

c. Q-2, r.1.001

## **Regulation respecting the application of the Environment Quality Act Environment Quality Act**

(R.S.Q., c. Q-2, s. 23, s. 31, pars. *e, j, g* and *m*, s. 66 and s. 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 (R.S.Q., c. Q-2):

(1) construction, work or activities governed by the Regulation respecting standards of forest management for forests in the public domain (O.C. 1627-88 [F-4.1 r. 1.001]), except the construction, reconstruction, widening or straightening of a road located less than 60 metres 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 metres;

(2) the staking of a claim and geophysical, geological or geochemical surveys authorized under the Mining Act (R.S.Q., c. M-13.1);

(3) work, construction or projects on a bank or shore, on a flood plain or along the shoreline of a watercourse or lake, where permitted under the Politique de protection des rives, du littoral et des plaines inondables, (O.C. 1980-87 [Q-2, r. 17.1]) 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; and

(5) activities to recover or recycle an ozone-depleting substance from a halon flooding system, a heat pump or a refrigeration or air-conditioning unit.  
O.C. 1529-93, s. 1.

2. The following projects are exempt from the application of the first paragraph of section 22 of the Environment Quality Act, unless all or part of a project intended for public access or for municipal, industrial, commercial or public purposes is carried out on the strip of land along the edge of a watercourse or a lake, the limits of such strip of land being defined in the *Politique de protection des rives, du littoral et des plaines inondables*:

(1) the construction, alteration or reconstruction of a building, unless otherwise provided for in the Regulation respecting the prevention of water pollution in livestock operations (c. Q-2, r. 18), 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;

(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 metres 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 metres;

(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 metres; or

— the project is to be carried out over a distance of at least 1 kilometre.

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 development plan of a regional county municipality or of an urban 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 an incinerator a combustion system or an industrial furnace using residual hazardous materials for energy generation purposes within the meaning of section 5 of the Regulation respecting hazardous materials;

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

(6) drilling authorized under the Mining Act;

(7) the boring of a well to obtain water;

- (8) the installation of gas mains less than 30 centimetres in diameter designed for a pressure of less than 4 000 kPa;
- (9) the digging of a ditch and the installation of underground drainage pipes;
- (10) work involving the use of pesticides, except
- (a) work involving the use of pesticides for the maintenance of road, rail or energy transportation corridors;
  - (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. (O.C. 305-97);
  - (c) work involving the aerial application of pesticides 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 kilometres in length;
- (12) agricultural activities, unless otherwise provided for in the Regulation respecting the prevention of water pollution in livestock operations, 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; and
- (13) forest management activities within the meaning of section 3 of the Forest Act (R.S.Q., c. F-4.1), whether such activities are carried out in forests in the public domain 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 and referred to in subparagraphs *a* to *d* of paragraph 10; and
  - (c) the construction, reconstruction, widening or straightening of a road located less than 60 metres 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 metres;
- (14) the storage activities 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 Environment Quality Act;

— where there is an activity for which a notice shall 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.

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

(1) sports and recreational activities, except construction or development work required for such activities;

(2) forest management activities within the meaning of section 3 of the Forest Act, 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 and referred to in subparagraphs *a* to *d* of paragraph 10 of section 2;

(c) the construction, reconstruction, widening or straightening of a road located less than 60 metres from a constant watercourse, a lake, a river or the ocean, where the road is to run less than 60 metres from such body of water for a distance of at least 300 metres;

(d) the making of a forest road in the unwooded part of a bog in which the ground is frozen to a depth of less than 35 centimetres; and

(e) drainage or reforestation work in the unwooded part of a bog;

(3) drilling involved in exploration for mineral substances and carried out in a bog, pond, marsh or swamp, except drilling involved in exploration for oil, gas or brine; and

(4) the construction, reconstruction, maintenance, rebuilding or repair of culverts.

O.C. 1529-93, s. 3.

**4.** Projects which, in whole or in part, are subject to the application of section 32, 32.1, 32.2, 45.4, 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 the Environment and Wildlife 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 business by the Inspector General of Financial Institutions;
- (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.

O.C. 1529-93, s. 7.;S.Q., 1994, c. 17, s. 77.

**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.

The first paragraph does not apply to a person who, under the Mining Act, 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.

O.C. 1529-93, s. 8.

**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 an urban community in the territory of 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.** The Minister may, pursuant to section 22 of the Act, authorize the deposit of residual materials in a location other than the locations provided for in section 66 of the Act.

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

**14.** This Regulation applies in particular to immovables in a reserved area or agricultural zone established under the Act to preserve agricultural land (R.S.Q., c. P-41.1).

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

**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.

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

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