



chapter Q-2, r. 3

Regulation respecting the application of the Environment Quality Act

Environment Quality Act  
(chapter Q-2, ss. 23, 31, 66, 115.27, 115.34 and 124.1)

## DIVISION I

### PROJECTS EXEMPT FROM THE APPLICATION OF SECTION 22 OF THE ACT

1. The following projects are exempt from the application of section 22 of the Environment Quality Act (chapter Q-2):

(1) construction, work or activities governed by the Regulation respecting standards of forest management for forests in the domain of the State (chapter A-18.1, r. 7), except the construction, reconstruction, widening or straightening of a road located less than 60 m from a constant watercourse, a lake, a river or the ocean, where the road is to run thus for a distance of at least 300 m;

(2) the staking of a claim and geophysical, geological or geochemical surveys authorized under the Mining Act (chapter M-13.1);

(3) work, construction or projects on a bank or shore, in a floodplain or along the shoreline of a watercourse or lake within the meaning of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35) provided that specific authorization for such work, construction or projects has been given by a municipality pursuant to a zoning, subdivision or construction by-law; work, construction or projects intended for public access or for municipal, industrial, commercial or public purposes are not exempt from the application of section 22;

(4) the following wildlife management work:

(a) the construction or repair of a fish ladder, a fish way or another work allowing fish to travel freely;

(b) the cleaning up of a watercourse or lake where no dredging is involved;

(c) the laying out of spawning areas where such laying out does not involve modifying the area of the bed of a watercourse or lake;

(d) the installation of obstacles to fish migration;

(e) the laying out of release or acclimation sites;

(f) the installation of an incubation box;

(g) the installation of an upwelling box;

(h) the installation of an upstream dam for beavers;

(i) the control of the water level near a beaver dam; and

(j) the dismantling of a beaver dam;

(5) work to recover and reclaim a halocarbon referred to in the Regulation respecting halocarbons (chapter Q-2, r. 29) from a fire extinguisher or a fire extinguishing system or a refrigeration or air conditioning unit; and

(6) construction, work or activities to be carried out in aquatic reserves, biodiversity reserves or ecological reserves, or on land set aside for reserve purposes, if an authorization has been issued by the Minister under the Natural Heritage Conservation Act (chapter C-61.01).

O.C. 1529-93, s. 1; O.C. 333-2003, s. 1; O.C. 1091-2004, s. 72; O.C. 320-2006, s. 1; O.C. 972-2008, s. 1.

2. The following projects are exempt from the application of the first paragraph of section 22 of the Act, unless all or part of a project intended for public access or for municipal, industrial, commercial or public purposes is carried out on a bank or shore or in a floodplain within the meaning of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35):

(1) the construction, alteration or reconstruction of a building, unless otherwise provided for in the regulations on agricultural operations made under the Act, except a building intended for industrial purposes in which an activity requiring a certificate of authorization is to be carried out;

(2) work to maintain, rebuild, repair or demolish a building, work or piece of equipment;

Despite the introductory provision, even if it is carried out on a bank or shore or in a floodplain, work to maintain, rebuild, repair or demolish the components of aerial transmission or distribution systems for electricity, telecommunications or cable delivery, including the lines of those systems and their rights-of-way are also governed by this paragraph, if such work does not entail

(a) the use of pesticides on the bank or shore, or if it is carried out in a floodplain, the use of pesticides referred to in subparagraphs b to d of paragraph 10; or

(b) backfilling, trench digging, excavation, removal of topsoil or any other type of intervention likely to disturb the soil, the air or the hydraulic regime;

(3) the construction, reconstruction, widening or straightening of a road, including an interchange, ramp or other road infrastructure, except

(a) any project located less than 60 m from a constant watercourse, a lake, a river or the ocean, where the road is to run thus for a distance of at least 300 m; and

(b) any project having any of the following characteristics:

- the roadway is to have 4 lanes or more;
- the right of way is to have an average width of at least 35 m; or
- the project is to be carried out over a distance of at least 1 km;

Notwithstanding the foregoing, the exemption provided for in subparagraph b does not apply to any project intended for forest management, mining or energy purposes or to all or part of a project located within an urbanization perimeter indicated on the land use planning and development plan of a regional county municipality or metropolitan community;

(4) the installation or use of a combustion system having a capacity of less than 3,000 kW (10,238,535 BTU/hour), except a combustion system using used oil or materials other than fossil fuels, wood, wood waste within the meaning of section 55 of the Clean Air Regulation (chapter Q-2, r. 4.1) or granules produced from lignocellulosic crops;

(5) preliminary investigation, drilling, exploration, experiments outside a mill or technical readings prior to any project;

- (6) drilling authorized under the Mining Act (chapter M-13.1), except
  - (a) drilling to explore for, or produce, petroleum or natural gas in shale; and
  - (b) fracturing operations intended to explore for, or produce, petroleum or natural gas;
- (7) the boring of a well to obtain water;
- (8) the installation of gas mains less than 30 cm in diameter designed for a pressure of less than 4,000 kPa;
- (9) the digging of a ditch and the installation of underground drains;
- (10) work involving the use of pesticides, except
  - (a) (subparagraph revoked);
  - (b) work involving the use of pesticides belonging to Class 1 as established in the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2);
  - (c) work involving the use of pesticides other than phytocides or *Bacillus thuringiensis* (Kurstaki variety) by aircraft, in a forest environment or for non-agricultural purposes; and
  - (d) work involving the use of pesticides in an aquatic environment having a surface outlet into a drainage basin;
- (11) the construction or relocation of a switching substation or a transformer substation of less than 120 kV, of electric power transmission and distribution lines of less than 120 kV and of other, higher-voltage lines under 2 km in length;
- (12) agricultural activities, unless otherwise provided for in the regulations on agricultural operations made under the Act, except
  - (a) any operation to transform substances to be used in the cultivation of plants, except an operation to transform only manure or farm products whose volume is less than 500 m<sup>3</sup>; and
  - (b) the spreading of substances other than manure, liquid dairy wastes, mineral fertilizers, liming material that meets the standards of the Bureau de normalisation du Québec and compost prepared on a farm, using only farm products;
- (13) forest management activities within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1), whether such activities are carried on in forests in the domain of the State or in private forests, except
  - (a) the spreading of substances other than manure, mineral fertilizers, logging debris from cutting areas and liming material that meets the standards of the Bureau de normalisation du Québec;
  - (b) work involving the use of pesticides referred to in subparagraphs b to d of paragraph 10; and
  - (c) the construction, reconstruction, widening or straightening of a road located less than 60 m from a constant watercourse, a lake, a river or the ocean, where the road is to run thus for a distance of at least 300 m; and
- (14) activities relating to the storage of residual hazardous materials within the meaning of section 5 of the Regulation respecting hazardous materials:
  - where the quantity in storage is less than 1,000 kg;
  - where the activity is governed by a permit issued under section 70.9 of the Act;

- where there is an activity for which a notice must be sent to the Minister pursuant to the second paragraph of section 118 of the Regulation respecting hazardous materials; and
- where there are materials other than those mentioned in paragraphs 1 and 2 of section 32 of the Regulation respecting hazardous materials.

O.C. 1529-93, s. 2; O.C. 305-97, s. 1; O.C. 1310-97, s. 149; O.C. 333-2003, s. 2; O.C. 320-2006, s. 1; O.C. 571-2011; O.C. 1229-2013, s. 1; O.C. 697-2014, s. 1.

2.1. (Revoked).

O.C. 320-2006, s. 1; O.C. 697-2014, s. 2.

3. The following projects are exempt from the application of the second paragraph of section 22 of the Act:

- (1) sports or recreational activities, except construction or development work required for such activities;
- (2) forest management activities within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1), carried out in a bog, except
  - (a) the spreading of substances other than manure, mineral fertilizers, logging debris from cutting areas and liming material that meets the standards of the Bureau de normalisation du Québec;
  - (b) work involving the use of pesticides referred to in subparagraphs b to d of paragraph 10 of section 2;
  - (c) the construction, reconstruction, widening or straightening of a road located less than 60 m from a constant watercourse, a lake, a river or the ocean, where the road is to run less than 60 m from such body of water for a distance of at least 300 m;
  - (d) the building of a forest road in the unwooded part of a bog in which the ground is frozen to a depth of less than 35 cm; and
  - (e) the digging of a ditch, the installation of a drain or reforestation work in the unwooded part of a bog;
- (3) drilling to explore for mineral substances carried out in a bog, pond, marsh or swamp, except
  - (a) drilling to explore for petroleum or natural gas, including any fracturing operation;
  - (b) drilling to explore for brine; and
- (4) the construction, reconstruction, maintenance, rebuilding or repair of culverts.

O.C. 1529-93, s. 3; O.C. 333-2003, s. 3; O.C. 571-2011, s. 2; O.C. 697-2014, s. 3.

4. Projects which, in whole or in part, are subject to the application of section 32, 32.1, 32.2, 48 or 70.9 of the Act are also exempt from the application of section 22 of the Act.

O.C. 1529-93, s. 4; O.C. 1310-97, s. 150; O.C. 492-2000, s. 2.

5. Section 22 of the Act does not apply in respect of the holder of a depollution attestation who applies to the Minister for amendment of that attestation under section 31.25 of the Act.

O.C. 1529-93, s. 5.

6. Notwithstanding sections 1 to 3 of this Regulation, any project arising from a project authorized by the Government pursuant to section 31.5 of the Act is subject to the application of section 22 of the Act.

O.C. 1529-93, s. 6.

## DIVISION II APPLICATION FOR A CERTIFICATE OF AUTHORIZATION

7. Every application for a certificate of authorization shall be submitted in writing to the Minister of Sustainable Development, Environment and Parks and, in addition to meeting the requirements of section 22 of the Act and any provision in another regulation made under the Act, shall contain the following information and documents:

- (1) in the case of a natural person, his name, address and telephone number;
- (2) in the case of a legal person, partnership or association, its name, the address of its head office, the position of the signatory of the application and a certified copy of a document issued by the board of directors, the partners or the members and authorizing the signatory of the application to submit it to the Minister;
- (3) the registration number in the central file of enterprises, assigned to the applicant's enterprise by the enterprise registrar;
- (4) in the case of a municipality, a certified copy of a council resolution authorizing the signatory of the application to submit it to the Minister;
- (5) the cadastral designation of the lots on which the project is to be carried out;
- (6) a description of the project's technical aspects;
- (7) a plan of the site on which the project is to be carried out, specifically indicating the zoning of the land in question;
- (8) an indication as to the type and volume of contaminants liable to be emitted, discharged, issued or deposited into or in the environment, as well as their points of emission, discharge, issuance or deposit; and
- (9) in the case of an open-pit mine, a land reclamation plan indicating
  - (a) the area of the land liable to be damaged or destroyed;
  - (b) the type of soil and the type of existing vegetation;
  - (c) the stages in the damaging or destruction of the soil and vegetation, with an estimate of the number of years; and
  - (d) the conditions for and the stages in the carrying out of restoration work.

In addition, every application for a certificate of authorization for work referred to in subparagraph a or b of paragraph 6 of section 2, whether the work is to be carried out in a constant or intermittent watercourse, lake, bog, pond, marsh or swamp or outside any such environment, must include

- (1) a description of the geological, hydrogeological, geochemical or geophysical data that the project will provide;
- (2) a description of the data relating to the assessment or development of environmentally-secure drilling techniques and new drilling methods that the project will provide;
- (3) an indication that the project must be carried out within or outside an urbanization perimeter provided for on the land use planning and development plan of a regional county municipality in the territory in which the project is located or in part of the territory involved, as the case may be, intended for vacation in the plan.

O.C. 1529-93, s. 7; O.C. 571-2011, s. 3.

7.1. A person who applies for a certificate of authorization for work referred to in subparagraph a or b of paragraph 6 of section 2, whether the work is to be carried out in a constant or intermittent watercourse, lake, bog, pond, marsh or swamp or outside any such environment, must first inform and consult the general public. To that end, the person must publish a notice in a newspaper distributed in the municipality in which the work is to be carried out, including

- (1) the cadastral designation of the lot or lots on which the project will be carried out;
- (2) the description of the perimeter of the territory in which the project will be carried out or an illustration by means of a sketch of the site, using street names whenever possible and the address of the site, and the fact that the description or illustration is available for consultation at the office of the municipality;
- (3) a summary of the project, providing at least the information required under subparagraphs 6 to 8 of the first paragraph and the second paragraph of section 7;
- (4) the date, time and place of the public consultation to be held in the municipality, which cannot be held less than 20 days after the date of publication of the notice;
- (5) a statement to the effect that any person may examine the full text of the document presenting the project referred to in subparagraph 3 on the website of the project promoter whose address is indicated in the notice and at the office of the municipality or obtain a copy of the document at the office on payment of a fee.

The project promoter must send a copy of the notice referred to in the first paragraph, as soon as it is published, to the Minister of Sustainable Development, Environment and Parks, to the municipality and to the regional county municipality in whose territory the project is to be carried out.

Where the Minister of Sustainable Development, Environment and Parks designates a person to observe the public consultation, that person must attend the public assembly and, if applicable, at the request of the Minister, act as the moderator of the assembly and intervene in any matter connected to the conduct of the assembly. Within 5 days after the end of the public consultation, the designated person must forward to the Minister and to the project promoter a factual report on the holding of the public consultation.

The project promoter must produce a report on the observations gathered during the public consultation and indicate the changes made to the project, if any, following the public consultation. The promoter must forward a copy of the report to the municipality. A copy of the report must be filed, at the same time, for consultation purposes, in the office of the municipality; any person may obtain a copy of the report on payment of a fee.

The report, accompanied by a copy of the notice published in a newspaper, must be included with the application for a certificate of authorization.

O.C. 571-2011, s. 4.

7.2. No more than 10 days after receiving the report referred to in the fourth paragraph of section 7.1, the municipality must submit its observations on the project to the Minister, in particular as regards its effects within the urbanization perimeter and, as the case may be, in any other part of its territory intended for vacation.

O.C. 571-2011, s. 4.

8. A person who applies for a certificate of authorization shall also submit to the Minister a certificate attesting that the project does not contravene any municipal by-law. The certificate shall be issued by the clerk or the secretary-treasurer of a local municipality or, in the case of an unorganized territory, of a regional county municipality.

In addition, if the project concerns the territory of a regional park or watercourse under the jurisdiction of a regional county municipality, the applicant must submit to the Minister a certificate from the secretary-treasurer of the regional county municipality concerned attesting to the project's compliance with the applicable regional municipal by-laws.

The first paragraph does not apply to a person who, under the Mining Act (chapter M-13.1), is authorized to do work

involved in the exploration, development, mining or production of mineral substances or underground reservoirs, except work involved in extracting sand, gravel or building stone on private land for which, under section 5 of the Mining Act, rights in or over such mineral substances have been surrendered to the owner of the soil.

This section does not apply where the application for a certificate of authorization concerns a project to reconstruct an interchange in an urban area, consisting of a set of lanes to connect an autoroute to another autoroute or a road, authorized under section 31.5 or 31.6 of the Environment Quality Act (chapter Q-2), including all the components of the project, in particular the associated infrastructures as well as the works and installations needed for their development and management.

O.C. 1529-93, s. 8; O.C. 320-2006, s. 1; O.C. 1303-2013, s. 1.

9. The Minister shall provide information concerning the nature of the project and its location to the secretary-treasurer of a regional county municipality or the secretary of a metropolitan community in the territory in which a project is to be carried out.

O.C. 1529-93, s. 9.

10. A certificate of authorization shall bear an indication that it was issued under section 22 of the Act. It shall also state the date of its issue, the name of its holder and the nature of the project and shall specify the site on which the project is to be carried out.

O.C. 1529-93, s. 10.

DIVISION III  
MISCELLANEOUS PROVISIONS

11. Paragraphs 1 to 6 and 8 of section 7 and sections 8 and 9 apply to all applications for the authorization referred to in section 48 of the Act.

O.C. 1529-93, s. 11.

12. Any equipment used or installed for the purpose of reducing the emission, deposit, issuance or discharge of contaminants into the environment shall at all times be in good working order and shall function optimally during production hours, even if that equipment has the effect of reducing the emission, deposit, issuance or discharge of contaminants to a level beyond the standards prescribed in any Government regulation made under the Act.

O.C. 1529-93, s. 12.

13. (Revoked).

O.C. 1529-93, s. 13; O.C. 492-2000, s. 2; O.C. 451-2005, s. 169.

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

O.C. 1529-93, s. 14.

DIVISION IV  
MONETARY ADMINISTRATIVE PENALTIES

O.C. 654-2013, s. 1.

14.1. A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who

- (1) uses or installs any equipment referred to in section 12 that is not in good working order;

(2) uses, during production hours, any equipment referred to in section 12 while not functioning optimally.

O.C. 654-2013, s. 1.

## DIVISION V PENAL SANCTIONS

O.C. 654-2013, s. 1.

14.2. Every person who contravenes section 12 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. 654-2013, s. 1.

15. (Omitted).

O.C. 1529-93, s. 15.

16. (Amendment integrated into c. Q-2, r. 6, s. 2).

O.C. 1529-93, s. 16.

17. (Amendment integrated into c. Q-2, r. 6, s. 3).

O.C. 1529-93, s. 17.

18. (Amendment integrated into c. Q-2, r. 9, s. 2)

O.C. 1529-93, s. 18.

19. (Amendment integrated into c. Q-2, r. 12.1, s. 4).

O.C. 1529-93, s. 19.

20. (Omitted).

O.C. 1529-93, s. 20.

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## REFERENCES

O.C. 1529-93, 1993 G.O. 2, 5996

O.C. 305-97, 1997 G.O. 2, 1251

O.C. 1310-97, 1997 G.O. 2, 5199

O.C. 492-2000, 2000 G.O. 2, 2090

S.Q. 2002, c. 45, s. 536

S.Q. 2002, c. 68, s. 52

O.C. 333-2003, 2003 G.O. 2, 1273

O.C. 1091-2004, 2004 G.O. 2, 3275

O.C. 451-2005, 2005 G.O. 2, 1182

O.C. 320-2006, 2006 G.O. 2, 1344

O.C. 972-2008, 2008 G.O. 2, 5018

O.C. 571-2011, 2011 G.O. 2, 1225B

O.C. 654-2013, 2013 G.O. 2, 1734

O.C. 1229-2013, 2013 G.O. 2, 3602

O.C. 1303-2013, 2013 G.O. 2, 3749

O.C. 697-2014, 2014 G.O. 2, 1619