeshore, as the case may be, does not exceed an area of 16 m² for a dry hydrant, or 4 m² in other cases.

O.C. 871-2020, s. 317.

318. The construction of a temporary road is eligible for a declaration of compliance on the following conditions:

(1) the work is not carried out in a pond or an open peat bog;

(2) the road surface is not made watertight;

(3) no ditch is laid out;

(4) the total cumulative width of the roadway and shoulders does not exceed 6.5 m;

(5) the right of way for the road is no more than 15 m wide;

(6) when it is carried out in the littoral zone, it is required to carry out an activity associated with an activity eligible for a declaration of compliance or exempted.

The conditions provided for in subparagraphs 2 to 6 of the first paragraph do not apply to the construction of a temporary road by the minister responsible for the Act respecting roads (chapter V-9). However, the right of way of the temporary road must be no wider than 20 m and the ditches, when they are situated in a wetland, must be no more than 50 cm deep.

O.C. 871-2020, s. 318; O.C. 1461-2022, s. 46.

319. The following activities are eligible for a declaration of compliance:

(1) drilling work, except work carried out for a natural gas storage project;

(2) the demolition of a retaining wall connected to a road;

(3) the demolition of any other retaining wall up to 100 m long.

O.C. 871-2020, s. 319; S.Q. 2022, c. 10, s. 106.

§ 4. — *Exempted activities*

O.C. 871-2020, Sd. 4.

320. The management of harmful plant species and invasive exotic plant species to maintain the ecological functions of wetlands and bodies of water, control risks for human health, or maintain an existing use, is exempted from authorization pursuant to this Division if

(1) it is carried out manually; or

(2) it is carried out by tarping, over an area of less than 75 m².

The management of harmful plant species and invasive exotic plant species includes on-site burial, if carried out in a flood zone.

O.C. 871-2020, s. 320; O.C. 1596-2021, s. 64.

321. The removal and pruning of plants carried out otherwise than as part of the construction or maintenance of an infrastructure, works, building or equipment are exempted from an authorization under this Division, on the following conditions:

- (1) the work is not carried out for forest development purposes;
- (2) the work is carried out for civil security purposes or target plants that are dead or affected by a pest or disease.

O.C. 871-2020, s. 321; O.C. 1461-2022, s. 47.

322. The following activities that do not require drilling, including prior tree clearing required at the site selected for the carrying out of the activity, are exempted from authorization pursuant to this Division:

- (1) taking samples;
- (2) conducting surveys, technical surveys or archaeological excavations;
- (3) making measurements.

Surveys and technical surveys conducted by drilling, including prior tree clearing required at the site selected for the carrying out of the activity, are also exempted from authorization pursuant to this Division where they are conducted on a works or infrastructure present in the environment.

O.C. 871-2020, s. 322; O.C. 1596-2021, s. 64; O.C. 1461-2022, s. 48.

323. The maintenance of any infrastructure or building, works or equipment is exempted from authorization pursuant to this Division on the following conditions:

- (1) excavation and fill work is limited to what is necessary to maintain the infrastructure, works, building, or equipment in its original state;
- (2) the work is carried out with no weedcutting;
- (3) the work does not include the construction of a temporary works requiring fill or excavation work in the littoral zone or, when such works are included, the construction is covered by a declaration of compliance in accordance with paragraph 2 of section 336;
- (4) in the case of a culvert, the work is carried out, using the least restrictive option,
 - (a) over a distance of not more than 9 m, upstream and downstream of the culvert; or
 - (b) over a distance equal to twice the length of the culvert, upstream and downstream of the culvert;
- (5) in the case of a channel for a ditch located in the littoral zone, the work must be carried out over a distance of not more than 30 m and its area must not exceed 4 m² at the discharge point.

O.C. 871-2020, s. 323; O.C. 1461-2022, s. 49.

324. The construction of structures when the total area occupied, including any anchor or base that is not already covered by this Chapter, does not exceed

- (1) 5 m² in the littoral zone or an open wetland;
- (2) 30 m² on a riverbank or lakeshore, or in a flood zone or wooded wetland.

For the purposes of this section,

- (1) where a number of anchors or bases are required for a same structure, the area occupied includes the encroachment on the ground of each anchor or base and the planned right of way under the structure;
- (2) the construction of scenic lookouts, tree stands, observatories or concrete stairways carried out in a body of water is not exempted;
- (3) the limits of areas provided for in the first paragraph do not apply to the dismantling.

O.C. 871-2020, s. 324; O.C. 1596-2021, s. 67; O.C. 1461-2022, s. 50.

324.1. The construction of an aerial linear infrastructure used for the transportation or distribution of electric power or telecommunications is exempted from an authorization under this Division, on the following conditions:

- (1) the encroachment on the ground of the structures does not exceed the areas referred to in the first paragraph of section 324;
- (2) no tree clearing is carried out in the littoral zone or a riverbank or lakeshore, except if
 - (a) it is necessary to cross a lake or watercourse;
 - (b) it makes it possible to connect the infrastructure to an existing infrastructure in the littoral zone, the riverbank or lakeshore or less than 5 m from the riverbank or lakeshore if that infrastructure skirts a lake or watercourse; or
 - (c) it is carried out in the right of way of an existing road in the littoral zone, the riverbank or lakeshore or less than 5 m from the riverbank or lakeshore if that road skirts a lake or watercourse;
- (3) any tree clearing required by the work does not exceed 250 m in wetlands and bodies of water.

Despite the first paragraph, the dismantling of an infrastructure referred to therein is exempted without conditions.

O.C. 1461-2022, s. 51.

325. The construction of a road is exempted from authorization pursuant to this Division on the following conditions:

- (1) if the work is carried out in the littoral zone, a pond or an open peat bog, it must not result in an encroachment on the environment, in addition to any encroachment already made by an existing road;
- (2) the road does not have an impermeable surface;
- (3) the total cumulative width of the roadway and shoulders does not exceed 6.5 m;
- (4) the road is no more than 35 m long;
- (5) the right of way for the road is no more than 10 m wide;
- (6) the ditches in a wetland are no more than 75 cm deep from the top of the litter layer;
- (7) only one road involving work in a wetland or body of water is constructed per lot.

Where the construction of a road is carried out as part of a forest development activity,

- (1) the condition set out in subparagraph 3 of the first paragraph does not apply to work carried out on a riverbank or lakeshore or in a floodplain;

- (2) the conditions set out in subparagraphs 4 to 7 of the first paragraph do not apply;
- (3) the right of way of a road on a riverbank or lakeshore must be no wider than 15 m.

The condition set out in subparagraph 7 of the first paragraph does not apply to work carried out on a raising site or spreading site, the site of a fishing pond, or an aquaculture site.

O.C. 871-2020, s. 325; O.C. 1596-2021, s. 64; O.C. 1461-2022, s. 52.

326. The construction of a winter road is exempted from authorization pursuant to this Division on the following conditions:

- (1) the natural soil drainage is not disturbed;
- (2) no ditch is laid out;
- (3) where permitted by the load-bearing capacity of the soil, no rutting occurs;
- (4) the road is no wider than 15 m.

O.C. 871-2020, s. 326.

327. The construction of a culvert with a total opening of no more than 4.5 m is exempted from authorization pursuant to this Division on the following conditions:

- (1) the culvert is designed in a way that ensures that the design length is based on the width of the road or railway;
- (2) the culvert has no more than 2 pipes;
- (3) the culvert is covered by fill no more than 3 m thick;
- (4) the work is carried out, in the littoral zone or on a riverbank or lakeshore, over a distance of not more than 9 m, upstream and downstream from the culvert.

O.C. 871-2020, s. 327; O.C. 1461-2022, s. 53.

328. The construction of a non-residential building of any kind is exempted from authorization pursuant to this Division on the following conditions:

- (1) it does not take place in the littoral zone, on a riverbank or lakeshore, or in an open peat bog;
- (2) it does not involve excavation work, in particular to place foundations or bury equipment, pipes or wires;
- (3) the area of a building on a given lot does not exceed
 - (a) 40 m² in a flood zone when the work is carried out on a raising site, spreading site, fishing pond site or aquaculture site, and 30 m² in other cases;
 - (b) 30 m² in a wooded wetland;
 - (c) 4 m² in an open wetland other than a peat bog.

For the purposes of the first paragraph, the area specified in subparagraph 3 is the cumulative area of all the buildings constructed and a reference to a flood zone includes any wetland in that flood zone.

For the construction of a building used for maple syrup production as part of a forest development activity in a wooded wetland that is situated elsewhere than in a flood zone, the conditions set out in subparagraphs 2 and 3 of the first paragraph do not apply but the area of the building must not exceed 100 m².

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

O.C. 871-2020, s. 328; O.C. 1369-2021, s. 26; O.C. 1596-2021, s. 68; O.C. 985-2023, s. 14.

329. The following activities are exempted from authorization pursuant to this Division:

- (1) the seeding or planting of plant species, provided they are not invasive exotic plant species;
- (2) the removal of debris or accumulations of ice;
- (3) work performed for wildlife development or management purposes, except work on fish migration barriers, immovable fish-passes, baffles and weirs;
- (4) the installation and removal of guardrails.

O.C. 871-2020, s. 329.

DIVISION III

BODIES OF WATER

O.C. 871-2020, Div. III.

§ 1. — *General provision*

O.C. 871-2020, Sd. 1.

330. This Division applies solely to bodies of water.

O.C. 871-2020, s. 330.

§ 2. — *Activities requiring authorization*

O.C. 871-2020, Sd. 2.

331. In addition to the general content prescribed by section 16 and the additional content for the characterization study prescribed by section 315, every application for authorization for an activity referred to in this Division must include the following supplemental information and documents:

- (1) when the project involves the dredging of sediments, an assessment of the potential for contamination and a sediment management plan;
- (2) when the assessment referred to in subparagraph 1 concludes that the potential for contamination is present, a physiochemical characterization of the sediments and their toxicity;
- (3) an opinion on possible movement of the watercourse, signed by a person with suitable qualifications in the field, in the following cases:
 - (a) the laying out of a watercourse, including beach nourishment and the laying out of a jetty or breakwater;
 - (b) the construction of stabilization works using inert materials;

(c) the construction of retaining works or a weir;

(d) the construction of a bridge;

(e) dredging work;

(4) for the construction, in a flood zone, of a cribwork or rock ballast wharf, a road, a bridge, a port infrastructure, a weir or a retaining work or, when not covered by section 341, the laying out of land for recreational purposes or a heritage site,

(a) an opinion, signed by an engineer, assessing the impact on ice flows;

(b) a hydraulic and hydrological study, signed by an engineer, assessing flood routing capacity, and erosion and flooding risks;

(c) a detailed opinion, signed by an engineer, about measures to protect persons and property, including in particular

i. a demonstration of the ability of the structures to resist floods, for any structure or part of a structure situated below the 100 year flood recurrence level;

ii. the means taken to ensure the sustainability of the measures to protect persons and property;

(5) for the construction of a flood protection work,

(a) a characterization of the vulnerability of persons and property;

(b) a demonstration that other options to protect against flooding have been assessed and the reasons why they were rejected;

(c) a demonstration that the work is in the public interest, in particular due to the number of persons, infrastructures, buildings or works protected;

(d) an opinion, signed by an engineer, concerning the residual impact of the work on persons and property in the event of failure;

(e) an opinion, signed by an engineer, concerning the ability of structures to resist flooding, for any structure or part of structure situated below the 100 year flood recurrence level;

(f) a hydraulic and hydrological study, signed by an engineer, assessing flood routing capacity, and erosion and flooding risks;

(g) the plans and specifications of the work;

(6) when the application concerns work authorized by the Minister of Culture and Communications and the applicant wishes to depart from the flood-proofing measures set out in the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), the notice provided for in the second paragraph of section 38.8 of that Regulation.

For the purposes of subparagraph 4 of the first paragraph, the reference to a flood zone includes littoral zones and any riverbank, lakeshore or wetland located therein.

For the purposes of subparagraph i of subparagraph c of subparagraph 4 and subparagraph e of subparagraph 5 of the first paragraph, in the case where the 100 year flood recurrence level has not been

established, that flood recurrence level is replaced by the highest level reached by the flood waters that served as reference for determining the boundaries of the flood zone.

O.C. 871-2020, s. 331; O.C. 1596-2021, s. 69.

§ 3. — *Activities eligible for a declaration of compliance*

O.C. 871-2020, Sd. 3.

332. Dismantling work on a road carried out by the minister responsible for the Act respecting roads (chapter V-9), in addition to the conditions set out in section 325, is eligible for a declaration of compliance.

O.C. 871-2020, s. 332; O.C. 1596-2021, s. 70.

333. The following work, when carried out by the minister responsible for the Act respecting roads (chapter V-9), is eligible for a declaration of compliance:

- (1) concerning a single-span bridge in the littoral zone,
 - (a) the construction when there is no flood zone;
 - (b) the dismantling;
- (2) the construction of a culvert other than a culvert referred to in section 327, except if the work increases by more than 25% the surface area of the road or related infrastructures exposed to flooding;
- (3) the construction of a temporary supporting bank.

For the purposes of this section, up to 2 weirs to allow the free circulation of fish are deemed to form an integral part of a culvert if they are located downstream from the culvert within a distance corresponding to 4 times the culvert opening.

O.C. 871-2020, s. 333; O.C. 1596-2021, s. 71.

334. Work to stabilize a road is eligible for a declaration of compliance on the following conditions:

- (1) the work is not carried out in the St. Lawrence river, estuary or gulf or in the Baie des Chaleurs, except if it involves a reconstruction that does not further encroach on the littoral zone or a riverbank or lakeshore;
- (2) the required stabilization works are no longer than
 - (a) 100 m if constructed using phytotechnology;
 - (b) 50 m if constructed using inert materials;
- (3) the work does not increase by more than 25% the surface area of the road or related infrastructures exposed to flooding.

For the purposes of subparagraph 2 of the first paragraph, if the work is intended to extend or join stabilization works, the extension or junction must not result in an extension of the total length of the works beyond the limit set in that subparagraph.

O.C. 871-2020, s. 334; O.C. 1596-2021, s. 72.

335. The following maintenance work on a watercourse is eligible for a declaration of compliance:

(1) work to clean a watercourse over a total linear distance of 500 m or less on the same watercourse, when carried out by a municipality, on the following conditions:

(a) the watercourse has been drained, or its bed has an initial width of 1 m or less, and it has already been laid out in a way that changes its geometry in accordance with an agreement, municipal by-law or authorization;

(b) the last cleaning work, if any, on the section of the watercourse concerned was completed more than 5 years previously;

(c) the work is not carried out in the inner protection zone of a category 1 surface water withdrawal site;

(d) cleaning work has not been performed on the watercourse concerned under a declaration of compliance within the last 12 months;

(2) work to clean a watercourse that follows the bed of a ditch along a public road, when carried out by the minister responsible for the Act respecting roads (chapter V-9);

(3) cleaning work when carried out by a municipality or the minister responsible for the Act respecting roads in a ditch located in the littoral zone, if no wetland is present, in addition to the conditions set out in paragraph 5 of section 323, on the following conditions:

(a) the work is carried out over a distance of not more than 100 m if carried out in the channel of the ditch;

(b) the work on the point of discharge is limited to a surface of 30 m².

When the declaration of compliance is sent to the Minister, a copy must also be sent to the regional county municipalities whose territory lies within the watershed of the watercourse concerned.

O.C. 871-2020, s. 335.

335.1. The cultivation of non-aquatic plants and mushrooms in the littoral zone of a lake or watercourse of an area that has been cultivated at least once in the 6 growing seasons preceding 1 January 2022 is eligible for a declaration of compliance, provided that the following conditions are met:

(1) a vegetation strip consisting of perennial plants is laid out over a width of at least 5 m along each side of a watercourse and at least 3 m wide along each side of a ditch;

(2) no trees are cleared.

For the purposes of subparagraph 1 of the first paragraph, the distance is calculated from the top of any embankment.

In addition to the elements provided for in section 41, a declaration of compliance referred to in the first paragraph must include a declaration by an agronomist that the planned cultivation complies with this Regulation and the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 0.1), the Agricultural Operations Regulation (chapter Q-2, r. 26) and the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

O.C. 1596-2021, s. 73; O.C. 985-2023, s. 15.

336. The following activities are eligible for a declaration of compliance:

(1) the construction of weirs and baffles;

(2) the construction of a temporary works involving fill or excavation work to complete construction or maintenance work on an infrastructure, works, building or equipment associated with an activity that is not subject to ministerial authorization pursuant to section 22 of the Act, nor of a modification or renewal of such an authorization;

(3) seismic surveys requiring explosives carried out on a riverbank or lakeshore or in a dewatered flood zone.

For the purposes of subparagraph 2 of the first paragraph, where the temporary works is a sedimentation pond, the work must, to be eligible for a declaration of compliance, meet the following conditions:

(1) the pond is not situated in the littoral zone;

(2) the pond is not situated on a riverbank or lakeshore, unless no other location is available, in which case it is not situated in a wetland present therein.

O.C. 871-2020, s. 336; O.C. 1596-2021, s. 64; O.C. 1461-2022, s. 54.

§ 4. — *Exempted activities*

O.C. 871-2020, Sd. 4.

337. Work to stabilize an embankment is exempted from authorization pursuant to this Division on the following conditions:

(1) construction of the stabilization works required does not exceed a length of

(a) 50 m, when phytotechnology is used; or

(b) 30 m or 5 times the width of the watercourse, whichever is the most restrictive, when the works is constructed using inert materials;

(2) if the work is intended to extend or join stabilization works, the extension or junction must not result in an extension of the total length of the works beyond the limit set in paragraph 1.

O.C. 871-2020, s. 337.

338. Work to establish, modify or extend a pipe in a waterworks system, sewer system or storm water management system, or a ditch or outflow, is exempted from authorization pursuant to this Division on the following conditions:

(1) the outflow is connected to a pipe with a diameter or not more than 620 mm;

(2) the raft foundation for the outflow is at least 30 cm above the bed of the watercourse or lake;

(3) if the work includes stabilization work in the littoral zone or on a riverbank or lakeshore, the work takes place in an area not exceeding 4 m².

For the purposes of the first paragraph, a modification includes the replacement of a pipe, device, apparatus or equipment by another, or a change in its location.

The conditions set out in subparagraphs 1 and 3 of the first paragraph do not apply when the work is carried out by the minister responsible for the Act respecting roads (chapter V-9) if subparagraph 5 of the first paragraph of section 224 is complied with.

O.C. 871-2020, s. 338.

339. The following activities are exempted from authorization pursuant to this Division:

(1) the removal of the vegetation cover over a width of no more than 5 m to allow access to the littoral zone of a lake or a watercourse, when there is no open space for such access on the lot concerned;

(1.1) the pruning of plants for the laying out of visual openings over an area of no more than 10% of the riparian portion of the lot concerned, including visual openings already on the lot;

(2) construction work on a temporary, movable or ice bridge occupying a width of no more than 10 m on the bank or shore;

(3) the construction of a boat shelter with an area of no more than 20 m² when there is no boat shelter on the lot concerned;

(3.1) the construction of a floating quay, open pile quay or wheeled quay with an area, excluding the anchor points for a floating quay, of no more than 20 m² in the littoral zone when there is no quay on the lot concerned;

(4) work to lay out a water crossing for fording with a width of not more than 7 m;

(5) work to install or remove fishing gear such as fish corrals and hoop nets;

(6) work to construct a structure of no more than 5 m in width to cross a watercourse, with no support or stabilization in the littoral zone;

(7) *(subparagraph revoked)*.

Despite subparagraphs 3 and 3.1 of the first paragraph, the works referred to therein may be dismantled even if another such work is present.

O.C. 871-2020, s. 339; O.C. 1596-2021, s. 74; O.C. 1461-2022, s. 55.

340. The following forest development activities are exempted from authorization pursuant to this Division when carried out solely on a riverbank or lakeshore:

(1) the harvesting of more than 50% of trees of a diameter of 10 cm or more, provided it is carried out following a windthrow, epidemic, fire or ice storm;

(2) the harvesting of not more than 50% of trees of a diameter of 10 cm or more.

O.C. 871-2020, s. 340.

340.1. The cultivation of non-aquatic plants or mushrooms on a riverbank or lakeshore is exempted pursuant to this Division on the following conditions:

(1) it does not require the clearing of trees;

(2) it takes place more than 3 m from the littoral zone;

(3) if the earth is banked, it takes place more than 1 m from the top of the bank.

The conditions set out in subparagraphs 2 and 3 of the first paragraph do not apply when the cultivation is also eligible for a declaration of compliance under section 335.1 and declared in accordance with this Regulation.

O.C. 871-2020, s. 137; O.C. 1369-2021, s. 23; O.C. 1596-2021, s. 75.

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.

O.C. 1596-2021, s. 76; O.C. 985-2023, s. 16.

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.

O.C. 985-2023, s. 17.

341. The following activities are exempted from authorization pursuant to this Division when carried out solely in a flood zone:

- (1) forest development activities, except silvicultural drainage and road work;
- (2) work for underground linear public utility infrastructures;

(3) the laying out of land for recreational purposes, except a golf course or campground, when the works or equipment involved have no impact on flood routing;

(4) work to construct an irrigation pond or artificial pond or lake of no more than 300 m² in area, on the condition set out in subparagraph *c* of paragraph 2 of section 173;

(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;

(6) the cultivation of non-aquatic plants or mushrooms and tree-clearing work to prepare the land for cultivation;

(7) the laying out of a heritage site declared in accordance with the Cultural Heritage Act (chapter P-9.002) when it has no impact on flood routing.

O.C. 871-2020, s. 341; O.C. 1369-2021, s. 27; O.C. 1596-2021, s. 77; O.C. 985-2023, s. 18.

DIVISION IV

WETLANDS

O.C. 871-2020, Div. IV.

§ 1. — *General provision*

O.C. 1369-2021, s. 28.

342. This Division applies only to wetlands.

O.C. 871-2020, s. 342.

§ 2. — *Activities eligible for a declaration of compliance*

O.C. 1369-2021, s. 29.

343. The construction of a road as part of a forest development activity, in addition to the conditions set out in section 325, is eligible for a declaration of compliance on the following conditions:

- (1) the work is not carried out in a pond or open peat bog;
- (2) the road does not have an impermeable surface;
- (3) the cumulative width of the roadway and shoulders does not exceed 10 m.

In addition to the elements provided for in section 41, a declaration of compliance under this Division must include a silvicultural prescription from a forest engineer attesting that the conditions applicable to the activity pursuant to this Subdivision and those provided for by regulation, if any, are complied with.

O.C. 871-2020, s. 343.

343.1. Tree-clearing work to prepare the land for cultivation, and the subsequent cultivation of non-aquatic plants or mushrooms, are eligible for a declaration of compliance when carried out in a wooded wetland with an area of not more than 10 ha, on the following conditions:

- (1) the activity is carried out outside the sugar maple-bitternut hickory and sugar maple-basswood bioclimatic domains;

- (2) the activity is carried out more than 100 m from an open peat bog.

In addition to the elements provided for in section 41, a declaration of compliance under the first paragraph must include the area of the wooded wetland affected by the work, as well as a declaration from an agronomist attesting that the activity complies with the conditions applicable under this Division and the conditions, if any, provided for by regulation.

O.C. 1369-2021, s. 30.

343.2. An activity carried out in a wetland of more than 1,000 m² but less than 3,000 m² in area, of human origin, is eligible for a declaration of compliance on the following conditions:

- (1) the activity is carried out outside the sugar maple-bitternut hickory bioclimatic domain;
- (2) the activity is carried out more than 30 m from any other wetland and from the littoral zone;
- (3) the wetland has been present for at least 10 years;

(4) the wetland does not result from work performed under a program to promote the restoration and creation of wetlands and bodies of water drawn up pursuant to the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or work performed in accordance with the Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1).

For the purposes of the first paragraph, activities carried out in a wetland that is situated in a flood zone are not eligible for a declaration of compliance when they are not eligible for a declaration of compliance or are exempted from ministerial authorization pursuant to Division III of Chapter I of Title IV of Part II.

O.C. 1369-2021, s. 30; O.C. 1596-2021, s. 78.

§ 3. — *Exempted activities*

O.C. 1369-2021, s. 30.

344. An activity carried out in a wetland up to 1,000 m² in area, of human origin, is exempted from authorization pursuant to this Division on the following conditions:

- (1) the activity is carried out more than 30 m from any other wetland and from the littoral zone;
- (2) the wetland has been present for at least 10 years;

(3) the wetland does not result from work performed under a program to promote the restoration and creation of wetlands and bodies of water drawn up pursuant to the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) or work performed in accordance with the Regulation respecting compensation for adverse effects on wetlands and bodies of water (chapter Q-2, r. 9.1).

For the purposes of the first paragraph, activities carried out in a wetland that is situated in a flood zone are not exempted when they are not eligible for a declaration of compliance or are exempted from ministerial authorization pursuant to Division III of Chapter I of Title IV of Part II.

O.C. 871-2020, s. 344; O.C. 1596-2021, s. 79.

345. The following activities are exempted from authorization pursuant to this Division:

- (1) the following silvicultural treatments:

- (a) silvicultural treatments carried out in a wooded wetland, except silvicultural drainage;
 - (b) silvicultural treatments to reforest and maintain a parcel of abandoned agricultural land, including the initial tree clearing required but excluding silvicultural drainage;
- (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;
- (4) in connection with a forest development activity carried out in a wooded wetland, the burying of pipes to carry sap and the associated wires.

For the purposes of subparagraphs 2, 3 and 4 of the first paragraph, activities carried out in a wetland that is situated in a flood zone are not exempted when they are not eligible for a declaration of compliance or exempted from ministerial authorization pursuant to Division III of Chapter I of Title IV of Part II.

O.C. 871-2020, s. 345; O.C. 1369-2021, s. 31; O.C. 1596-2021, s. 80; O.C. 985-2023, s. 19.

345.1. The following activities are exempted from authorization pursuant to this Division:

- (1) the cultivation of non-aquatic plants or mushrooms in a wetland on a parcel of land existing before 23 March 2018 that was cultivated at least once during the 5 years prior to that date and turning the parcel into pasture, if applicable;
- (2) tree-clearing work to return land to cultivation, and the subsequent cultivation of non-aquatic plants or mushrooms, in a wetland on a parcel of land where cultivation was previously abandoned, if cultivation was abandoned
 - (a) less than 10 years previously in the bioclimatic domains of maple stands with bitternut hickory and maple stands with linden;
 - (b) less than 30 years previously in any other bioclimatic domain.

O.C. 871-2020, s. 139; O.C. 1369-2021, s. 25; O.C. 1596-2021, s. 81.

CHAPTER II

ACTIVITIES CARRIED OUT CLOSE TO WETLANDS AND BODIES OF WATER

O.C. 871-2020, c. II.

DIVISION I

GENERAL PROVISION

O.C. 871-2020, Div. I.

346. For the purposes of this Chapter, a reference to a road has the meaning given in paragraph 10 of section 313.

O.C. 871-2020, s. 346.

DIVISION II

RUNOFF WATER AND GROUNDWATER WORKS

O.C. 871-2020, Div. II.

347. Work in connection with works to collect runoff water or direct groundwater, if carried out less than 30 m from an open peat bog, requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act, except if carried out in the bioclimatic domains of balsam fir stands with paper birch and black spruce stands with moss.

O.C. 871-2020, s. 347; O.C. 985-2023, s. 20.

DIVISION III

CONSTRUCTION, WIDENING AND STRAIGHTENING OF A ROAD

O.C. 871-2020, Div. III.

348. The construction, widening or straightening of a road less than 60 m from the littoral zone, a pond or an open peat bog, if it runs alongside for a distance of 300 m or more, requires authorization pursuant to subparagraph 10 of the first paragraph of section 22 of the Act, if such activities are planned elsewhere than in a forest in the domain of the State.

O.C. 871-2020, s. 348.

349. The construction, widening or straightening of a road managed by the minister responsible for the Act respecting roads (chapter V-9) are eligible for a declaration of compliance if the storm water management works put in place along the road prevent erosion and the flow of suspended sediments towards the environment concerned.

In addition to the elements provided for in section 41, a declaration of compliance for an activity referred to in the first paragraph must include a declaration from an engineer attesting that the conditions applicable to the activity pursuant to that paragraph and those provided for, where applicable, by regulation or in an authorization issued by the government pursuant to section 31.5 of the Act are complied with.

O.C. 871-2020, s. 349.

CHAPTER III

CONSTRUCTION ON A FORMER ELIMINATION SITE

O.C. 871-2020, c. III.

350. This Chapter applies to activities requiring authorization pursuant to subparagraph 9 of the first paragraph of section 22 of the Act.

O.C. 871-2020, s. 350.

351. In addition to the general content prescribed by section 16, every application for authorization for an activity referred to in this Chapter must include the following supplemental information and documents:

- (1) the characterization study provided for in section 65 of the Act;
- (2) the plans and specifications for the proposed layout;

(3) an identification of the gas migration routes before and after the planned work, including lateral migration routes outside the site, taking infrastructures, buildings and the geology of the site into account.

O.C. 871-2020, s. 351.

PART III

ADMINISTRATIVE AND PENAL PROVISIONS

O.C. 871-2020, Part III.

TITLE I

MONETARY ADMINISTRATIVE PENALTIES

O.C. 871-2020, Tit. I.

352. A monetary administrative penalty of \$250 in the case of a natural person or \$1,000 in other cases may be imposed on any person who

(1) fails to file an opinion or to provide information or a document required by this Regulation, or to comply with the time limits and procedure for filing, if no other monetary administrative penalty is provided for such a case;

(2) fails to constitute a register required by this Regulation or to record information in such a register and keep it for the required time;

(3) fails to keep information, a document or data in a register referred to in this Regulation for the time prescribed in section 11;

(3.1) fails to publish a notice in accordance with the first paragraph of section 84;

(4) fails to invite the Minister to a public meeting in accordance with the second paragraph of section 84;

(5) fails to comply with any provision of this Regulation, in a case where no other monetary administrative penalty is provided by for that failure.

O.C. 871-2020, s. 352; O.C. 1461-2022, s. 56.

353. A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who

(1) fails to advise the Minister of a change in the information and documents filed in connection with a declaration of compliance in accordance with section 42, within the period prescribed therein;

(2) fails to comply with a condition prescribed by this Regulation for the carrying on of an activity eligible for a declaration of compliance in contravention of the second paragraph of section 55, the first paragraph of section 111, the second paragraph of section 252, section 254, paragraph 2 of section 260, section 262, 264 or 266 or paragraph 2 or 3 of section 270;

(3) fails to comply with a condition prescribed by this Regulation for the carrying on of an exempted activity, in contravention of the second paragraph of section 75, the second paragraph of section 210, the second paragraph of section 212, the second paragraph of section 277 or the second paragraph of section 287;

(4) fails to file or obtain an attestation or rapport from a professional, in contravention of section 131, the second paragraph of section 143, the second paragraph of section 145, the second paragraph of section 151,

the second paragraph of section 175, the first paragraph of section 176, the third paragraph of section 206, the second paragraph of section 253 or the second paragraph of section 305;

(5) fails to give an engineer responsibility for supervising work, in contravention of the first paragraph of section 175;

(6) fails to comply with the standards prescribed in the second paragraph of section 176 or section 178, 179 or 219.

O.C. 871-2020, s. 353; O.C. 1461-2022, s. 57.

354. A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who

(1) fails to comply with the requirements of section 8 concerning a layout, infrastructure, works, facility, equipment or apparatus for the subsequent carrying on of an activity;

(2) fails to maintain in good condition a layout, infrastructure, works, or any facility governed by this Regulation or fails to use it in an optimal way according to the use for which it was designed;

(3) *(paragraph replaced)*.

O.C. 871-2020, s. 354; S.Q. 2022, c. 8, s. 174.

354.1. A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in other cases may be imposed on any person who fails to file a notice of cessation of activity within the time and according to the terms provided for in the second paragraph of section 40.

O.C. 1461-2022, s. 58.

354.2. A monetary administrative penalty of \$2,000 in the case of a natural person or \$10,000 in other cases may be imposed on any person who

(1) fails to comply with a condition prescribed by this Regulation for the carrying on of an activity eligible for a declaration of compliance in contravention of section 89, 90, 128 or 129, the second paragraph of section 153 or paragraph 1 of section 157, paragraph 1 of section 260 or paragraph 1 of section 270;

(2) fails to comply with a condition prescribed by this Regulation for the carrying on of an exempted activity in contravention of section 93 or 208, the first paragraph of section 210, the first paragraph of section 212 or the second paragraph of section 213.1.

O.C. 1461-2022, s. 58.

TITLE II

PENAL SANCTIONS

O.C. 871-2020, Tit. II.

355. Every person who

(1) refuses or neglects to file an opinion or to provide information or a document required by this Regulation, or to comply with the time limits and procedure for filing, if no other penalty is provided for such a case;

(2) fails to constitute a register required by this Regulation or to record information in such a register and keep it for the required time;

(3) fails to keep information, a document or data in a register referred to in this Regulation for the time prescribed in section 11;

(4) contravenes section 84;

(5) contravenes this Regulation in a case where no other offence is provided by for that failure;

commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 and, in other cases, to a fine of \$3,000 to \$600,000.

O.C. 871-2020, s. 355; O.C. 1461-2022, s. 59.

356. Every person who contravenes section 42, the second paragraph of section 55, the second paragraph of section 75, the first paragraph of section 111, section 131, the second paragraph of section 143, the second paragraph of section 145, the second paragraph of section 151, section 175, the first and second paragraphs of section 176, section 178 or 179, the third paragraph of section 206, the second paragraph of section 210, the second paragraph of section 212, section 219, the second paragraph of section 252, the second paragraph of section 253, section 254, paragraph 2 of section 260, section 262, 264 or 266, paragraph 2 or 3 of section 270, the second paragraph of section 277, the second paragraph of section 287 or the second paragraph of section 305 commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 and, in other cases, to a fine of \$7,500 to \$1,500,000.

O.C. 871-2020, s. 356; O.C. 1461-2022, s. 60.

357. Every person who contravenes section 8 or 9 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

O.C. 871-2020, s. 357.

357.1. Every person who contravenes the second paragraph of section 40 commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$15,000 to \$3,000,000.

O.C. 1461-2022, s. 61.

357.2. Every person who contravenes section 89, 90, 93, 128 or 129, the second paragraph of section 153, paragraph 1 of section 157, section 208, the first paragraph of section 210, the first paragraph of section 212, the second paragraph of section 213.1, paragraph 1 of section 260 or paragraph 1 of section 270 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 other cases, to a fine of \$30,000 to \$6,000,000.

O.C. 1461-2022, s. 61.

358. *(Revoked).*

O.C. 871-2020, s. 358; O.C. 1461-2022, s. 62.

PART IV

TRANSITIONAL AND FINAL PROVISIONS

O.C. 871-2020, Part IV.

TITLE I

CURRENT SITUATIONS

O.C. 871-2020, Tit. I.

359. An activity under way on 31 December 2020 for which authorization or an amendment from the Minister was not required or that could be covered by a declaration of compliance on that date but now requires such authorization or amendment or is now eligible for such a declaration under this Regulation may continue with no further formality, subject to the provisions of the second and third paragraphs.

An operator must submit an application for authorization or an application for amendment, or file a declaration of compliance to continue the activity in the following cases:

(1) when one of the following situations is likely to lead to a new discharge of contaminants into the environment, an increase in a discharge or a change in environment quality:

(a) the extension or replacement of a building, facility, infrastructure or works needed to carry on the activity;

(b) the extension of the site where the activity is carried on;

(2) when the addition of a new process or a new apparatus or equipment, or the modification of those already in operation, is intended to result in an increase in annual production capacity.

Similarly, any new operator of a sewer system must, when acquiring the system, submit an application for authorization in accordance with section 202 of this Regulation or obtain the transfer of the authorization issued for the establishment or for the extension or modification of the system if that authorization contains conditions for the operation of the system.

The analysis of an application for authorization submitted in accordance with this section concerns only the activity requiring authorization pursuant to this section.

O.C. 871-2020, s. 359.

360. A person or municipality that, before 31 December 2021, has submitted an application for authorization, an application for amendment or an application for renewal need not file the information and documents required for an application made pursuant to this Regulation on or after that date.

O.C. 871-2020, s. 360.

361. A person or municipality that, on 31 December 2020, is awaiting the issue, amendment or renewal of an authorization for an activity which, beginning on that date, is eligible for a declaration of compliance, may file a declaration of compliance for that activity with the Minister.

The documents required for the declaration of compliance that have already been filed for the application for authorization, amendment or renewal need not be filed again.

The fee for the declaration of compliance is not payable if the fee for the application for authorization, amendment or renewal has been deposited.

O.C. 871-2020, s. 361.

362. Every person or municipality that, on 31 December 2020, holds an authorization for the transportation of hazardous residual materials referred to in section 230 may continue that activity beyond the period of validity for the authorization, on the same conditions and with no further formality.

O.C. 871-2020, s. 362.

363. Despite the provisions of this Regulation, until 31 December 2021, the information and documents that a person or municipality must file with the Minister in support of an application for authorization for it to be considered are as follows:

- (1) those provided for in subparagraphs 1 and 2 of the first paragraph of section 23 of the Act;
- (2) those provided for in the third paragraph of section 22 of the Act, as it read before 23 March 2018;
- (3) those provided for in section 7 of the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3) as it read on 30 December 2020;
- (4) those provided for in any other provision of a regulation made under the Act that applies to the activity covered by the application for authorization as it read on 30 December 2020;
- (5) the declaration of antecedents provided for in section 36 of this Regulation.

Similarly, the information and documents that must be provided in support of an application for amendment or renewal for it to be considered are as follows:

- (1) the information and documents provided for by any provision of a regulation made under the Act that applies to the activity covered by the application as it read on 30 December 2020;
- (2) the number and date of issue of the authorization for which the amendment or renewal is requested;
- (3) for an application for amendment:
 - (a) a complete description of the planned change requiring an amendment of the authorization and a presentation of the reasons for the change;
 - (b) an assessment of the consequences of the change with respect to the nature, quantity, location or concentration of the contaminants discharged into the environment;
 - (c) a description of the measures, apparatus or equipment required to ensure that the project complies with the conditions, restrictions, prohibitions and standards applicable;
- (4) an update of the information and documents filed with the Minister for the issue of the authorization that are affected by the amendment or renewal, including real data collected during the carrying on of the activity concerned by the change, less than one year prior to the application for amendment or renewal when the information initially filed was based on estimates;
- (5) the declaration of antecedents referred to in 36 of this Regulation;
- (6) when the applicant has used the services of professionals or other qualified persons to prepare the application for amendment or renewal, their names and contact information, a brief description of their mandates, and a declaration attesting that the information and documents that they have provided are accurate and complete;

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

O.C. 871-2020, s. 363.

364. Despite sections 33 and 34 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2), the water withdrawals referred to in those sections are valid until one of the following dates:

(1) in the case where the withdrawer also holds 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 occurring after 14 August 2024;

(2) in the case where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 5,000,000 litres, until 14 August 2025;

(3) in the case where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 1,500,000 litres but less than 5,000,000 litres, until 14 August 2026;

(4) in the case where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 600,000 litres but less than 1,500,000 litres, until 14 August 2027;

(5) in the case where the withdrawer makes a water withdrawal with an average daily volume equal to or more than 200,000 litres but less than 600,000 litres, until 14 August 2028;

(6) until 14 August 2029 where

(a) the withdrawer makes a water withdrawal with an average daily volume of less than 200,000 litres;

(b) the withdrawer operates a land-based aquaculture site which, for each tonne of annual production, requires the withdrawal of a volume of water equal to or less than 20,000 litres per hour and is authorized, under a certificate, to produce an annual phosphorous discharge equal to or less than 4.2 kg per tonne of production.

A water withdrawal may continue after the period of validity until a renewal or new authorization is issued.

O.C. 871-2020, s. 364; O.C. 985-2023, s. 21.

365. An application for a renewal of authorization or for an authorization referred to in 33 or 34 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) must be presented to the Minister in writing 6 months before the date on which the period of validity expires, and must include:

(1) an update of the information and documents filed for the initial application for authorization, in the case of an application for renewal;

(2) the information and documents provided for in paragraphs 1 to 3 of section 16 and those provided for in paragraphs 3 and 4 of section 169, depending on the situation, in the case of an application for authorization;

(3) the location of each water withdrawal site covered by the application and a description of its layout, if the information has not been provided previously;

(4) a description of each site for the discharge of the water withdrawn, if the information has not been provided previously, including in particular its location and the reference of the authorization issued for the discharge pursuant to the Act, if any;

(5) the measures taken for the operation of the water withdrawal site, such as the piezometric data, if any;

(6) when the applicant wishes to modify the withdrawal of water compared to the withdrawal made before the application was filed, the information and documents provided for in section 169 or an update if the information and documents were filed previously.

The information provided in connection with the application is public.

O.C. 871-2020, s. 365.

TITLE II

DELAY IN THE APPLICATION OF CERTAIN PROVISIONS

O.C. 871-2020, Tit. II.

366. The operator of a system to wash fruit or vegetables cultivated by one or more operators on a cumulative area equal to or greater than 5 ha but less than 20 ha that is in operation on 2 September 2020 must file a declaration of compliance with the Minister in accordance with section 157 of this Regulation not later than 1 September 2023.

Until that date, the suspended matter concentration of the wastewater from the system must not exceed the concentration present on 2 September 2020.

O.C. 871-2020, s. 366.

367. The operator of a contaminated soil treatment centre that is in operation on 2 September 2020 that, prior to that date, received crushed stone for treatment must, not later than 2 September 2025, file an application for amendment with the Minister in order to continue treating crushed stone after that date.

O.C. 871-2020, s. 367.

368. Section 10 of this Regulation applies to every application and all information or documents required by this Regulation, other than a declaration of compliance, from 31 December 2021.

O.C. 871-2020, s. 368.

TITLE III

REVOCATION AND COMING INTO FORCE

O.C. 871-2020, Tit. III.

369. The Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2), the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3), the Regulation respecting certain measures to facilitate the carrying out of the Environment Quality Act and its regulations (chapter Q-2, r. 32.1), and the Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells (chapter Q-2, r. 47.1) are revoked.

The provisions of Chapter III of the Regulation respecting the application of section 32 of the Environment Quality Act concerning 5-year waterworks and sewer plans remain applicable for the unexpired portion of the authorizations issued for such plans.

O.C. 871-2020, s. 369.

370. *(Omitted).*

O.C. 871-2020, s. 370.

SCHEDULE I

(ss. 20, 21 and 29)

GREENHOUSE GAS EMISSIONS - ACTIVITIES, EQUIPMENT PROCESSES CONCERNED

Division II of Chapter I of Title IV of Part I applies to the following activities, equipment and processes:

(1) any of the following equipment, with a rated power equal to or greater than 5 MW:

- (a) a fuel burning system;
- (b) an industrial furnace within the meaning of section 55 of the Clean Air Regulation (chapter Q-2, r. 4.1);
- (c) an incinerator within the meaning of section 101 of the Clean Air Regulation;
- (d) any other thermal treatment unit for an industrial process;
- (e) a stationary internal combustion engine;

(2) the use of at least 2 pieces of equipment referred to in paragraph 1, each rated at more than 3 MW;

(3) equipment or a process listed in Table 1 of this Schedule as a source of greenhouse gas emissions;

(3) a process used in aluminum production, for the following sources of greenhouse gas emissions:

- (a) prebaked anode consumption;
- (b) anode consumption for Söderberg processes;
- (c) anode and cathode baking;
- (d) green coke calcination;
- (e) anode effects;
- (f) use of SF₆ as a cover gas;

(4) a calcining or combustion process for carbonates such as limestone, dolomite, ankerite, magnesite, siderite, rhodochrosite, sodium carbonate or strontium carbonate used in cement, lime, sodium carbonate, glass and pulp and paper production, with a maximum production capacity of more than 10,000 tonnes of total carbonates per year;

(5) the construction or operation of an industrial establishment with a total storage capacity for coal, coke or any other material associated with coal equal to or greater than 145,000 tonnes;

(6) a process to reform natural gas using steam to produce hydrogen;

(7) a process to produce iron and steel, for the following sources of greenhouse gas emissions:

- (a) metallurgical coke production;
- (b) steel production using a basic oxygen furnace;
- (c) sinter production;
- (d) steel production using an electric arc furnace;

- (e)* argon-oxygen decarburization process or vacuum degassing process;
 - (f)* iron production by direct reduction;
 - (g)* iron production using a blast furnace;
 - (h)* indurating of iron ore pellets;
 - (i)* ladle furnace use;
- (8) equipment or a process for petroleum refining, for the following sources of greenhouse gas emissions:
- (a)* catalyst regeneration;
 - (b)* process vents;
 - (c)* asphalt production;
 - (d)* sulphur recovery units;
 - (e)* combustion of hydrocarbons from flares and antipollution devices;
 - (f)* storage tanks;
 - (g)* anaerobic wastewater treatment;
 - (h)* oil-water separators;
 - (i)* system components;
 - (j)* coke calcining;
 - (k)* uncontrolled blowdown systems;
 - (l)* loading operations;
 - (m)* delayed coking process;
- (9) equipment or a process for the manufacturing of petrochemical products for the following sources of greenhouse gas emissions:
- (a)* catalyst regeneration;
 - (b)* flares and antipollution devices;
 - (c)* process vents;
 - (d)* leaks from equipment components;
 - (e)* storage tanks;
- (10) a lead production process, for the sources of greenhouse gas emissions linked to primary and secondary lead production processes;
- (11) a zinc production process, for the sources of greenhouse gas emissions linked to primary and secondary zinc production processes;
- (12) a nickel and copper production process, for the following sources of greenhouse gas emissions:

- (a) the use of carbonate flux reagents;
 - (b) the use of reducing agents and materials for slag clearing;
 - (c) the use of raw materials containing carbon;
 - (d) the consumption of carbon electrodes in electric arc furnaces;
 - (e) the use of other raw materials contributing 0.5% or more of the total carbon in the process, by mass;
- (13) a ferroalloy production process, for the following sources of greenhouse gas emissions:
- (a) the use of an electric arc furnace;
 - (b) metallurgical reduction;
- (14) a magnesium production process;
- (15) a nitric acid production process with a maximum production capacity equal to or greater than 4,000 tonnes per year;
- (16) a phosphoric acid production process with a maximum production capacity equal to or greater than 10,000 tonnes per year;
- (17) an ammoniac production process with a maximum production capacity equal to or greater than 3,500 tonnes per year;
- (18) an electronic components manufacturing process that uses a total combined quantity of NF_3 , SF_6 and any other perfluorocarbon compound equal to or greater than 430 kg per year at maximum production capacity;
- (19) a titanium dioxide production process using chlorides with a maximum production capacity equal to or greater than 1,100 tonnes per year;
- (20) a TiO_2 production process using slag;
- (21) an iron and steel powder production process;
- (22) *(paragraph revoked)*;
- (23) geological CO_2 sequestration;
- (24) the establishment or extension of a site used for the landfilling of residual materials from an industrial process at the rate of 4,000 tonnes or more per year;
- (25) a composting activity, where the facility has an annual treatment capacity equal to or greater than 60,000 tonnes of residual organic materials on a wet basis;
- (26) a biogas production and treatment activity, when the maximum daily total capacity of the equipment is equal to or greater than 40,000 m^3 of CH_4 at a temperature of 25 °C and a pressure of 101.3 kPa.

O.C. 871-2020, Sch. I; S.Q. 2022, c. 10, s. 107.

SCHEDULE II

(s. 39)

CESSATION OF ACTIVITY - ACTIVITIES TO WHICH SECTION 31.0.5 OF THE ACT APPLIES

Section 31.0.5 of the Act applies to the following activities:

- (1) the operation of a peat bog, cranberry farm or blueberry farm;
- (2) biomethanization;
- (3) the recycling of out-of-service vehicles;
- (4) the operation of a hot mix asphalt plant;
- (5) the operation of a concrete plant;
- (6) the storage, crushing and sieving of brick, concrete and bituminous concrete;
- (7) the storage of used tires referred to in the Regulation respecting used tire storage (chapter Q-2, r. 20);
- (8) the operation of an enterprise whose principal activity is the reclamation of residual materials;
- (9) the operation of a commercial fishing pond or aquaculture site;
- (10) the storage of treated wood;
- (11) the operation of a composting site;
- (12) the operation of a residual materials incineration facility referred to in Chapter III of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);
- (13) any activity connected to the management of residual materials for reclamation purposes, other than an activity referred to in paragraph 8;
- (14) the operation of a northern landfill referred to in Chapter II of the Regulation respecting the landfilling and incineration of residual materials;
- (15) the operation of a residual materials transfer station referred to in Chapter IV of the Regulation respecting the landfilling and incineration of residual materials;
- (16) livestock raising activities referred to in section 2 of the Agricultural Operations Regulation (chapter Q-2, r. 26);
- (17) storage, treatment, reclamation and elimination activities for livestock waste;
- (18) the operation of a system to wash vegetables or fruit;
- (19) water withdrawal activities, other than withdrawals to supply a waterworks system.

O.C. 871-2020, Sch. II.

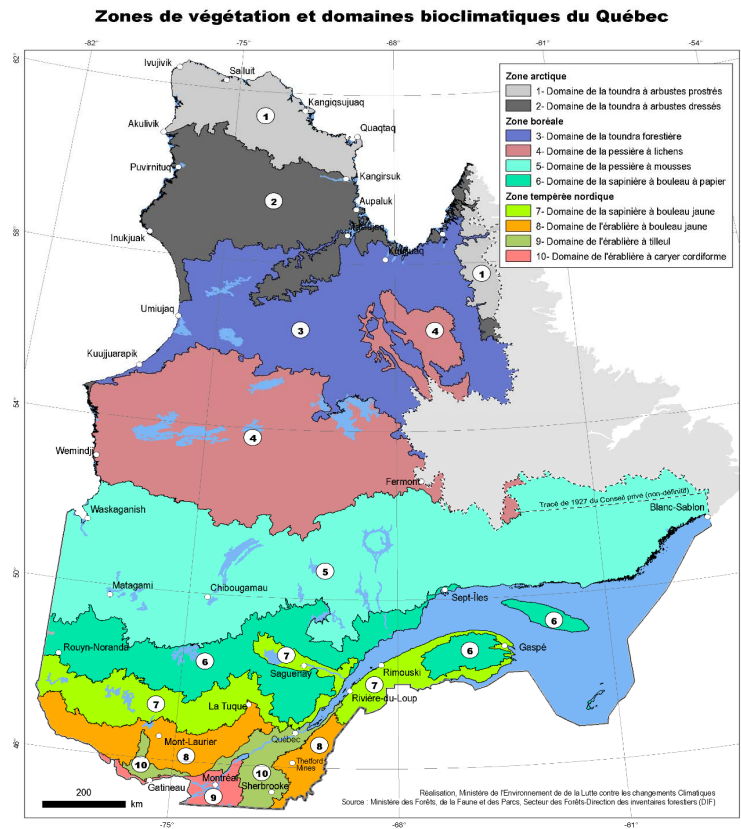
SCHEDULE III

(s. 4)

BIOCLIMATIC DOMAINS

O.C. 1369-2021, s. 32.

When an activity is carried out in the territory of a municipality that overlaps more than one bioclimatic domain, the bioclimatic domain applicable to the activity is the domain that represents the largest part of the territory of the municipality.



TRANSITIONAL

2022

(O.C. 1461-2022) SECTION 63. A person or municipality that, on 13 February 2023, is awaiting the issue, amendment or renewal of an authorization for an activity which, beginning on that date, is eligible for a declaration of compliance, may file a declaration of compliance for that activity with the Minister.

The information and documents required for the declaration of compliance that have already been filed for the application for authorization, amendment or renewal need not be filed again.

The fee for the declaration of compliance is not payable if the fee for the application for authorization, amendment or renewal has been deposited.

SECTION 64. A person or municipality that, on 13 February 2023, is awaiting the issue, amendment or renewal of an authorization for an activity which, beginning on that date, is exempted from authorization may claim the refund of the fee paid at the time of the application.

2021

(O.C. 1369-2021) SECTION 35. A person or municipality that, before 31 December 2021, filed a declaration of compliance in accordance with the Environment Quality Act (chapter Q-2) and that, on 31 December 2021, has not yet carried out the activity described in the declaration of compliance, may comply with the eligibility conditions set out in the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) that applied to the activity on the date the declaration of compliance was filed with the Minister.

UPDATES

O.C. 871-2020, 2020 G.O. 2, 2343A

S.Q. 2021, c. 31, s. 132

O.C. 1369-2021, 2021 G.O. 2, 4615

O.C. 1596-2021, 2022 G.O. 2, 6

S.Q. 2022, c. 8, ss. 169 to 174

S.Q. 2022, c. 10, ss. 102 to 107 and 123

O.C. 1461-2022, 2022 G.O. 2, 3261

O.C. 985-2023, 2023 G.O. 2, 1214

