

Draft Regulations

Environment Quality Act
(chapter Q-2)

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

Fertilizing residual materials management —Enactment

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

Agricultural operations

Water withdrawal and protection

Reclamation of residual materials

—Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulations appearing below may be made by the Government on the expiry of 45 days following this publication.

The draft Fertilizing Residual Materials Management Code sets out the regulatory scheme applying to fertilizing residual materials that may be reclaimed by storage or spreading on a raising site, a spreading site, or a site where a forest development activity is carried out. To that end, it provides for the classification of materials or blends of such materials on the basis of their chemical parameters, their microbiological parameters, their olfactory characteristics, their foreign matter content and their preventive investigator parameters. The preventive investigator parameters establish preventive thresholds for emerging substances of concern and substances that present a risk. Hence, the draft Code proposes thresholds for per - and polyfluoroalkyl substances (PFASs) in fertilizing residual materials. The draft Code sets out the classification criteria and the rules for the sampling and analyses required for classification. It also specifies how and under what conditions the storage and spreading of fertilizing residual materials must be carried out, as well as the obligations and responsibilities of operators and promoters of projects for the reclamation of such materials, in particular the preparation of an agro-environmental reclamation plan. The draft Code also provides for certain provisions relating to fertilizing residual materials intended for domestic use. Lastly, the draft Code determines the monetary administrative penalties and the penal sanctions applicable in the case of a contravention of those provisions, as well as the transitional measures for ongoing situations.

Amendments are proposed to the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) to specify the activities relating to the reclamation of fertilizing residual materials that are subject to ministerial authorization under the Environment Quality Act (chapter Q-2) and to determine those that are eligible for a declaration of compliance and exempted from ministerial authorization, on the conditions set out. Amendments are also proposed to other provisions of the Regulation for the purposes of the harmonization and concordance with the draft Fertilizing Residual Materials Management Code. Lastly, some provisions determine the monetary administrative penalties and the penal sanctions applicable in the case of a contravention of those provisions, as well as the transitional measures for ongoing situations.

The draft Regulation to amend the Agricultural Operations Regulation provides for consequential amendments concerning the rules applicable to the storage and spreading of fertilizing residual materials. The draft Regulation also proposes revoking the prohibition on spreading sludge from a municipal or industrial wastewater treatment plant originating from outside Canada, given that the draft Fertilizing Residual Materials Management Code establishes the conditions relating to the fertilizing residual materials that may be spread and the applicable quality criteria. Lastly, it makes consequential adjustments to the applicable monetary administrative penalties and the penal sanctions.

The draft Regulation to amend the Water Withdrawal and Protection Regulation is also amended to ensure concordance with the draft Fertilizing Residual Materials Management Code. The terminology used with regard to fertilizing residual materials is clarified and harmonized, and the provisions relating to protection zones are also adjusted to take into account the new regulatory scheme applying to those materials. Other terminological corrections are also made and exceptions to the application of certain provisions of the Regulation are proposed, in particular for activities carried out for domestic landscaping purposes or for raising sites with a small annual phosphorus (P_2O_5) production.

Lastly, the draft Regulation to amend the Regulation respecting the reclamation of residual materials includes consequential amendments relating to the activities for the reclamation of fertilizing residual materials eligible for a declaration of compliance or exempted from ministerial authorization that are added by the draft Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact. It determines the monetary administrative penalties and the penal sanctions applicable in the case of a contravention of those provisions.

The net impact of all the requirements and amendments of the draft Regulations is estimated at an annual cost of \$195,200 for enterprises. Those costs, which result from new analysis requirements for preventive investigator parameters provided for in the draft Fertilizing Residual Materials Management Code, are necessary to improve user confidence and encourage the reclamation of fertilizing residual materials.

Further information on the draft Regulations may be obtained by contacting Daniel Ekoualla, fertilizing residual materials management specialist, Direction de l'expertise en valorisation et élimination, Direction principale des matières résiduelles, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 675, boulevard René-Lévesque Est, 9^e étage, boîte 13, Québec (Québec) G1R 5V7; email: consultations-mrf@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to Daniel Ekoualla at the above contact information.

BENOIT CHARETTE

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

Fertilizing Residual Materials Management Code

Environment Quality Act

(chapter Q-2, s. 53.30, 1st par., subpars. 1, 1.1, 2, 4 and 5, and s. 95.1, 1st par., subpars. 3, 4, 18, 20, 21, 24 and 25.1)

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

CHAPTER I

SCOPE AND DEFINITIONS

1. This Code applies to fertilizing residual materials that are reclaimed by storage or spreading on a raising site, a spreading site, or a site where a forest development activity is carried out, and to certain materials intended for domestic use.

This Code provides for the classification of fertilizing residual materials or blends of fertilizing residual materials in accordance with certain parameters and, to that end, specifies the rules for sampling and analyses.

This Code also determines the standards governing the storage and spreading of fertilizing residual materials, in particular those that require a ministerial authorization, are eligible for a declaration of compliance or are exempted from authorization under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

This Code sets out certain quality standards and information requirements for fertilizing residual materials intended for domestic use.

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

2. In this Code, unless the context indicates otherwise,

“Act” means the Environment Quality Act (chapter Q-2); (*Loi*)

“agricultural index” means the number obtained by multiplying the neutralizing value by the efficiency and expressing, as a percentage of the mass on a wet basis, the value of the liming materials; (*indice de valeur agricole*)

“agri-food biosolid” means a biosolid resulting from the treatment of agri-food wastewater, other than slaughterhouse or rendering plant wastewater; (*biosolide agroalimentaire*)

“agri-food residue” means waste consisting exclusively of plant or mushrooms, originating from the processing, conditioning, preparation or distribution of food and beverages sorted and collected in bulk on source site; (*résidu agroalimentaire végétal*)

“aquatic animal residue” means fish and crustacean waste from fisheries, aquaculture sites or primary processing plants; (*résidu animal aquatique*)

“attested as compliant with a BNQ standard” means that a material complies with the quality requirements of BNQ 0413-200 or BNQ 0419-090, when those standards apply to the use of that material, even though it has not been certified by the Bureau de normalisation du Québec; (*attesté conforme à une norme BNQ*)

“biochar” means the solid residue from the carbonization of biomass or the thermochemical conversion of biomass in an oxygen-limited environment; (*biocharbon*)

“biosolid” means a residue having a minimum dryness value of 0.5% that contains organic matter and nutritive elements and is the result of the treatment of wastewater; (*biosolide*)

“blend of fertilizing residual materials” or “blend of FRMs” means a homogeneous FRM resulting from a blend of FRMs that have been individually classified in accordance with this Code; (*mélange de matières résiduelles fertilisantes ou mélange de MRF*)

“certified as compliant with a BNQ standard” means that a material has been certified as compliant with BNQ 0413-200, BNQ 0413-400 or BNQ 0419-090 or by the Bureau de normalisation du Québec; (*certifié conforme à une norme BNQ*)

“compost” means a solid mature product resulting from a managed process of bio-oxidation of a solid heterogeneous organic substrate including a complete thermophilic phase; (*compost*)

“de-inking sludge” means sludge resulting from a de-inking process; (*résidu de désencrage*)

“digestate” means a residue from the biomethanation process of organic matter that can be used as organic amendment or fertilizer, among other things; (*digestat*)

“domestic wastewater treatment system” means a device for the treatment of non-industrial wastewater, in particular grey water, toilet effluents and process water from a drinking water production facility, other than a municipal wastewater treatment works referred to in the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1); (*système de traitement des eaux usées d’origine domestique*)

“dried” means a biosolid or a digestate having a dryness value greater than or equal to 92%; (*séché*)

“dwelling” means a 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*)

“efficiency” means the index, in percentage, showing the average reaction rate of liming material particles with the soil, based on the fineness of the particles and determined using one of the methods prescribed by BNQ 0419-090; (*efficacité*)

“fertilizing residual material” or “FRM” means residual materials used to separately or simultaneously maintain or improve plant nutrition as well as the physical and chemical properties and biological activity of the soil, excluding livestock waste when it is reclaimed on a raising site or a spreading site in accordance with the Agricultural Operations Regulation; (*matière résiduelle fertilisante ou MRF*)

“foreign matter” means matter greater than 2 mm in size, either organic or inorganic, such as metal, glass, and synthetic polymers such as plastic and rubber, resulting from human intervention; (*corps étranger*)

“forest development activity” means a forest development activity within the meaning of section 4 of the Sustainable Forest Development Act (chapter A-18.1); (*activité d’aménagement forestier*)

“generator” means any person who generates or imports fertilizing residual materials in Québec for reclamation; (*générateur*)

“green waste” means bark, leaves, grass, trimmings, organic residues from the cultivation of plants or mushrooms, shavings, wood chips, sawdust and macrophytes; (*résidu vert*)

“growing season” means the period during which meteorological conditions are favourable to the growth of plants; (*saison de croissance des cultures*)

“invasive exotic species” means a plant, animal or microorganism (virus, bacteria or fungus) introduced outside its natural range that rapidly colonizes new sites or regions and can form dominant populations, the establishment and spread may pose a threat to the environment, biodiversity, human health or society; (*espèce exotique envahissante*)

“liming material” or “LM” means a liming material of industrial or municipal sources referred to in list 1 of Schedule II composed primarily of calcium or magnesium, generally in the form of oxide, hydroxide, carbonate or silicate, used primarily to improve or maintain the quality of soil as a growing medium by raising its pH; (*amendement calcique ou magnésien ou ACM*)

“livestock waste” means animal urine and fecal matter, including bedding used as absorbents, contaminated water and precipitation water that came into contact with animal urine and fecal matter, from activities to which the Agricultural Operations Regulation (chapter Q-2, r. 26) applies; (*déjections animales*)

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

“municipal biosolid” means a biosolid resulting from the treatment of wastewater from a municipal wastewater treatment works within the meaning of the second paragraph of section of the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1) or from a domestic waste water disposal system covered by the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22), including filter media consisting of plant matter; (*biosolide municipal*)

“neutralizing value” or “NV” means a product’s capacity to neutralize soil acidity, expressed as a calcium carbonate equivalent percentage (CaCO₃) or %CCE; (*pouvoir neutralisant ou PN*)

“non-agricultural animal waste” means animal urine and fecal matter, including bedding used as absorbents, contaminated water and precipitation water that came into contact with animal urine and fecal matter, from activities to which the Agricultural Operations Regulation (chapter Q-2, r. 26) does not apply; (*déjections non agricoles*)

“paper mill biosolid” means a biosolid resulting from the treatment of pulp and paper mill process wastewater; (*biosolide papetier*)

“paper mill biosolid having undergone acid treatment” means a biosolid resulting from acid treatment if the pH of the biosolid has been reduced to a value less than or equal to 3; (*biosolide papetier ayant reçu un traitement acide*)

“parcel” means a parcel within the meaning of section 3 of the Agricultural Operations Regulation; (*parcelle*)

“PFASs” means perfluoroalkylated and polyfluoroalkylated substances referred to in Table 7 of Schedule I; (*SPFA*)

“pre-compost” means a solid product resulting from a managed process of bio-oxidation of a solid heterogeneous organic substrate including a complete thermophilic phase; (*précompost*)

“promoter of the reclamation project” means a person who acts as an intermediary between the generator of the FRM and the operator and who plans or organizes the reclamation by spreading of a fertilizing residual material, in particular the delivery, storage or spreading of that fertilizing residual material on a raising site, a spreading site, or a site where a forest development activity is carried out; (*promoteur du projet de valorisation*)

“public place” means any of the following places:

(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 Code, childcare centres and day care centres governed by the Educational Childcare Act (chapter S-4.1.1) are considered to be educational institutions; (*établissement d’enseignement*)

(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); (*établissement de détention*)

(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 the Act respecting health services and social services for Cree Native persons (chapter S-5) and, for the purposes of this Code, 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 Acts; (*établissement de santé et de services sociaux*)

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

(5) businesses;

(6) parks and public gardens;

(7) places of worship;

(8) places of leisure, sport and culture; (*lieu public*)

“raising site” means a raising site within the meaning of section 3 of the Agricultural Operations Regulation; (*lieu d’élevage*)

“rendering plant biosolid” means a biosolid resulting from the treatment of dismembering plant wastewater within the meaning of section 1.1.1 of the Regulation respecting food (chapter P-29, r. 1); (*biosolide d'équarrissage*)

“sharp foreign matter” means foreign matter greater than 5 mm in size having a shard, blade or point capable of cutting or puncturing skin; (*corps étranger tranchant*)

“slaughterhouse biosolid” means a biosolid resulting from the treatment of slaughterhouse wastewater; (*biosolide d'abattoir*)

“spreading site” means a spreading site within the meaning of section 3 of the Agricultural Operations Regulation; (*lieu d'épandage*)

“TEQ” means a 2,3,7,8-tetrachlorodibenzodioxin toxic equivalent, according to the toxic equivalency factors for polychlorinated dibenzodioxins and polychlorinated dibenzofurans congeners and isomers set out in the Regulation respecting pulp and paper mills (chapter Q-2, r. 27) [WHO, 1998]; (*EQT*)

“type of fertilizing residual material” or “type of FRM” means a group of FRMs referred to in Table 8 of Schedule I. (*type de matière résiduelle fertilisante ou type de MRF*)

3. For the purposes of this Code,

(1) the terms relating to wetlands and bodies of waters have the meaning assigned by section 4 of the Regulation respecting activities in wetlands, bodies of water and sensitive areas (chapter Q-2, r. 01); and

(2) 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; and

(c) from the top of the bank, for a ditch.

4. This Code applies to the following FRMs:

(1) a municipal biosolid containing, as calculated using the equation $(Al + 0.5 Fe)$, as applicable,

(a) less than 125,000 mg of aluminum (Al) and iron (Fe) per kilogram on a dry basis;

(b) more than 25% organic matter on a dry basis and less than 150,000 mg of aluminum (Al) and iron (Fe) per kilogram on a dry basis;

(2) green waste;

(3) a paper mill biosolid;

(4) de-inking sludge;

(5) a LM referred to in paragraph *e* of list 1 of Schedule II;

(6) ash referred to in paragraphs *f* and *g* of list 1 of Schedule II;

(7) an agri-food biosolid;

(8) a slaughterhouse biosolid;

(9) a rendering plant biosolid;

(10) agri-food residue;

(11) aquatic animal residue;

(12) milk, whey, permeate or filtrate from the dairy industry, a whey by-product or white water from cheese making;

(13) compost;

(14) pre-compost;

(15) digestate;

(16) leachate from a composting facility;

(17) a LM referred to in list 1 of Schedule II, other than a residue referred to in paragraphs *e*, *f*, *g* and *r* of list 1 of Schedule II, having a neutralizing value equal to or greater than 25%;

(18) a residue, other than wood ash, whose minimum guaranteed total content, calculated as a percentage, of nitrogen (N), phosphorus (as P_2O_5) and potassium (as K_2O) is 5% on a wet basis, and having an organic matter content less than or equal to 15% on a wet basis;

(19) gypsum ($CaSO_4$) from the recycling of drywall or anhydrite from aluminium smelters;

(20) ammonium sulfate $(NH_4)_2SO_4$ from the biomethanation process of organic residues;

(21) biochar;

(22) a residue studied in an agronomic study carried out by an educational institution or by a public research centre or a research consortium referred to in section 1029.8.1 of the Taxation Act (chapter I-3) showing, as the case may be,

(a) that use of the residue improves the productivity or quality of plants or soil in the agro-environmental conditions of Québec or in comparable conditions; or

(b) that the residue is not toxic and increases biomass production growth on a dry basis when compared to non-amended soil;

(23) a residue having a neutralizing value equal to or greater than a calcium carbonate equivalent of 25% on a dry basis;

(24) a residue having a multiple valorization index (MVI) equal to or greater than 1, calculated using the following equation:

$$\text{MVI} = \text{Dryness}/100 \times [\text{TOM}/15 + \text{NP}/25 + (\text{N total} + \text{Total phosphorus} + \text{ExtracTable potassium})/2]$$

where

Dryness = total solid content, expressed as a percentage;

TOM = total organic matter content (total volatile solids at 550°C), expressed as a percentage, on a dry basis; or, for vegetable or animal oils or fats and other concentrated fatty substances, the organic matter content is set at 0%;

NV = neutralizing value, expressed as a calcium carbonate equivalent percentage on a dry basis;

N total = total kjeldahl nitrogen (TKN) content, expressed as a percentage, on a dry basis;

Total phosphorus = total phosphorus content, expressed as a P₂O₅ percentage on a dry basis;

ExtracTable potassium = total extracTable potassium content, expressed as a K₂O percentage on a dry basis.

Research work for the agronomic study referred to in subparagraph 22 of the first paragraph must have been carried out in accordance with an experimental protocol that specifies

- (1) the objectives of the research work;
- (2) the experimental equipment;

(3) the sampling plan and, if applicable, the experimental device to support research findings by way of statistical analyses conducted in accordance with best practices;

(4) the variables measured; and

(5) the implementation schedule.

CHAPTER II CLASSIFICATION OF FRMS

DIVISION I CLASSIFICATION CRITERIA

5. In order to determine their environmental risk and then regulate their use, FRMs are classified in accordance with this Chapter, for each of the following elements:

(1) their chemical parameters (C), as Classes C1 and C2;

(2) their microbiological parameters (P), as Classes P1 and P2;

(3) their olfactory characteristics (O), as Classes O1, O2 and O3;

(4) their foreign matter content (E), as Classes E1 and E2;

(5) in the case of FRMs identified in list 3 of Schedule II, their preventive investigative parameters (I), as Classes I1 and I2.

A FRM is designated as “out of class” (OC) in the following cases:

(1) it is in none of the classes referred to in subparagraphs 1 to 5 of the first paragraph;

(2) the content of one of the chemical parameters is greater than that set out in Table 11 of Schedule I.

The level of supervision associated with the use of FRMs is determined, from the most restrictive to the least restrictive class, in the following order:

- (1) the “out of class” designation;
- (2) classes having the figure “3”;
- (3) classes having the figure “2”; and
- (4) classes having the figure “1”.

6. The classification of a FRM according to its chemical parameters is determined in accordance with Table 1 or 2 of Schedule I.

A FRM is classed C1 when the arithmetic mean of the content analysis results, for each chemical parameter, is less than or equal to the maximum content for Class C1 set out in Table 1 of Schedule I.

A FRM is classed C2 when

(1) the arithmetic mean of the content analysis results, for each chemical parameter, is less than or equal to the maximum content for Class C2 set out in Table 1 of Schedule I; and

(2) the arithmetic mean of the content analysis results, for at least one of the chemical parameters, is greater than the maximum content of Class C1 set out in Table 1 of Schedule I.

7. A FRM designated as “out of class” according to the criteria set out in Table 1 of Schedule I may be classed C2 if, for each chemical parameter, the ratio of the arithmetic mean of the neutralizing value or P2O5 content analysis results, as applicable, to the arithmetic mean of the content analysis results for the chemical parameter, is greater than the corresponding ratio set out in Table 2 of Schedule I.

8. The classification of a FRM according to its microbiological parameters is determined on the basis of the criteria set out in Table 3 of Schedule I.

9. The classification of a FRM according to its olfactory characteristics is determined in accordance with Table 4 of Schedule I or using the sniffing method set out in Schedule III.

Despite the first paragraph, FRM may be classified by olfactometry in accordance with NF EN 13725, Stationary source emissions - Determination of odour concentration by dynamic olfactometry and odour emission rate, published by the Association française de normalisation (AFNOR), and in accordance with subparagraph 1 of the second paragraph of section 95 for FRMs that are classed O3 and those designated as “out of class”.

10. The classification of a FRM according to its foreign matter content is determined in accordance with Table 5 of Schedule I or on the basis of the criteria in Table 6 of Schedule I.

Despite the first paragraph, the classification of leaves according to their foreign matter content may be determined on the basis of the criteria in Table 6 of Schedule I only if the leaves have first been sorted by a treatment station for dead leaves.

11. The classification of a FRM according to its preventive investigative parameters is determined in accordance with Table 7 of Schedule I.

A FRM is classed I1 when the arithmetic mean of the content analysis results, for each preventive investigative parameter, is less than or equal to the maximum content for Class I1 set out in Table 7 of Schedule I.

A FRM is classed I2 when

(1) the arithmetic mean of the content analysis results, for each preventive investigative parameter, is less than or equal to the maximum content for Class I2 set out in Table 7 of Schedule I; and

(2) the arithmetic mean of the content analysis results, for at least one of the preventive investigative parameters, is greater than the maximum content of Class I1 set out in Table 7 of Schedule I.

12. Despite sections 5, 6, 7, 8 and 10, in order for a FRM to be certified as compliant with CAN/BNQ 0413-200 or BNQ 0419-090, the chemical parameters, the microbiological parameters and the foreign matter content to be analyzed, as well as its grade from among the 3 types (AA, A and B) and the neutralizing value, are those provided for in the standard applicable to the FR.

The classification of the FRMs according to their olfactory characteristics must be carried out in accordance with section 9, and, when the FRMs are referred to in list 3 of Schedule II, the classification according to their preventive investigative parameters must be carried out in accordance with section 11.

13. A blend of FRMs is classified by assigning, for each element referred to in the first paragraph of section 5, the most restrictive C, P, O, E or I Class from among the classes determined for each FRM making up the blend.

In the case of chemical parameters and preventive investigative parameters, classification may also be made on the basis of the chemical parameter content of each FRM making up the blend and the proportion of each FRM in the blend.

If one or more FRMs is mixed with livestock waste on a raising site or a spreading site for the purpose of being spread on such a site, the blend is classified by assigning it, for the chemical parameters, the olfactory characteristics and the foreign matter content, the most restrictive C, O, E or I Class, as applicable, from among the classes determined for each FRM making up the blend and by assigning it Class P2 for the microbiological parameters.

14. When more than one sample is analyzed for a chemical parameter or an *Escherichia coli* bacteria count parameter for a same FRM pursuant to section 18, the limit value prescribed for the parameter must be met in a proportion of at least 2 out of 3 samples to determine the class applicable.

15. Any screening required under Table 5 of Schedule I for the classification on the basis of the foreign matter content must be performed by having the liquid matter flow under low pressure or by gravity through a rigid screen with maximum 1.25 cm parallel bar spacing and frequent rejection of the retained foreign matter, or be performed using equipment or technology capable of achieving equivalent results.

16. No person may apply a process for reducing the size of foreign matter in a FRM for the purpose of obtaining Class E1 or E2 classification according to Table 5 or 6 of Schedule I.

17. To be reclaimed by spreading exclusively on a raising site or a spreading site, compost or pre-compost may be classed C2-P2-O2-E2 when

(1) the compost or pre-compost results from a composting activity authorized under section 22 of the Act or exempted from authorization under section 31.0.12 of the Act that is carried out on a raising site or a spreading site;

(2) the compost or pre-compost has reached a temperature of 40°C for 5 consecutive days during composting, as certified by a register of temperature readings of the pile;

(3) the maximum volume of residual materials present on the composting site is less than or equal to 1,000 m³ at all times; and

(4) the compost or pre-compost is generated exclusively from the FRMs referred to in the first paragraph of section 291.21 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), to which at least one of the following wastes is added:

(a) carcasses or parts of animals (goats, sheep, pigs or poultry) that died at the farm;

(b) eggs or egg wastes;

(c) FRMs classed E1 or E2 and C1 or C2 by their generator in accordance with this Code.

Compost or pre-compost referred to in list 3 of Schedule II may be classed I2 if the FRMs referred to in the list that make up the compost or pre-compost were classed I1 by the generator in accordance with this Code and the conditions set out in subparagraphs 1 to 4 of the first paragraph are complied with.

DIVISION II SAMPLING AND ANALYSES

§1. Rules applicable to sampling and the interpretation of results

18. The analyses based on a sampling of a FRM performed in compliance with this Code must deal with the following parameters:

(1) for all FRMs,

(a) the parameters referred to in Table 8 of Schedule I;

(b) when required under Table 3 of Schedule 1 for the purpose of assigning Class P,

i. salmonella;

ii. *E. coli* bacteria;

iii. the oxygen uptake rate or any other measure of stability or maturity;

(c) the foreign matter parameters in Table 6 of Schedule I.

(2) for the LMs in list 1 of Schedule II and FRMs that contain such LMs, the parameters referred to in Table 10 of Schedule I;

(3) for the FRMs referred to in list 3 of Schedule II, the preventive investigative parameters in Table 7 of Schedule I.

Despite the first paragraph,

(1) a FRM may be classed C1 or E1 if, due to its generation process or the nature of the inputs of that process, the FRM is exempt from a chemical contaminant referred to in Table 1 and Table 10 of Schedule I or from foreign matter referred to in Table 6 of Schedule I;

(2) in the case of a FRM attested as compliant with CAN/BNQ 0413-200 or BNQ 0419-090, the parameters to be analyzed and the maximum thresholds of the parameters are those determined by the standard applicable to the FRM and the analyses relating to compost maturity,

efficiency, neutralizing value and available phosphorus must be conducted in accordance with the method prescribed by that standard; and

(3) salmonella analysis is not required for the matters referred to in subparagraph 12 of the first paragraph of section 4 when the FRMs are used in a Class P2 blend.

19. When a chemical parameter of a type of FRM must be analyzed under Table 8 and Table 10 of Schedule I and the content of that parameter is not detected, the value of the content of that chemical parameter is 50% of the detection threshold of the analysis method used.

When a chemical parameter of a type of FRM need not be analyzed under Table 8 of Schedule I, the content of that chemical parameter is considered to be negligible, unless an analysis of the chemical parameter has been conducted.

20. When a preventive investigative parameter of a type of FRM must be analyzed under list 3 of Schedule II and Table 7 of Schedule I and the content of that parameter is not detected, the value of the content of that preventive investigative parameter is 50% of the detection threshold of the analysis method used.

21. The minimum number of samples to be taken from a FRM generated or stored on a generation site and to be analyzed for the parameters prescribed by section 18 per 12-month period is determined in Table 9 of Schedule I, except in the following cases:

(1) for analysis of dioxin and furan content, a single sample may be taken per 24-month period if, during the 36 consecutive months immediately preceding the sampling, the following conditions are met:

(a) the analysis results obtained from the samples taken during that period in accordance with Table 9 of Schedule I remain below the maximum dioxin and furan content indicated in Table 1 of Schedule I for the Class of the FRM;

(b) the generation process of the FRM remains unchanged;

(2) for analysis of dioxin and furan content, or analysis of the content of one of the chemical parameters referred to in Table 10 of Schedule I, sampling may be conducted on the basis of the frequency set out in the certification protocol under BNQ 0419-090 in the case of a LM referred to in list 1 of Schedule II or a FRM that contains such a LM;

(3) for analysis of the content of the chemical parameters for the purpose of assigning Class C, the number of samples may be reduced to 50% of the requirements of Table 9 of Schedule I, rounding up to the superior unit, if the following conditions are met:

(a) the FRM results from a continuous generation process;

(b) for 24 consecutive months immediately preceding the sampling, the analysis results obtained using the samples taken in accordance with Table 9 of Schedule I during that period remain below the maximum content for the Class of the FRM indicated in Table 1 of Schedule I;

(c) the process remains unchanged since the sampling referred to in subparagraph *b* was done.

The number of samples taken in accordance with section 24 may be taken into account in the minimum number of samples required under the first paragraph.

22. The samples for analysis must be composite and representative of the overall normal operating conditions for the generation of the FRM.

Despite the first paragraph, in the case of continuous FRM production, the samples used for analyses of the microbiological parameters must be instantaneous.

23. Regarding the FRM samples taken, the generator of the FRM must, for each sample and each parameter to be analyzed, enter the following information and documents in a register:

(1) the quantity of FRMs used to determine the number of samples to be analyzed in accordance with section 21, expressed in tonnes on a dry basis;

(2) the number of samples analyzed in accordance with section 21;

(3) the type of FRM production (continuous or discontinuous);

(4) the sampling method, including the type of sample (composite or instantaneous), the number of samples taken per sampling and date of sampling;

(5) the analysis certificates for any result justifying a lower sampling rate provided for in any of subparagraphs 1 to 3 of the first paragraph of section 21;

(6) for each chemical, microbiological, foreign matter or preventive investigative parameter analyzed, the values of the sample with the highest value and the sample with the lowest value;

(7) the arithmetic mean of values for chemical parameters and preventive investigative parameters, as well as the resulting Class C and Class I referred to in section 5;

(8) the geometric mean of analysis results for the *Escherichia coli* bacteria parameter, as well as the resulting P Class referred to in section 5;

(9) in the case of a FRM attested as compliant with CAN/BNQ 0413-200 or BNQ 0419-090, a statement, signed by an agronomist or a forest engineer, according to which the FRM meets the quality requirements in the standard and, in the case of compost, its grade from among the three types (AA, A and B) described in CAN/BNQ 0413-200;

(10) the proportion of samples for which analysis results show an absence of salmonella, as applicable, and the resulting Class P referred to in section 5;

(11) the foreign matter content analysis results and the resulting Class E referred to in section 5 as well as

(a) the proportion of samples for which the foreign matter analysis result is less than or equal to one piece of sharp foreign matter per 500 ml of FRM; and

(b) the arithmetic mean of total foreign matter.

The generator of the FRM must keep the information and documents referred to in the first paragraph for a minimum period of 5 years following the date of their registration. The information and documents must also be provided to the Minister on request, within the time specified by the Minister.

24. The generator of a FRM must assign a person referred to in section 25 to take at least one FRM sample and to verify, through analyses prescribed by section 18, the compliance with the criteria set out in Tables 1, 2, 6, 7, 10 and 13 of Schedule I for all the chemical, microbiological, foreign matter and preventive investigative parameters necessary for the classification of FRMs or, in the case of a FRM attested as compliant with CAN/BNQ 0413-200 or BNQ 0419-090, compliance with the criteria set out in the standard and, in the case of compost, its grade from among the three types (AA, A and B), with an explanation of the various options, depending on the activity concerned, within the time and in the following cases:

(1) in the 12 months preceding an application for authorization for an activity referred to in the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), for the following FRMs:

(a) a FRM from a pulp and paper mill whose quantity generated in a calendar year is greater than 500 tonnes on a wet basis;

(b) a municipal biosolid from a mechanized station whose quantity generated in a calendar year is greater than 500 tonnes on a wet basis;

(c) a FRM whose quantity generated in a calendar year is greater than 5,000 tonnes on a wet basis;

(d) a FRM whose quantity stored by the generator of the FRM, including the quantity generated in the calendar year, is greater than 5,000 tonnes on a wet basis;

(e) a FRM attested as compliant with a BNQ standard whose quantity generated in a calendar year is equal to or greater than 500 tonnes on a wet basis;

(f) a FRM attested as compliant with a BNQ standard whose quantity stored by the generator of the FRM, including the quantity generated in a calendar year, is greater than 500 tonnes on a wet basis;

(2) in the 6 months preceding the filing of a declaration of compliance for an activity referred to in the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, for the following FRMs:

(a) a FRM whose quantity generated in the calendar year is equal to or greater than 5,000 tonnes on a wet basis;

(b) a FRM whose quantity stored by the generator of the FRM, including the quantity generated in a calendar year, is greater than 5,000 tonnes on a wet basis.

25. The sampling used for the analyses referred to in section 24 must be done by one of the following persons, in the order indicated, whether or not they are present in Québec:

(1) a person accredited or certified by the Minister under section 118.6 of the Act for the sector, the type of production and the type of FRM to be sampled;

(2) a person accredited under ISO/IEC 17025 - General requirements for the competence of testing and calibration laboratories, published jointly by the International Organization for Standardization and the International

Electrotechnical Commission, or an equivalent standard recognized by an accreditation body that is member of the International Laboratory Accreditation Cooperation, applicable to the type of production of the FRM to be sampled;

(3) a person accredited by the Minister under section 118.6 of the Act, even if the sector, the type of production and the type of FRM for which the person is accredited differ from those of the FRM sampled.

26. Further to the sampling and analyses conducted in accordance with section 24, the science officer of the person referred to in section 25 must file a dated and signed verification report that contains the following information and send it to the generator of the FRM:

(1) the name and contact information of the generator of the FRM;

(2) a description and location of the sampling site;

(3) the date and time of sampling;

(4) the type of FRM production (continuous or discontinuous);

(5) the type of FRM generated;

(6) the quantity of FRMs generated or stored on the generation site in a calendar year, expressed in tonnes on a dry basis;

(7) the sampling method, including the type of sampling and the number of samples taken per sampling;

(8) the unique user identification number of each sample;

(9) the interpretation of the results of each sample for the chemical, microbiological and foreign matter parameters required under section 24 or the applicable BNQ standard;

(10) in the case of the FRMs referred to in list 3 of Schedule II, the interpretation of the results of each sample for the preventive investigative parameters required under section 24;

(11) if a calculation is necessary to determine the value of a parameter, the data used for the calculation, with the units of measurement;

(12) a description of the generation process of the FRM and a description of its conditioning, if applicable;

(13) the name and contact information of the person accredited or certified under section 118.6 of the Act who is the signatory to the verification report;

(14) the Class applicable to the samples required under section 24, from among the following cases:

(a) when it results from analysis, the Class applicable to the FRM and an explanation of the various options retained, if applicable, in accordance with Tables 1 to 6, 7 and 11 of Schedule I, to obtain the class;

(b) in the case of a FRM attested as compliant with CAN/BNQ 0413-200 or BNQ 0419-090, compliance with the requirements in the BNQ standard and, in the case of compost, its grade from among the three types (AA, A and B) and an explanation of the various options retained, if applicable;

(15) the classification of the FRM pursuant to section 29.

The generator of the FRM must keep the verification report for a minimum period of 5 years following the date of signing and send it to the Minister on request, within the time specified by the Minister.

§2. *Rules applicable to laboratory analyses*

27. Analysis of the samples taken pursuant to this Code must be conducted by one of the following laboratories, in the order indicated, depending on whether or not they are present in Québec:

(1) a laboratory accredited by the Minister under section 118.6 of the Act;

(2) a laboratory accredited under ISO/IEC 17025 - General requirements for the competence of testing and calibration laboratories, published jointly by the International Organization for Standardization and the International Electrotechnical Commission;

(3) a laboratory accredited by the Minister under section 118.6 of the Act to analyze similar parameters to those of the FRM sampled.

28. Every analysis conducted for the purposes of this Code must be evidenced by an analysis certificate dated and signed by a person authorized for that purpose.

The generator of the FRM must keep the analysis certificate for a minimum period of 5 years following the date of signing.

The analysis certificate must be sent to the Minister on request, within the time specified by the Minister.

29. When sampling is required under section 24, the person referred to in section 25 must classify a FRM as Class C, P and E in accordance with Table 12, 13 or 14 of Schedule I by interpreting the analysis results obtained from the samples taken in accordance with subdivision 1.

For the parameters in Table 10 of Schedule I, the FRM is designated as “out of class” if the result for the sample taken under section 24 is greater than the threshold provided for in Table 11 of the Schedule.

When sampling is required under section 24 for attesting a FRM as compliant with CAN/BNQ 0413-200 or BNQ 0419-090, the compliance of the FRM with the standard is attested when the analysis results meet the requirements of the applicable BNQ standard.

30. For the purpose of classifying a FRM pursuant to section 29, the generator of the FRM must assign a person referred to in section 25 to resample in accordance with section 24, under the following conditions:

- (1) resampling is done by taking 2 distinct samples;
- (2) for continuous FRM productions, the generator must wait at least 7 days between the 2 samplings.

All analysis results are taken into account, and the Class assigned to the FRM is that corresponding to a proportion of at least 2 out of 3 results.

CHAPTER III FRM STORAGE AND SPREADING

DIVISION I GENERAL

31. The operator of a site where a forest development activity is carried out in a private forest who reclaims FRMs must be the owner or lessee of the site. If the operator is a lessee, the lease must confirm that the owner of the site authorizes the reclamation of FRMs on the site.

The promoter of a project for the reclamation of FRMs on a raising site, a spreading site, or a site where a forest development activity is carried out in a private forest must have a written agreement with the operator of the site where the FRMs are stored.

Each party to a lease referred to in the first paragraph or to an agreement referred to in the second paragraph must have in their possession a copy of the lease or agreement and keep it for a minimum period of 5 years following the date of expiry of the lease or agreement.

A copy of the title of ownership, lease or agreement, as applicable, must be provided to the Minister on request by the party to whom the request is made, within the time specified by the Minister.

32. The generator of a FRM must produce a description sheet of the FRM that contains the following information:

- (1) the type of FRM;
- (2) the contact information of the site where the FRM is generated;
- (3) a description of the generation process of the FRM;
- (4) the classification of the FRM on the basis of the analyses conducted in accordance with Division II of Chapter II;
- (5) a confirmation that the waste has been screened in accordance with section 15 or Table 5 of Schedule I, if applicable;
- (6) the presence of any of the following wastes:
 - (a) animal carcasses, specifying whether they are mammal or poultry carcasses not originating from domestic food waste or from the preparation, consumption or distribution of food and beverages, and specifying the presence of any slaughterhouse waste, rendering plant waste, various livestock wastes or egg waste;
 - (b) waste from waste referred to in subparagraph *a* or for which there is a possibility of contamination from such waste;
 - (c) human feces, municipal biosolids or domestic wastewater, or waste from other waste referred to previously or for which there is a possibility of contamination from such matter and, for biosolids from an industrial wastewater treatment system that collects domestic wastewater, an indication whether the domestic wastewater represents more than 0.1% of the total matter, evaluated on a dry basis;
 - (d) livestock waste or waste from such waste or for which there is a possibility of contamination from such matter;
- (7) for each LM referred to in list 1 of Schedule II, the agricultural value index;

(8) the average values of the analysis results entered in the register in accordance with section 23, on a dry basis and on a wet basis, with regard to the following parameters when an analysis of those parameters is required under Table 8 of Schedule I or the applicable BNQ standard:

- (a) the dryness value;
 - (b) the total kjeldahl nitrogen (TKN) content;
 - (c) the ammoniacal nitrogen (N-NH₄) content;
 - (d) the total phosphorus content, expressed as P₂O₅;
 - (e) the total potassium content, expressed as K₂O;
 - (f) the organic matter content;
 - (g) the neutralizing value;
 - (h) the carbon/nitrogen ratio;
 - (i) the pH;
 - (j) the maximum aggregate size;
 - (k) the efficiency;
 - (l) calcium (Ca);
 - (m) magnesium (Mg);
 - (n) total sulphur (S);
 - (o) sulphate (SO₄²⁻);
- (9) for waste having a dryness value greater than 80%, the presence of a risk referred to in the second paragraph of section 54 during storage;
- (10) an indication that the FRM consists exclusively of the inputs in list 2.1 of Schedule II to this Code.

The generator of the FRM must provide a copy of the sheet to the promoter of the reclamation project and to the operator of a raising site, a spreading site or a site where a forest development activity is carried out who stores or spreads the FRM.

The compliance of the sheet in the first paragraph must be confirmed by an agronomist or a forest engineer, as applicable, who cannot be the same person as the signatory to the sampling verification report referred to in section 26 for the same FRM.

The generator of the FRM must keep the sheet for a minimum period of 5 years and provide it to the Minister on request, within the time specified by the Minister.

The description sheet of the FRM referred to in the first paragraph is not required for a FRM intended for the carrying out of an activity referred to in subdivision 5 of Division I.1 of Chapter IV of Title III of Part II of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), except that referred to in section 291.18 of that Regulation.

33. The generator of a FRM must keep all the information and documents that were used to produce the FRM sheet referred to in section 32 for a minimum period of 5 years.

The information and documents must be provided to the Minister on request, within the time specified by the Minister.

34. Wastewater may be added to a FRM only on the recommendation of an agronomist or a forest engineer for the purpose of achieving the dryness value necessary for handling and spreading the FRM.

The wastewater added must be from the following sources only, as applicable:

(1) an agri-food process, except wastewater from a slaughterhouse, a rendering plant or a meat processing plant;

(2) a system for washing fruits or vegetables or an activity for the cultivation of non-aquatic plants or mushrooms in a building or greenhouse eligible for a declaration of compliance or exempted from authorization, as applicable, under section 135, 136, 157 or 158 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (Q-2, r. 17.1), provided the wastewater and the proposed spreading meet the conditions set out in those sections.

The wastewater must be classified using the same criteria as for an agri-food biosolid, and it must be included for the classification of the resulting blend.

35. Blends of FRMs that include a FRM designated as “out of class” are prohibited.

Despite the first paragraph, FRMs designated as “out of class” C for the chemical parameters of arsenic, cobalt, chromium, copper, molybdenum, nickel, selenium and zinc may be mixed if the resulting blend is not itself out of category.

DIVISION II STORAGE

§1. General

36. This Division does not apply to field storage of FRMs for 24 hours or less.

37. The storage of a FRM in a storage facility, or its field storage, must take place at the following minimum distances from a dwelling or a public place, using the most restrictive distance that applies to the FRM:

- (1) 500 m if the FRM is classed O3;
- (2) 100 m if the FRM is classed P2;
- (3) 75 m if the FRM is classed O2;
- (4) 100 m if the FRM is classed I2.

A FRM referred to in the first paragraph may be stored within distances shorter than those required by subparagraphs 1 and 3 in the following cases:

- (1) the storage facility is equipped with a permanent watertight cover;
- (2) the owner and, if applicable, the lessee of the dwelling, or the owner and, if applicable, the administrator of the public place situated at a distance less than that referred to in subparagraph 1 or 3, consent in writing; the agreement must include, in particular,
 - (a) the period for which the agreement is valid, which may not exceed 2 years;
 - (b) the new distances agreed upon;
 - (c) the risks of odour nuisance or bioaerosol dispersion involved in reducing the distance;
 - (d) the measures to be implemented to minimize those risks;
 - (e) the signature of every owner and lessee of the dwelling or every owner and administrator of the public place, the agronomist or forest engineer who signed the agro-environmental reclamation plan prepared in accordance with Chapter IV, and the operator of the raising site, the spreading site, or the site where a forest development activity is carried out; and
 - (f) the date of the agreement.

The promoter of the reclamation project must keep the agreement referred to in subparagraph 2 of the second paragraph for a minimum period of 5 years following the date of its expiry.

The agreement must be provided to the Minister on request, within the time specified by the Minister.

38. The storage of FRMs designated as “out of class” is prohibited, except

(1) a municipal biosolid resulting from primary treatment designated as “out of class” P, generated in Québec, that is stored for the purpose of meeting the criteria for Class P1 or Class P2 in accordance with section 40;

(2) FRMs designated as “out of class” C for chemical parameters other than those of lead, mercury, cadmium, dioxins and furans or the chemical parameters listed in Table 11 of Schedule I, for their reclamation in a blend referred to in the second paragraph of section 35.

39. The promoter of the FRM reclamation project must, for each storage facility and each pile of FRM, enter the following information in a storage register:

- (1) the GPS coordinates of the storage facility or field pile;
- (2) for each input of FRM,
 - (a) the date;
 - (b) the type of FRM;
 - (c) the name and contact information of the generator of the FRM;
 - (d) the quantity added, by weight or volume;
 - (e) the C-P-O-E-I classification, if applicable;
- (3) for each instance where a FRM is removed from the storage facility or field pile,
 - (a) the date;
 - (b) the contact information of the place of destination of the FRM.

The promoter of the reclamation project must keep the information entered in the register for a minimum period of 5 years after, as applicable,

(1) the date on which the storage facility was fully drained;

(2) the date on which the field pile was fully removed.

The information entered in the register must be provided to the Minister on request, within the time specified by the Minister.

40. A municipal biosolid resulting from primary treatment that is stored for the purpose of meeting the criteria for Class P1 or Class P2 must

(1) have a dryness value of at least 25% when leaving the municipal wastewater treatment facility; and

(2) have an average *Escherichia coli* bacteria content less than 10,000,000 *E. coli* per gram of suspended matter when leaving the municipal wastewater treatment facility.

If a biosolid referred to in the first paragraph is field stored during the growing season, it must be encapsulated in accordance with section 57, not later than 48 hours after its delivery, if the total volume of the piles is greater than 500 m³ at all times.

§2. Storage facility

41. A FRM storage facility must have the capacity to store, without overflow, all of the FRMs stored there.

42. The promoter of the reclamation project must take every measure to prevent or stop any overflow or leakage of the FRMs stored in a storage facility.

The promoter of the reclamation project must remove FRMs from a storage facility before there is any overflow of the FRMs stored there.

43. The promoter of the project for the reclamation of an activity taking place over a period of 24 months or more must fully drain the FRM storage facility at least once per 24-month period.

The promoter of the reclamation project is not required to fully drain the storage facility if the promoter has kept the quantity of stored FRM below 25% of the facility's capacity for 7 consecutive days for each 12-month period.

44. Every storage facility used to store a FRM on a raising site or a spreading site must comply with the standards applicable to livestock waste storage facilities set out in the Agricultural Operations Regulation (chapter Q-2, r. 26).

45. A storage facility used to store a FRM on a raising site or a spreading site must have been the subject of a technical report on containment capability signed by an engineer showing that all the existing storage facilities

covered by the application for authorization under section 291.3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), whether or not situated on the site covered by the application, comply with the standards applicable to such facilities set out in the Agricultural Operations Regulation (chapter Q-2, r. 26).

The promoter of the reclamation project must keep the technical report for a minimum period of 5 years following the date of signing and send it to the Minister on request, within the time specified by the Minister.

46. A FRM must be stored in a storage facility and its pH must be equal to or greater than 10 at all times, even if it is classed O under Schedule III, when the FRM is one of the following materials:

(1) a Class O2 FRM referred to in paragraph *h* of Table 4 of Schedule I;

(2) a limed slaughterhouse biosolid;

(3) a limed rendering plant biosolid; and

(4) a Class O3 biosolid that has undergone a treatment referred to in paragraph *f* of Table 4 of Schedule I and that is, as applicable,

(a) a digestate originating from municipal biosolids and dewatered using a centrifuge;

(b) a rendering plant biosolid from primary treatment;

(c) a slaughterhouse biosolid from primary treatment; or

(d) a paper mill biosolid from a kraft or sulfate process having a carbon/nitrogen ratio less than 50 and that have not been treated to remove odours.

The promoter of the reclamation project must measure the pH of the FRM at least once every 7 days. The measurement must be taken from the layer between 0 and 20 cm from the top of the residue.

47. The storage of a Class O3 FRM referred to in paragraph *f* of Table 4 of Schedule I, a limed slaughterhouse biosolid or a limed rendering plant biosolid is prohibited in a storage facility that contains a residue with a pH less than 10.

Despite the first paragraph, a limed slaughterhouse biosolid or a limed rendering plant biosolid may, for hygienisation or deodorizing purposes, be mixed with a residue with a pH greater than 7.

The blending referred to in the second paragraph must be followed within 2 hours by liming at a pH equal to or greater than 12 for at least 2 hours, and by maintaining a pH equal to or greater than 11.5 for at least 22 hours.

48. The promoter of the reclamation project must enter the pH measurements taken in accordance with the second paragraph of section 46 and the third paragraph of section 47 in a register and keep them for a minimum period of 5 years. The promoter of the reclamation project must send the register to the Minister on request, within the time specified by the Minister.

§3. Field pile

49. Field storage of FRMs must take place at the following minimum distances:

- (1) 60 m from a watercourse or lake, a marsh, a pond or a peatland;
- (2) 30 m from a swamp;
- (3) 15 m from a ditch;
- (4) 100 m from a rock outcrop;
- (5) 100 m from the location of a pile of a fertilizing residual material having a carbon/nitrogen ratio less than 25 or from any residue containing such FRM removed at any time in the last 12 months.

50. A pile of FRM must be in the field for a maximum period of 12 months following the date on which the FRM is first brought in.

51. Field storage of FRMs is prohibited in the following cases:

- (1) on cultivated parcels in the littoral zone;
- (2) in the case of a FRM, other than compost, having a carbon/nitrogen ratio less than 25, on snow-covered soil or on land with a slope greater than 5%;
- (3) if the FRMs are liquid or have a dryness value of less than 15%;
- (4) in a high-velocity flood zone;
- (5) outside the growing season, except if the FRM, as applicable,
 - (a) has a dryness value greater than 30%;
 - (b) is a biosolid and is encapsulated; or

(c) is a paper mill biosolid;

(6) during the summer period, if the FRM is an aquatic animal residue.

52. Outside the growing season, a field pile of FRMs must be covered so as to prevent any water infiltration or be encapsulated, except in the following cases:

(1) the total pile volume on the raising site, the spreading site, or the site where a forest development activity is carried out is less than 500 m³ at all times;

(2) the pile is surrounded by a filtering berm at least 30 cm thick consisting of at least one of the following materials:

(a) peat moss;

(b) compost attested or certified as compliant with CAN/BNQ 0413-200, excluding type B compost for the foreign matter content;

(c) compost classed C2-P1-O1-E1 or C1-P1-O1-E1, having a dryness value greater than or equal to 35%, whose manufacture is authorized under section 22 of the Act or which is covered by a declaration that the activities are compliant under section 31.0.6 of the Act;

(3) the FRM is a paper mill biosolid having one of the following characteristics:

(a) its carbon/nitrogen ratio is equal to or greater than 25;

(b) its dryness value is equal to or greater than 25%;

(c) it has undergone acidic bacterial lysis treatment and its dryness value is equal to or greater than 20%;

(4) the FRM is ash having a dryness value equal to or greater than 50%;

(5) the FRM has a combined total nitrogen and total P₂O₅ content less than 1% on a dry basis;

(6) the FRM is a Class P1 compost having a dryness value equal to or greater than 25%.

If a FRM referred to in subparagraphs 2 to 5 of the first paragraph is also referred to in list 3 of Schedule II, it must also be classed II.

53. The setting up of a field pile of FRMs must meet the following conditions:

(1) the pile must be stable and have an angle of repose above 30° at all times;

(2) water from the pile must not reach any surface water body;

(3) runoff water must not reach the pile.

If the FRM has a carbon/nitrogen ratio less than 25, field pile storage must have been recommended by an agronomist or a forest engineer, depending on the activity concerned, specifying in particular the preventative measures implemented to limit nitrogen and phosphorus loss.

54. A FRM that is a dried biosolid, granulated biosolid or gypsum, or a blend of FRMs containing one of those materials, must at all times be stored in a way that protects it from precipitations or covered with impermeable canvas fixed in such a way as to prevent any rewetting, if the storage period is more than 30 days from the date on which the FRM is first brought in.

The first paragraph also applies to any other FRM having a dryness value greater than or equal to 80% and presenting one of the following risks in the event of rewetting:

(1) an increase in odour;

(2) the attracting of pests;

(3) self-combustion.

55. Despite the second paragraph of section 54, a FRM stored in a pile that is a dried digestate, a granulated digestate, or a blend of FRMs containing one of those materials, must at all times be stored in a way that protects it from precipitations or covered with impermeable canvas fixed in such a way as to prevent any rewetting, if the field storage period is more than 60 days from the date on which the FRM is first brought in.

56. A FRM stored in a pile that is a LM must at all times

(1) be protected from precipitations, if the FRM is referred to in paragraph *b, c, d, f, g, h, i* or *m* of list 1 of Schedule II; and

(2) be stored in a way that protects it from the wind or covered with canvas fixed in such a way as to prevent any dispersion, if the FRM is referred to in paragraph *b, c, d, f, g* or *s* of list 1 of Schedule II.

57. Encapsulation must consist of a non-compacted layer that is at least 30 cm thick and consisting of one of the following FRMs:

(1) compost attested or certified as compliant with CAN/BNQ 0413-200, excluding type B compost for

(a) the foreign matter content;

(b) the content of one of the chemical parameters in Table 8 of Schedule I that is greater than the limit value prescribed for the parameter for Class C2;

(2) compost classed C2-P1-O1-E1 or C1-P1-O1-E1, having a dryness value greater than or equal to 35%, whose manufacture is authorized under section 22 of the Act or which is covered by a declaration of compliance under section 31.0.6 of the Act;

(3) de-inking sludge or a paper mill biosolid having a carbon/nitrogen ratio greater than 70 and classed C2-P1-O1-E1 or C1-P1-O1-E1.

If a FRM referred to in the first paragraph is also referred to in list 3 of Schedule II, it must also be classed II.

58. The field storage of more than 500 m³ of FRM on a raising site, a spreading site or a site where a forest development activity is carried out is prohibited if the dryness value of the FRM is less than 20%.

DIVISION III SPREADING

§1. General

59. In addition to the special provisions set out in this Division, the spreading of FRMs on a raising site or a spreading site must be done in accordance with the Agricultural Operations Regulation (chapter Q-2, r. 26).

60. The spreading of FRMs on a site where a forest development activity is carried out may only be done for the purpose of fertilization, in accordance with this Division.

61. Except in the case of activities exempted from an authorization referred to in subdivision 5 of Division I.1 of Chapter IV of Title III of Part II of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), the reclamation of FRMs by spreading on a raising site, a spreading site or a site where a forest development activity is carried out must be done in compliance with an agro-environmental reclamation plan prepared in accordance with Chapter IV.

If a spreading activity is not covered by an agro-environmental reclamation plan established in accordance with Chapter IV, the recommendations referred to in sections 34, 62 to 64, 79, 80 and 84 must be kept by the promoter of the reclamation project and the operator for a minimum period of 5 years and provided to the Minister on request, within the time specified by the Minister.

62. The spreading of FRMs must have been recommended by an agronomist or a forest engineer in the agro-environmental reclamation plan, depending on the activity concerned, with regard to the following elements:

- (1) the inputs of fertilizing elements and trace elements in the FRM spread;
- (2) the characteristics of the FRM;
- (3) the plant species previously cultivated and those concerned by fertilization;
- (4) the inputs of LMs;
- (5) the inputs of organic matter;
- (6) the areas concerned;
- (7) the spreading method and the spreading dosage;
- (8) the spreading period;
- (9) the quantity of FRMs to be reclaimed during that period;
- (10) for a spreading activity on the site of a forest development activity, the wood harvest cycle.

63. The spreading of FRMs having any of the following characteristics must have been recommended by an agronomist or a forest engineer in the agro-environmental reclamation plan, depending on the activity concerned, and received justification for its use for each cultivated parcel receiving the FRMs:

- (1) a pH less than 3.5 or greater than 10;
- (2) sodium content greater than 1 mg/kg on a dry basis;
- (3) manganese content greater than 3,000 mg/kg on a dry basis;
- (4) boron content greater than 200 mg/kg on a dry basis;
- (5) neutralizing value greater than or equal to 25% CCE on a dry basis.

64. The spreading of any of the following FRMs must have been recommended by an agronomist or a forest engineer in the agro-environmental reclamation plan, depending on the activity concerned, as to best management practices for copper and zinc for each cultivated parcel receiving the FRMs:

- (1) a municipal biosolid;
- (2) compost;
- (3) a biomethanation digestate originating entirely or in part from municipal biosolids;
- (4) a digestate originating entirely or in part from pig slurry classed C2 for its copper or zinc content.

65. Every recommendation referred to in sections 62 to 64 for the spreading of a FRM must be based on a soil analysis performed by a laboratory accredited by the Minister under section 118.6 of the Act.

The analysis must not have been made more than 5 years prior to the fertilization year.

The operator and the owner of the site concerned must have in their possession a copy of the analysis certificate issued by the laboratory and keep it for a minimum period of 5 years following the date of signing. They must send the analysis certificate to the Minister on request, within the time specified by the Minister.

66. If the FRM to be reclaimed has a phosphorus (P2O5) content greater than 0.25% on a dry basis and is to be spread on a raising site or a spreading site, a statement that the site has the capacity to receive the phosphorus load must be produced, signed and dated by, as applicable,

- (1) the agronomist who signed the agro-environmental fertilization plan, when such a plan is required under section 22 of the Agricultural Operations Regulation (chapter Q-2, r. 26);
- (2) the agronomist who signed the agro-environmental reclamation plan prepared in accordance with Chapter IV if the plan referred to in subparagraph 1 is not required.

In the case referred to in subparagraph 2 of the first paragraph, the agronomist who signed the agro-environmental reclamation plan must keep the statement for a minimum period of 5 years following the date of the end of the reclamation project.

The statement referred to in the first paragraph must be provided to the Minister on request, within the time specified by the Minister.

67. The operator of a raising site, a spreading site or a site where a forest development activity is carried out must enter the following information in a spreading register:

- (1) the type of FRM used;
- (2) the name and contact information of the generator of the FRM;
- (3) the Class applicable to the FRM;
- (4) the spreading dosage, methods and periods.

The information entered in the register referred to in the first paragraph must be kept

- (1) by the operator of a raising site or a spreading site for a minimum period of 5 years following the end of the last spreading period; and
- (2) by the operator of a site where a forest development activity is carried out for a minimum period of 20 years following the end of the last spreading period.

The information entered in the register referred to in the first paragraph must be provided to the Minister on request, within the time specified by the Minister, by the person concerned referred to in the second paragraph.

§2. Prohibitions

68. The spreading of the following FRMs is prohibited:

- (1) a FRM or a blend of FRMs designated as “out of class” according to one or more of the classification criteria described in section 5;
- (2) a FRM or a blend of FRMs that is not homogeneous;
- (3) a FRM containing viable parts of an invasive exotic species that are likely to be propagated by the carrying out of the spreading activity;
- (4) a FRM containing varnished, painted, stained or treated wood, engineered wood or oriented strandboard, plywood or particleboard.

69. The spreading of a municipal biosolid, compost, a digestate originating entirely or in part from municipal biosolids or a digestate originating entirely or in part from pig slurry having a copper content greater than 400 mg/kg on a dry basis, or whose zinc content is greater than 700 mg/kg on a dry basis, is prohibited on soil that has received at least one spreading of pig slurry in the 5 consecutive years immediately preceding the spreading if the soil has a copper content, using the

Mehlich 3 extraction procedure, greater than 100 mg/kg on a dry basis or a zinc content, using the Mehlich 3 extraction procedure, greater than 14 mg/kg on a dry basis.

70. On a site where a forest development activity is carried out, the spreading of FRMs is prohibited in the littoral zone and in wetlands.

The first paragraph does not apply to the spreading of a FRM in a forested swamp if the spreading of that FRM in that environment is authorized under subparagraph 4 of the first paragraph of section 22 of the Act and is carried out in accordance with the conditions prescribed by the authorization.

71. On a site where a forest development activity is carried out, the spreading of FRMs having a carbon/nitrogen ratio less than 15 is prohibited

- (1) on mature forest stands;
- (2) on natural stands of hardwood undergoing regeneration by periodic partial cutting; and
- (3) on semi-mature stands other than fast-growing tree species.

Subparagraph 1 of the first paragraph does not apply to residue referred to in list 1 of Schedule II, except liming de-inking sludge from the manufacture of de-inked pulp.

72. In addition to the prohibitions set out in section 29.1 of the Agricultural Operations Regulation (chapter Q-2, r. 26), the spreading of a Class P2 or Class I2 FRM is prohibited

- (1) on a crop intended for human consumption or on a pasture; and
- (2) on soil having an organic matter content greater than 30% on a dry basis of the total of the soil components.

73. In addition to the prohibitions set out in section 29.1 of the Agricultural Operations Regulation (chapter Q-2, r. 26), the spreading of a Class E2 FRM is prohibited

- (1) on a pasture;
- (2) on a parcel used to cultivate root vegetables, tubers and bulbs; and
- (3) on a meadow, except before seeding or before plowing.

74. The spreading of leaves from a bulk or paper bag leaf collection that have not been through a green waste sorting centre is prohibited on a raising site, a spreading site, or a site where a forest development activity is carried out.

§3. *Minimum distances*

75. In addition to the special distances prescribed by sections 77 to 80 for certain classes of FRMs, the spreading of FRMs on a raising site or a spreading site must take place in accordance with section 30 of the Agricultural Operations Regulation (chapter Q-2, r. 26).

76. In addition to the other special distances prescribed by sections 77 to 80 for certain classes of FRMs, the spreading of FRMs on a site where a forest development activity is carried out must take place at least 1 m from ditches referred to in subparagraphs 2 to 4 of the first paragraph of section 103 of the Municipal Powers Act (chapter C-47.1) and, where there is a slope, the distance must include a width of at least 1 m at the top of the slope.

FRMs must also be spread in such manner as to prevent FRMs and runoff water containing FRMs from reaching the littoral zone and wetlands.

The second paragraph does not apply to a forested swamp if the spreading of that FRM in that environment is carried out as part of a forest development activity in accordance with an authorization issued under subparagraph 4 of the first paragraph of section 22 of the Act.

77. The spreading of Class P2 FRMs must take place at the following minimum distances:

(1) from a ditch in a non-agricultural area, a property line or a road,

(a) 5 m if the FRM is, as applicable,

i. in a solid state; or

ii. in a liquid state and spread using spreading equipment that meets the requirements prescribed by section 87, both for agricultural activities and for forest development activities, or spread using spreading equipment with a drop pipe; and

(b) 10 m in other cases;

(2) from a dwelling or a public place,

(a) 50 m if the FRM is, as applicable,

i. in a solid state; or

ii. in a liquid state and spread using spreading equipment that meets the requirements prescribed by section 87, both for agricultural activities and for forest development activities, or spread using spreading equipment with a drop pipe; and

(b) 100 m in other cases.

78. The spreading of Class I2 FRMs must take place at the following minimum distances:

(1) 10 m from a ditch in a non-agricultural area, a property line or a road;

(2) 100 m from a dwelling or a public place.

79. The spreading of Class O3 FRMs must take place at the following minimum distances from a dwelling or a public place:

(1) 250 m if the FRM is spread using spreading equipment that meets the requirements prescribed by section 87, both for agricultural activities and for forest development activities, or spread using spreading equipment with a drop pipe;

(2) 250 m if the FRM is worked into the soil within 6 hours after being spread, on the conditions determined by an agronomist;

(3) 500 m in other cases.

Despite subparagraphs 1 and 2 of the first paragraph, the minimum distance for spreading may be less than 250 m if an agronomist recommends it in the agro-environmental reclamation plan, provided that the FRM is worked into the soil within 3 hours after being spread, on the conditions set out in the plan.

80. The spreading of Class O2 FRMs must take place at the following minimum distances from a dwelling or a public place:

(1) 37.5 m if the FRM is, as applicable,

(a) in a liquid state and spread using spreading equipment that meets the requirements prescribed by section 87, both for agricultural activities and for forest development activities, or spread using spreading equipment with a drop pipe; or

(b) the FRM is worked into the soil within 6 hours after being spread, on the conditions determined by an agronomist;

(2) 75 m in other cases.

Despite subparagraph 1 of the first paragraph, the minimum distance for spreading may be less than 37.5 m if an agronomist recommends it in the agro-environmental reclamation plan, provided that the FRM is worked into the soil within 3 hours after being spread, on the conditions set out in the plan.

81. FRMs may be spread within distances shorter than those prescribed by sections 79 and 80, except distances determined by an agronomist, if the owner or lessee of the dwelling or the owner or administrator of the public place consent in writing.

Despite the first paragraph, if the FRM is classed I2, it may not be spread at a distance less than those prescribed by section 78.

The agreement referred to in the first paragraph must include, in particular,

- (1) the period for which it is valid, which may not exceed 2 years;
- (2) the new distances agreed upon;
- (3) the risks of odour nuisance and bioaerosol dispersion involved in reducing the distance;
- (4) the measures to be implemented to minimize those risks;
- (5) the signature of every owner and lessee of the dwelling or every owner and administrator of the public place, the agronomist or forest engineer who signed the agro-environmental reclamation plan, and the operator of the raising site, the spreading site, or the site where a forest development activity is carried out; and
- (6) the date of the agreement.

The operator must keep the agreement for a minimum period of 5 years and provide it to the Minister on request, within the time specified by the Minister.

§4. Conditions for spreading

82. The total quantity of a Class C2 or Class I2 FRM spread on a raising site or a spreading site must never exceed the equivalent of an arithmetic mean of 4.4 tonnes on a dry basis, per hectare per year, calculated over a period of 3 consecutive years preceding the spreading activity.

The total quantity of Class C2 or Class I2 FRMs spread on a site where a forest development activity is carried out must never exceed

- (1) before plantation, 66 tonnes on a dry basis per hectare; or
- (2) on an established plantation, 22 tonnes on a dry basis per hectare.

Despite the second paragraph, the total quantity of a Class C2 or Class I2 FRM spread on a site where a forest development activity is carried out must never exceed the quantity obtained by multiplying the number of years in the wood harvest cycle by the annual mean of 4.4 tonnes on a dry basis per hectare.

A FRM designated as “out of class” for chemical parameters and having a dioxin and furan content greater than 50 ng TEQ/kg but less than 100 ng TEQ/kg may be reclaimed on a site where a forest development activity is carried out, on the conditions set out in the second and third paragraphs.

83. The spreading of a Class P2 or Class I2 FRM on any site must be followed by the following restriction periods:

- (1) a period of at least 36 months before a crop intended for human consumption can be harvested on the site, except if the harvested portion grows without coming into contact with the soil, in which case the period is reduced to 14 months;
- (2) a period of at least 12 months before the site can become a pasture or sod can be harvested;
- (3) a period of at least 12 months before the public can access the site;
- (4) a period of at least 30 days before a crop intended for animal consumption can be harvested on the site.

84. On a site where a forest development activity is carried out, FRMs must at all times be spread on soil that is neither frozen nor covered with snow.

In addition, FRMs may be spread only during the growing season.

Despite the second paragraph, FRMs may be spread outside the growing season if the agronomist or forest engineer who prepared the agro-environmental reclamation plan recommends a different spreading period in the plan.

85. On soil without plant cover, a FRM must be worked into the soil less than 48 hours after being spread, except if

(1) the residue has a carbon/nitrogen ratio greater than 30 and a total P_2O_5 content less than 0.25% on a dry basis;

(2) the residue is used as mulch;

(3) the parcel is direct sowed; and

(4) the parcel is perpetually under cultivation.

86. FRMs must be spread on land with a slope of less than 9%, or less than 5% if the FRM is liquid or has a dryness value of less than 15%.

The first paragraph does not apply to slopes that have no direct hydraulic connection with ditches and other surface water referred to in the Agricultural Operations Regulation (chapter Q-2, r. 26).

87. The spreading of FRMs on a raising site or a spreading site with mobile or stationary spreading equipment that projects FRMs at a distance of more than 25 m is prohibited.

On a raising site or a spreading site, liquid FRMs and FRMs having a dryness value of less than 15% during spreading must be spread with low-trajectory broadcast equipment whose exit point put into place to project FRMs is at a maximum height of 1.2 m above the ground and that projects the FRMs over a distance of not more than 5.5 m to reach the ground.

Despite the second paragraph, liquid FRMs and FRMs having a dryness value of less than 15% during spreading that are classed O3 must be spread with low-ramp equipment or other low-trajectory broadcast equipment whose exit point put in place to project FRMs is at a maximum height of 1 m above the ground and that projects the FRMs over a distance of not more than 2 m to reach the ground.

88. The total volume of liquid FRMs and FRMs having a dryness value of less than 15% during spreading that are spread on any site must never exceed 100 m³ per hectare per day.

CHAPTER IV AGRO-ENVIRONMENTAL RECLAMATION PLAN

89. The agro-environmental reclamation plan must include the following information and documents:

(1) the description sheet referred to in section 32 for each FRM used;

(2) the recommendations referred to in sections 34, 62 to 64, 79, 80 and 84, if applicable;

(3) the storage conditions, including the conditions for laying out the field piles and the location of the piles;

(4) a location plan, with geospatial data, that includes the information prescribed by section 90;

(5) the odour mitigation measures in the odour management plan referred to in the third paragraph of section 91;

(6) if the activity involves a Class P2 FRM, an information program to prevent risks to health that includes

(a) the recommendations on the individual protective equipment required to handle the FRM; and

(b) the recommendations on the hygiene measures to be observed.

The agro-environmental reclamation plan must be signed by an agronomist or a forest engineer, depending on the activity concerned, who cannot be the same person as the signatory to the sampling verification report referred to in section 26 for the FRM used.

90. The location plan contained in an agro-environmental reclamation plan must include the following information:

(1) the boundaries of the storage areas and spreading areas, if applicable;

(2) the boundaries and cadastral designation for the lots of the site where the storage or spreading activity is to be carried out;

(3) the location of the water withdrawals and the boundaries of the intermediate bacteriological and virological protection zones for groundwater withdrawals and the boundaries of the inner protection zone for surface water withdrawals made for human consumption or food processing purposes, delimited in accordance with the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2);

(4) the minimum distances from dwellings, public places, ditches, wetlands and bodies of water prescribed by this Code;

(5) the areas of the land where the slope leads to restrictions on storage described in section 51 or restrictions on spreading described in section 86.

The plan must cover a radius of 300 m from the boundaries of the site of the proposed storage or spreading activity, subject to the following:

(1) for an activity eligible for a declaration of compliance under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), in which case the location plan must cover at least 100 m from the boundaries of the site of the proposed activity;

(2) for an activity using a Class O3 FRM, in which case the location plan must cover at least 500 m from the boundaries of the site of the proposed activity.

91. The agronomist or forest engineer who signed the agro-environmental reclamation plan, depending on the activity concerned, must prepare an odour management plan in the following cases:

(1) if storage in a watertight facility is authorized under section 22 of the Act for a period of more than 24 months and involves more than 2,000 tonnes of a Class O2 liquid FRM on a same site in a municipality, or a Class O3 FRM;

(2) for every spreading project involving, as applicable,

(a) more than 2,000 tonnes of a Class O2 FRM on a same site in a municipality; or

(b) a Class O3 FRM.

The agronomist or forest engineer who prepared the odour management plan referred to in the first paragraph is also responsible for implementing the plan.

The odour management plan must include the various mitigation measures to be implemented to reduce the impact of odour on the surroundings while the activity is being carried out. In the case referred to in subparagraph 1 of the first paragraph, the plan must contain, in particular, one of the following mitigation measures:

(1) a permanent watertight cover or impermeable canvas fixed in such a way as to prevent any dispersion;

(2) from 1 May to 31 October inclusively, a floating straw bed or mat at least 10 cm thick covering more than 98% of the surface of the storage facility, installed not more than 6 hours after receiving or handling the FRMs;

(3) liming at a pH equal to or greater than 12 and maintaining a pH greater than 10 at all times for residue other than slaughterhouse biosolids, except during handling.

The promoter of the reclamation project in the case of a storage activity and the operator in the case of a spreading activity must keep the odour management plan for a minimum period of 5 years following the date of

the end of the reclamation project and provide it to the Minister on request, within the time specified by the Minister.

92. The agro-environmental reclamation plan must be kept by the promoter of the reclamation project and the operator of the raising site, spreading site or site where a forest development activity is carried out, depending on the activity concerned, and by the owner of the site, for the following period, as applicable:

(1) in the case of an activity for the reclamation of FRMs on a raising site or a spreading site, for a minimum period of 5 years following the date of the end of the implementation of the plan;

(2) in the case of an activity for the reclamation of FRMs on a site where a forest development activity is carried out, for a minimum period of 20 years following the date of the end of the implementation of the plan.

The agro-environmental reclamation plan must be provided to the Minister on request, within the time specified by the Minister.

93. The agronomist or forest engineer who signed the agro-environmental reclamation plan must enter in a register the odour-related reports received following the publication or broadcasting of the notices referred to in sections 97 and 98 and the installation of the signs referred to in sections 99 and 100 in the following cases:

(1) the reclamation activity involves more than 2,000 tonnes on a wet basis of a Class O2 FRM at all times;

(2) the reclamation activity involves a Class O3 FRM.

The register must include the following information:

(1) the date and time of the report;

(2) the subject of the report;

(3) a description of the corrective measure implemented, if applicable, specifying the date and time.

The agronomist or forest engineer who signed the agro-environmental reclamation plan must keep the information entered in the register for a minimum period of 5 years following the date of the end of the reclamation project and provide it to the Minister on request, within the time specified by the Minister.

94. The agronomist or forest engineer who signed the agro-environmental reclamation plan must notify the Minister of the reports in writing within 48 working hours after receiving them, and inform the Minister of the corrective measure implemented, if applicable.

95. If the olfactory class of a FRM was determined using the sniffing method set out in Schedule III, the agronomist or forest engineer who signed the agro-environmental reclamation plan must take the measures indicated in Schedule IV to reduce the impact of odour, in the following cases:

(1) at least 3 distinct odour-related reports have been made in the same year in connection with the storage or spreading of a FRM;

(2) at least one odour-related report has been made each year for a FRM, for 3 consecutive years.

If a new odour-related report is made after the implementation of the measures referred to in the first paragraph, the reclamation activities must cease and the agronomist or forest engineer must again evaluate the odour Class by having the FRM undergo one of the following tests:

(1) an olfactometry test in accordance with NF EN 13725, Stationary source emissions - Determination of odour concentration by dynamic olfactometry and odour emission rate, published by the Association française de normalisation (AFNOR), by comparing with 2 pig slurry samples taken in accordance with Schedule III, to assign Class O3;

(2) a sniffing test using the method provided for in Schedule III.

The activities for the reclamation of the FRM may resume only on the conditions applicable to the most restrictive odour Class obtained for the FRM based on the results of the test performed in accordance with the second paragraph.

The agronomist or forest engineer must, as soon as possible, notify the Minister in writing of the implementation of the measures provided for in the first paragraph, the tests performed in accordance with the second paragraph, and the results obtained.

96. An agronomist or a forest engineer, depending on the activity concerned, must ensure that the recommendations of the agro-environmental reclamation plan are carried out and, at the end of the spreading activity, file a report on the activity in which they state their observations and, if applicable, their recommendations.

The report must be sent to the operator and the promoter of the reclamation project not later than 31 January of the year following the year in which the activity was carried out.

The operator or the promoter of the reclamation project must keep the report for a minimum period of 5 years from the date of signing and provide it to the Minister on request, within the time specified by the Minister.

CHAPTER V NOTICE AND SIGN

97. For a forest development activity carried out on public land, in a forest area in the domain of the State or in a private forest, an operator who proposes to spread a FRM over more than 100 ha in the same administrative region in the same year must, before spreading begins, publish or broadcast, by any appropriate means, a notice describing the spreading, in the territory where it is to be carried out.

The notice must include the following information:

(1) the name and contact information of the resource person, that is, the owner of the site, the promoter of the reclamation project or the operator of the territory in which the spreading is to be carried out;

(2) the nature and purpose of the spreading and the place where the spreading is to be carried out;

(3) the time period in which the spreading will be carried out;

(4) the restrictions on access to the sites where the FRM was spread and on consumption of plants from the sites;

(5) except in the case of a private forest, the name and contact information of the holder of the forestry permit issued under the Sustainable Forest Development Act (chapter A-18.1) responsible for the spreading;

(6) the name and contact information of the agronomist or forest engineer responsible for the odour management plan.

The operator of a private forest or a forest area in the domain of the State or, as applicable, the holder of the forestry permit referred to in subparagraph 5 of the second paragraph responsible for carrying out the spreading, may not begin the spreading until the notice referred to in that paragraph has been published or broadcast.

The operator of the public land, the private forest or the forest area in the domain of the State must keep a copy of the publication of the notice referred to in the first paragraph for a minimum period of 5 years and provide it to the Minister on request, within the time specified by the Minister.

98. The promoter of the reclamation project in the case of a FRM storage activity, or the operator of a raising site, a spreading site or a site where a forest development activity is carried out in the case of a FRM spreading activity, must, at least 7 working days before the activity is carried out, send a written notice to the following persons and in the following cases:

(1) if the activity involves more than 2,000 tonnes, on a wet basis, of a Class O2 FRM, to the lessee and the owner of any dwelling, or to the owner and the administrator of any public place, situated less than 75 m from the place where the activity is to be carried out;

(2) if the activity involves a Class O3 FRM, to the lessee and the owner of any dwelling, or to the owner and the administrator of any public place, situated less than 500 m from the place where the activity is to be carried out.

The promoter or the operator must also, at least 2 working days before the carrying out of an activity involving more than 2,000 tonnes, on a dry basis, of a Class O2 FRM or a Class O3 FRM on the same site in a municipality, send a written notice to that municipality.

The notices referred to in the first and second paragraphs must include the information prescribed by the second paragraph of section 97, as well as the information concerning the operations necessary for storage and spreading that may result in the emission of odour, in particular the frequency of deliveries and the period during which every FRM is handled and spread.

The promoter of the reclamation project or the operator must keep copies of the notices for a minimum period of 5 years and provide them to the Minister on request, within the time specified by the Minister.

99. The promoter of the reclamation project and the operator of a raising site, a spreading site or a site where a forest development activity is carried out, as applicable, must post, at each passable road leading to a site where a FRM storage or spreading activity is to be carried out, a sign placed so as to be visible at all times, measuring at least 21.59 cm by 27.97 cm and including the following information:

(1) a description of the FRMs and their classification;

(2) the name and contact information of the person responsible for the storage or spreading activities or the person's representative;

(3) the telephone number of the appropriate regional branch of the Ministère du Développement durable, de l'Environnement et des Parcs of the region in which the activity is carried out;

(4) the name and contact information of the agronomist or forest engineer responsible for the odour management plan, if applicable.

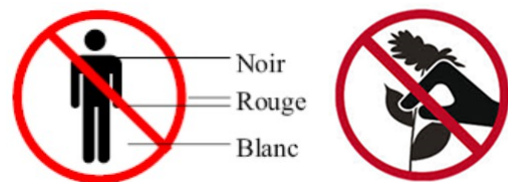
The first paragraph does not apply to the following FRMs if the quantity to be spread per year over the spreading site is less than 150 m³:

(1) compost or a LM referred to in list 1 of Schedule II and certified as compliant with CAN/BNQ 0413-200 or BNQ 0419-090;

(2) a FRM classed P1 and O1.

100. During the spreading of a Class P2 FRM on a site where a forest development activity is carried out that is public land, a forest area in the domain of the State or a private forest, the sign posted pursuant to section 99 must also

(1) display the following pictograms;



(2) contain the wording “Interdiction d'accès public et de cueillette jusqu'au :”, followed by the date on which the prohibition ends, which must be later than 12 months after the end of the spreading.

The sign must be visible and must remain posted for the entire spreading period and for the duration of the prohibition.

CHAPTER VI FRMS INTENDED FOR DOMESTIC USE

101. Only the following FRMs may be distributed for domestic use:

(1) FRMs certified as compliant with a BNQ standard;

(2) FRMs classed C1-P1-O1-E1 or C1-P1-O2-E1 by the generator and free from the following materials or from any material that results from the following materials:

(a) municipal biosolids, human feces, and any residue that contains municipal biosolids or human feces;

(b) all or part of mammal or poultry carcasses, except those that result from food waste, consist of plant or animal organic matter, of domestic origin or originating from the preparation, consumption or distribution of food and beverages;

(3) wood chips free from the following materials:

(a) varnished, painted, stained or treated wood, engineered wood or oriented strandboard, plywood or particleboard, as well as any wood from construction and demolition material sorting centres;

(b) viable parts of an invasive exotic species that are likely to be propagated by the carrying out of the activity;

(c) nails and other metal or plastic materials;

(4) FRMs conditioned and sold in containers or packaging of 50 litres or less in accordance with the Fertilizers Act (R.S.C., 1985, c. F-10).

If the FRMs referred to in subparagraphs 1 and 2 of the first paragraph are also referred to in list 3 of Schedule II, they are also classed II.

The inputs of the FRMs referred to in subparagraph 2 of the first paragraph must consist only of the materials referred to in list 2.1 of Schedule II.

102. Every person distributing a FRM referred to in subparagraphs 1 to 3 of the first paragraph of section 101 for domestic use must give the person who receives the FRM an information sheet including the following recommendations:

(1) the use of the FRM on a crop intended for human consumption is not advisable if the FRM contains or results from one of the following materials:

(a) municipal biosolids and every residue that contains municipal biosolids;

(b) all or part of mammal or poultry carcasses, except those that result from food waste, consisting of plant or animal organic matter, of domestic origin or originating from the preparation, consumption or distribution of food and beverages;

(2) if the FRM is classed O2 for odour, it should be worked into the soil immediately after it is applied;

(3) the dosage that should be applied for FRMs other than compost or wood chips;

(4) if the FRM is putrescible and has a dryness value greater than 80%, it should be protected from moisture until it is used.

The distributor must keep a copy of the sheet for a minimum period of 5 years and provide it to the Minister on request, within the time specified by the Minister.

CHAPTER VII

MONETARY ADMINISTRATIVE PENALTIES

103. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in other cases may be imposed on every person who fails

(1) to keep the information and documents referred to in the first paragraph of section 23 for the period prescribed by the second paragraph of that section or to provide them to the Minister in accordance with that paragraph;

(2) to keep the verification report referred to in the first paragraph of section 26 for the period provided for in the second paragraph of that section;

(3) to provide to the Minister the verification report in accordance with the second paragraph of section 26;

(4) to evidence an analysis by a certificate in accordance with the first paragraph of section 28;

(5) to keep the certificate referred to in the first paragraph of section 28 for the period prescribed by the second paragraph of that section;

(6) to provide the Minister with the certificate in accordance with the third paragraph of section 28;

(7) to be the owner or lessee of the site where a forest development activity is carried out and to have a lease confirming that the owner of the site authorizes the activity on the site, in accordance with the first paragraph of section 31;

(8) to have a written agreement with the operator of the site where FRMs are stored, in accordance with the second paragraph of section 31;

- (9) to have in their possession a copy of the lease or agreement referred to in the first and second paragraphs of section 31 respectively in accordance with the third paragraph of that section, and to keep it for the period prescribed by that paragraph;
- (10) to provide the Minister with a copy of the title of ownership, lease or agreement in accordance with the fourth paragraph of section 31;
- (11) to provide a copy of the FRM sheet referred to in the first paragraph of section 32 in accordance with the second paragraph of that section;
- (12) to keep the FRM sheet for the period prescribed by the fourth paragraph of section 32;
- (13) to keep the information and documents that were used to produce the FRM sheet for the period prescribed by the first paragraph of section 33;
- (14) to provide the Minister with the FRM sheet in accordance with the second paragraph of section 33;
- (15) to keep the agreement referred to in the second paragraph of section 37 for the period prescribed by the third paragraph of that section;
- (16) to provide the Minister with the agreement in accordance with the fourth paragraph of section 37;
- (17) to keep the information entered in the register referred to in the first paragraph of section 39 for the period prescribed by the second paragraph of that section;
- (18) to provide the Minister with the information entered in the register in accordance with the third paragraph of section 39;
- (19) to keep the technical report referred to in the first paragraph of section 45 for the period prescribed by the second paragraph of that section or to provide it to the Minister in accordance with that paragraph;
- (20) to enter the results of the measurements in a register and keep it for the period prescribed by section 48 or to provide it to the Minister in accordance with that section;
- (21) to keep the recommendations for the period prescribed by the second paragraph of section 61 or to provide them to the Minister in accordance with that paragraph;
- (22) to have in their possession a copy of the analysis certificate issued by the laboratory, to keep it for the period prescribed by the third paragraph of section 65, or to provide it to the Minister in accordance with that paragraph;
- (23) to keep the statement referred to in the first paragraph of section 66 for the period prescribed by the second paragraph of that section;
- (24) to provide the Minister with the statement in accordance with the third paragraph of section 66;
- (25) to keep the information entered in the register referred to in the first paragraph of section 67 for the period prescribed by the second paragraph of that section;
- (26) to provide the Minister with the information entered in the register in accordance with the third paragraph of section 67;
- (27) to have an agreement that includes the elements prescribed by the second paragraph of section 81;
- (28) to keep the agreement for the period prescribed by the third paragraph of section 81 or to provide it to the Minister in accordance with that paragraph;
- (29) to have an agro-environmental reclamation plan signed by a person referred to in the second paragraph of section 89;
- (30) to keep the odour management plan referred to in the first paragraph of section 91 for the period prescribed by the fourth paragraph of that section or to provide it to the Minister in accordance with that paragraph;
- (31) to keep the agro-environmental reclamation plan for the period prescribed by the first paragraph of section 92;
- (32) to provide the Minister with the agro-environmental reclamation plan in accordance with the second paragraph of section 92;
- (33) to comply with the content of the register prescribed by the second paragraph of section 93;
- (34) to keep the information entered in the register for the period prescribed by the third paragraph of section 93 or to provide it to the Minister in accordance with that paragraph;
- (35) to notify the Minister of the reports in accordance with section 94;
- (36) to notify the Minister of the measures, tests and results referred to in the fourth paragraph of section 95, in accordance with that paragraph;

(37) to send the report referred to in the first paragraph of section 96 to the operator and the promoter of the reclamation project in accordance with the second paragraph of that section;

(38) to keep the report referred to in the first paragraph of section 96 for the period provided for in the third paragraph of that section;

(39) to provide the report to the Minister in accordance with the third paragraph of section 96;

(40) to keep a copy of the publication of the notice referred to in the first paragraph of section 97 for the period prescribed by the fourth paragraph of that section or to provide it to the Minister in accordance with that paragraph;

(41) to comply with the content prescribed by the third paragraph of section 98 for the notices referred to in the first and second paragraphs of that section;

(42) to keep copies of the notices for the minimum period prescribed by the fourth paragraph of section 98 or to provide them to the Minister in accordance with that paragraph;

(43) to keep a copy of the sheet referred to in the first paragraph of section 102 for the period prescribed by the second paragraph of that section or to provide it to the Minister in accordance with that paragraph;

(44) to send a declaration or to provide information or a document required by this Code, or to comply with the time limits and procedure for filing or sending, if no other monetary administrative penalty is provided for such a case.

104. A monetary administrative penalty of \$350 in the case of a natural person and \$1,500 in other cases may be imposed on every person who fails

(1) to enter in a register the information and documents referred to in the first paragraph of section 23;

(2) to enter in a register the information referred to in the first paragraph of section 39;

(3) to use a facility to store a FRM on a raising site or a spreading site that has been the subject of a technical report on containment capability in accordance with the first paragraph of section 45;

(4) to comply with the period of validity referred to in the second paragraph of section 65 for the soil analysis on which every recommendation must be based;

(5) to enter in a register the information referred to in the first paragraph of section 67;

(6) to enter the odour-related reports in a register in accordance with the first paragraph of section 93, in the cases provided for in that paragraph;

(7) to publish or broadcast a notice describing the spreading in accordance with the first paragraph of section 97;

(8) to comply with the content of the notice prescribed by the second paragraph of section 97;

(9) to comply with the period referred to in the third paragraph of 97 during which spreading may not take place;

(10) to send a notice to the persons referred to in the first paragraph of section 98, in the cases provided for therein;

(11) to send a notice to the municipality, in the cases provided for in the second paragraph of section 98, in accordance with that paragraph.

105. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in other cases may be imposed on every person who fails

(1) to perform any screening in accordance with section 15;

(2) to perform analyses based on a sampling of a FRM in accordance with the parameters prescribed by section 18;

(3) to take and analyze samples in accordance with section 21;

(4) to use samples that comply with the requirements prescribed by section 22 for the analyses;

(5) to file a report in accordance with the first paragraph of section 26;

(6) to have the samples analyzed by a laboratory referred to in section 27;

(7) to comply with the conditions for resampling prescribed by section 30;

(8) to produce a description sheet of the FRM in accordance with the first paragraph of section 32;

- (9) to have the compliance of the FRM description sheet confirmed in accordance with the third paragraph of section 32;
- (10) to measure the pH of the FRM in accordance with the second paragraph of section 46;
- (11) to comply with the maximum period prescribed by section 50 during which a pile of FRM must be in the field;
- (12) to have a recommendation for field pile storage, in the case provided for in the second paragraph of section 53, in accordance with that section;
- (13) to store or cover a FRM referred to in section 54 in accordance with that section;
- (14) to store or cover a FRM referred to in section 55 in accordance with that section;
- (15) to protect or store a FRM referred to in section 56 in accordance with that section;
- (16) to comply with the conditions for encapsulation prescribed by section 57;
- (17) to have a recommendation for the spreading of FRMs that complies with the elements provided for in section 62, in accordance with that section;
- (18) to have a recommendation for the spreading of FRMs having any of the characteristics referred to in section 63, in accordance with that section;
- (19) to have a recommendation for the spreading of any of the FRMs referred to in section 64, in accordance with that section;
- (20) to base any of the recommendations referred to in sections 62 to 64 on a soil analysis performed by an accredited laboratory, in accordance with the first paragraph of section 65;
- (21) to produce a statement on the conditions set out in the first paragraph of section 66;
- (22) to comply with the content prescribed by the first paragraph of section 89 for an agro-environmental reclamation plan;
- (23) to comply with the content prescribed by the first paragraph of section 90 for a location plan;
- (24) to cover the radius prescribed by the second paragraph of section 90 for a location plan, in the cases referred to in that paragraph;
- (25) to prepare an odour management plan in the cases prescribed by the first paragraph of section 91;
- (26) to comply with the content prescribed by the third paragraph of section 91 for an odour management plan;
- (27) to ensure that the recommendations of the agro-environmental reclamation plan are carried out and to file a report in accordance with the first paragraph of section 96;
- (28) to give an information sheet to the person who receives a FRM for domestic use, in accordance with the first paragraph of section 102.
- 106.** A monetary administrative penalty of \$750 in the case of a natural person and \$3,500 in other cases may be imposed on every person who fails
- (1) to assign a person referred to in section 25 to make the verifications prescribed by section 24, within the time prescribed by that section;
- (2) to assign a person referred to in section 25 to resample as prescribed by section 30;
- (3) to encapsulate a field stored municipal biosolid in accordance with the second paragraph of section 40;
- (4) to use a storage facility whose capacity complies with the conditions set out in section 41;
- (5) to fully drain a FRM storage facility on the conditions set out in section 43;
- (6) to store a FRM in a storage facility in accordance with the conditions set out in the first paragraph of section 46;
- (7) to lime the blend referred to in the second paragraph of section 47 in accordance with the third paragraph of that section;
- (8) to encapsulate or cover a field pile of FRMs in accordance with section 52;
- (9) to spread FRMs on soil that is neither frozen nor covered with snow in accordance with the first paragraph of section 84
- (10) to comply with the spreading period prescribed by the second paragraph of section 84;
- (11) to comply with the spreading period recommended in accordance with the third paragraph of section 84;

(12) to comply with the maximum projection distance prescribed by the first paragraph of section 87 for FRM spreading equipment;

(13) to spread the FRMs referred to in the second paragraph of section 87 with low-trajectory broadcast equipment in accordance with that paragraph;

(14) to spread the FRMs referred to in the third paragraph of section 87 with low-ramp equipment or other low-trajectory broadcast equipment in accordance with that paragraph;

(15) to post a sign in accordance with the first paragraph of section 99;

(16) to have the sign display the pictograms and contain the wording prescribed by the first paragraph of section 100;

(17) to ensure that the sign is visible and remains posted in accordance with the second paragraph of section 100.

107. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in other cases may be imposed on every person who fails

(1) to comply with the conditions prescribed by section 17 for the reclamation on a raising site or a spreading site of the compost or pre-compost referred to in that section;

(2) to store a FRM at the minimum distances prescribed by the first paragraph of section 37 or at a minimum distance agreed upon in accordance with the second paragraph of that section, on the conditions set out therein;

(3) to take every measure to prevent or stop any overflow or leakage of the FRMs stored in a storage facility, in accordance with the first paragraph of section 42;

(4) to remove FRMs from a storage facility before there is any overflow, in accordance with the second paragraph of section 42;

(5) to set up of a field pile of FRMs in accordance with the first paragraph of section 53;

(6) to spread FRMs on a raising site or a spreading in accordance with section 59;

(7) to spread FRMs on a site where a forest development activity is carried out for the purpose of fertilization only, in contravention of section 60;

(8) to reclaim FRMs by spreading in compliance with an agro-environmental reclamation plan, in accordance with the first paragraph of section 61;

(9) to spread Class O3 FRMs in compliance with the minimum distances prescribed by the first paragraph of section 79 or the minimum distances recommended in accordance with the second paragraph of that section, on the conditions set out;

(10) to spread Class O2 FRMs in compliance with the minimum distances prescribed by the first paragraph of section 80 or the minimum distances recommended in accordance with the second paragraph of that section, on the conditions set out;

(11) to spread FRMs in compliance with the distances consented to in accordance with the first paragraph of section 81;

(12) to comply with the maximum quantity provided for in the first paragraph of section 82 for a Class C2 or I2 FRM spread on a raising site or a spreading site;

(13) to comply with the maximum quantity provided for in the second or third paragraph of section 82 for a Class C2 or I2 FRM spread on a site where a forest development activity is carried out;

(14) to comply with the conditions set out in the fourth paragraph of section 82 to reclaim a FRM designated as “out of class” referred to in that paragraph on a site where a forest development activity is carried out;

(15) to work a FRM into soil without plant cover within the time prescribed by section 85;

(16) to comply with the total volume, prescribed by section 88, of liquid FRMs and FRMs having a dryness value of less than 15% that may be spread on any site.

108. A monetary administrative penalty of \$1,500 in the case of a natural person and \$7,500 in other cases may be imposed on every person who

(1) applies a process for reducing the size of foreign matter in a FRM, in contravention of section 16;

(2) adds wastewater to a FRM without complying with the conditions prescribed by section 34;

(3) mix FRMs in contravention of the first paragraph of section 35 or without complying with the conditions prescribed by the second paragraph of that section;

(4) stores FRMs designated as “out of class” in contravention of section 38;

(5) stores a municipal biosolid that does not comply with the conditions prescribed by the first paragraph of section 40;

(6) fails to use a storage facility that complies with the standards referred to in section 44 to store a FRM on a raising site or a spreading site;

(7) stores a Class O3 FRM without complying with the conditions prescribed by the first or second paragraph of section 47;

(8) field stores FRMs in contravention of the conditions set out in section 58;

(9) spreads a FRM referred to in section 69 on soil having the characteristics mentioned in that section;

(10) spreads a FRM referred to in the first paragraph of section 71 on stands mentioned in that paragraph;

(11) spreads Class P2 FRMs without complying with the minimum distances prescribed by section 77;

(12) spreads Class I2 FRMs without complying with the minimum distances prescribed by section 78;

(13) spreads a Class P2 or Class I2 FRM without complying with the restriction periods prescribed by section 83;

(14) distributes for domestic use FRMs that do not comply with the conditions set out in section 101.

109. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in other cases may be imposed on every person who fails

(1) to field store FRMs in compliance with the minimum distances prescribed by section 49;

(2) to comply with the prohibition on field storing FRMs in the cases prescribed by section 51;

(3) to comply with the prohibition on spreading the FRMs referred to in section 68;

(4) to comply with the prohibition on spreading a Class P2 or Class I2 FRM on a crop or on soil referred to in section 72;

(5) to comply with the prohibition on spreading a Class E2 FRM on any of the sites referred to in section 73;

(6) to comply with the prohibition on spreading leaves referred to in section 74 on a site referred to in that section;

(7) to spread FRMs on a raising site or a spreading site in accordance with section 75;

(8) to comply with the minimum distances prescribed by the first paragraph of section 76 for spreading FRMs on a site where a forest development activity is carried out;

(9) to spread FRMs in such manner as to prevent liquid FRMs and runoff water containing FRMs from reaching the areas referred to in the first paragraph of section 76, in contravention of the third paragraph of that section;

(10) to spread FRMs on a slope that complies with the percentages prescribed by the first paragraph of section 86;

(11) to implement the odour management plan referred to in the first paragraph of section 91 in accordance with the second paragraph of that section;

(12) to take measures to reduce the impact of odour in the cases prescribed by the first paragraph of section 95;

(13) to cease the reclamation activities and again evaluate the odour Class in the case prescribed by the second paragraph of section 95, in accordance with that paragraph;

(14) to comply with the conditions prescribed by the third paragraph of section 95 to resume the activities for the reclamation of the FRM.

CHAPTER VIII PENAL SANCTIONS

110. Every person who contravenes the second paragraph of section 23 or 26, section 28 or 31, the second or fourth paragraph of section 32, section 33, the third or fourth paragraph of section 37, the second or third paragraph of section 39, the second paragraph of section 45, section 48, the second paragraph of section 61, the third paragraph of section 65, the second or third paragraph of section 66 or 67, the second or third paragraph of section 81, the second paragraph of section 89, the fourth paragraph of section 91, section 92, the second or third paragraph of section 93, section 94, the fourth paragraph of section 95, the second or third paragraph of section 96, the fourth paragraph of section 97, the third or fourth paragraph of section 98 or the second paragraph of section 102 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.

111. Every person who contravenes the first paragraph of section 23 or 45, the second paragraph of section 65, the first paragraph of section 67 or 93, the first, second or third paragraph of section 97 or the first or second paragraph of section 98 commits an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 and, in other cases, to a fine of \$6,000 to \$600,000.

112. Every person who contravenes section 15, 18, 21 or 22, the first paragraph of section 26 or section 27, fails to comply with the conditions for resampling prescribed by section 30, contravenes the first or third paragraph of section 32, the second paragraph of section 46, section 50, the second paragraph of section 53, section 54, 55, 56, 57, 62, 63 or 64, the first paragraph of section 65, 66, 89, section 90, the first or third paragraph of section 91 or the first paragraph of section 96 or 102 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.

113. Every person who fails to assign a person referred to in section 25 in contravention of section 24 or 30, or contravenes the second paragraph of section 40, section 41 or 43, the first paragraph of section 46, the third paragraph of section 47, section 52, 84 or 87, the first paragraph of section 99 or section 100, commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 and, in other cases, to a fine of \$12,000 to \$1,500,000.

114. Every person who contravenes section 17, the first or second paragraph of section 37, section 42, the first paragraph of section 53, section 59 or 60, the first paragraph of section 61, section 79 or 80, the first paragraph of section 81 or section 82, 85 or 88 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 and, in other cases, to a fine of \$15,000 to \$3,000,000.

115. Every person who contravenes section 16, 34, 35, 38, the first paragraph of section 40, section 44, the first or second paragraph of section 47, section 58 or 69, the first paragraph of section 71 or section 77, 78, 83 or 101 commits an offence and is liable, in the case of a natural person, to a fine of \$8,000 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 and, in other cases, to a fine of \$25,000 to \$3,000,000.

116. Every person who contravenes section 49, 51, 68, 72, 73, 74 or 75, the first or third paragraph of section 76, the first paragraph of section 86, the second paragraph of section 91 or the first, second or third paragraph of section 95 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 and, in other cases, to a fine of \$30,000 to \$6,000,000.

CHAPTER IX TRANSITIONAL

117. Every FRM that has been classified according to olfactory characteristics before 1 November 2025 using the sniffing method or the olfactometry test prescribed by the document Guide sur le recyclage des matières résiduelles fertilisantes : Critères de référence et normes réglementaires, published in 2015 by the Ministère du Développement durable, de l'Environnement et des Parcs, is considered to have been classed in accordance with this Code.

118. As of 1 November 2025, a FRM that follows and for which no PFAS analysis has been conducted in accordance with this Code and evidenced by an analysis certificate is considered to be classed as followed for preventive investigative parameters:

- (1) domestic municipal biosolids are Class I2;
- (2) municipal biosolids from outside Québec are Class OC;
- (3) every other FRM referred to in list 3 of Schedule II is Class II.

CHAPTER X FINAL

119. This Code comes into force on 1 November 2025, except subparagraph 1 of the first paragraph of section 53, which comes into force on 1 November 2026.

SCHEDULE I

(Sections 2, 5 to 11, 15, 16, 18 to 21, 24, 26, 29, 32, 38, 46, 47 and, 57)

CLASSIFICATION OF A FRM**Table 1. Classification criteria for FRMs according to chemical parameters**

Chemical parameters	Units of measurement	Maximum content for the class	
		C1	C2
Arsenic (As)	mg/kg on a dry basis	13	41
Cobalt (Co)	mg/kg on a dry basis	34	150
Chromium (Cr)	mg/kg on a dry basis	210	1,000
Copper (Cu)	mg/kg on a dry basis	400	1,000
Molybdenum (Mo)	mg/kg on a dry basis	10	20
Nickel (Ni)	mg/kg on a dry basis	62	180
Selenium (Se)	mg/kg on a dry basis	2.0	14
Zinc (Zn)	mg/kg on a dry basis	700	1,850
Cadmium (Cd)	mg/kg on a dry basis	3.0	10
Mercury (Hg)	mg/kg on a dry basis	0.8	4
Lead (Pb)	mg/kg on a dry basis	120	300
Dioxins and furans	ng TEQ/kg on a dry basis	17	50

Table 2. Criteria for Class C2 according to chemical parameter ratios

Minimum ratios for Class C2			
Chemical parameters	Base neutralizing value	Phosphorus pentoxide (P ₂ O ₅) base (applicable only for FRMs to be spread on a spreading site or on a raising site)	
		for FRMs other than municipal biosolids containing > 50,000 mg (Al + 0.5 Fe)/kg on a dry basis	for municipal biosolids containing > 50,000 mg (Al + 0.5 Fe)/kg on a dry basis

	Ratio FRM neutralizing value/FRM chemical parameter content	Ratio FRM P ₂ O ₅ content/FRM chemical parameter content	
	(% CCE / mg/kg) (dr y matter)	(% / mg/kg) (dry matter)	
Arsenic (As)	> 0.67	> 0.024	> 0.048
Chromium (Cr)	> 0.047	> 0.001	> 0.002
Cobalt (Co)	> 0.33	> 0.007	> 0.014
Copper (Cu)	> 0.066	> 0.001	> 0.002
Molybdenu m (Mo)	> 2.5	> 0.050	> 0.100
Nickel (Ni)	> 0.28	> 0.006	> 0.012
Selenium (Se)	> 3.6	> 0.07	> 0.14
Zinc (Zn)	> 0.027	> 0.0005	> 0.0010
Cadmium (Cd)	> 2.5	n/a	n/a
Mercury (Hg)	> 10.0	n/a	n/a
Lead (Pb)	> 0.10	n/a	n/a
Dioxins and furans	n/a	n/a	n/a
CCE: Calcium carbonate equivalent			
P ₂ O ₅ : Phosphorus pentoxide. The analysis must be conducted in the form of P total and the result must be expressed in the form of P ₂ O ₅ .			
Neutralizing value: on a dry basis.			

Table 3. Classification criteria for FRMs for Classes P1 and P2

Types of FRs	P1 Criteria	P2 Criteria
<p>Paper mill biosolids</p> <p>or</p> <p>De-inking waste</p>	<p>No municipal or domestic wastewater is discharged into the industrial wastewater treatment system;</p> <p>or</p> <p>Such discharge accounts for less than 0.1% of total industrial water matter, evaluated on a dry basis</p> <p>and</p> <p>Salmonella not detected¹</p>	<p>No municipal or domestic wastewater is discharged into the industrial wastewater treatment system</p> <p>or</p> <p>Such discharge accounts for less than 0.1% of total industrial water matter, evaluated on a dry basis</p>
<p>Compost</p>	<p>Salmonella not detected¹</p> <p>and</p> <p>One of the following maturity and stability requirements is met:</p> <ul style="list-style-type: none"> • oxygen uptake rate less than or equal to 400 mg of oxygen (O₂)/kg volatile solids/hour using the analysis method in Part I, "Respirometric Method", of CAN/BNQ 0413-220; • oxygen uptake rate less than or equal to 450 mg of oxygen (O₂)/kg volatile solids/hour using the analysis method in Part II, "Modified Biochemical Oxygen Demand (BOD) Respiration Method", of CAN/BNQ 0413-220; • carbon dioxide (CO₂) evolution rate less than or equal to 4 mg of carbon in the form of CO₂/g organic matter/day using the analysis method described in TMECC 05.08-B; • temperature rise of compost above ambient temperature is less than or equal to 8°C using the analysis method described in TMECC 05.08-D; • another requirement recognized as compliant by CAN/BNQ 0413-200 for the maturity and stability criteria. 	<p>n/a</p>

<p>Pre-compost</p>	<p>n/a</p>	<p>Organic matter was maintained at a temperature greater than 55°C for one of the following periods, depending on the composting system used:</p> <ul style="list-style-type: none"> • 3 consecutive days in the case of closed thermophilic equipment or a forced-aeration static-pile system; • 15 days with 5 turnings in the case of turned windrow composting; <p style="text-align: center;">and</p> <p>Oxygen uptake rate less than or equal to 800 mg of oxygen (O₂)/kg volatile solids/hour using the analysis method in Part I, "Respirometric Method", of CAN/BNQ 0413-200</p> <p style="text-align: center;">and</p> <p><i>E. coli</i> bacteria content less than 2,000,000 CFU/g on a dry basis</p>
<p>Municipal biosolids</p> <p>or</p> <p>Digestate</p> <p>or</p> <p>Various FRs contaminated by any of the following:</p> <ul style="list-style-type: none"> ○ human feces in a proportion equal to or greater than 0.1% of the FR, evaluated on a dry basis ○ animal waste ○ non-agricultural waste ○ slaughterhouse waste ○ dismembering plant waste ○ animal carcasses ○ various animal wastes ○ egg waste 	<p>Salmonella not detected¹</p> <p style="text-align: center;">and</p> <p>one of the following treatments:</p> <ul style="list-style-type: none"> • Thermal treatment with one of the following options upon leaving the dryer: <ul style="list-style-type: none"> - the wet-bulb temperature of the gas released upon leaving the dryer is greater than 80°C; - the dried FR reached a temperature of at least 80°C upon leaving the dryer; <p>The FR is then protected from moisture;</p> <ul style="list-style-type: none"> • Alkaline treatment meeting the following requirements: <ul style="list-style-type: none"> - FR maintained at a pH equal to or greater than 12 for a minimum of 72 consecutive hours; - FR maintained at a temperature greater than 52°C for a minimum of 12 consecutive hours. • Treatment recognized on the basis of the approach described in Annex E in CAN/BNQ 0413-400, to reduce pathogen content. 	<p>One of the following requirements is met:</p> <ul style="list-style-type: none"> • Liming treatment at a pH equal to or greater than 12 for a minimum of 2 hours and maintained at a pH equal to or greater than 11.5 for a minimum of 22 hours; • <i>E. coli</i> bacteria content less than 2,000,000 CFU/g on a dry basis and aerobic biological treatment and oxygen uptake rate less than or equal to 1,500 mg of oxygen (O₂)/kg volatile solids/hour. The oxygen uptake rate must be measured in accordance with one of the two methods specified in CAN/BNQ 0413-220 for the maturity and stability requirements concerned, unless the FR is in a liquid state, in which case the method "EPA 1683 Specific Oxygen Uptake Rate in Biosolids" must be used; • The waste is worked into the soil in less than 6 hours and one of the following measures is met with regard to microbiological parameters: <ul style="list-style-type: none"> - <i>E. coli</i> bacteria content less than 2,000,000 CFU/g on a dry basis; - Salmonella not detected¹;

		<ul style="list-style-type: none"> • <i>E. coli</i> bacteria content less than 2,000,000 CFU/g on a dry basis and biological activated sludge treatment, and sludge age is at least 20 days; • Class O1 or Class O2 FR and one of the following measures is met with regard to microbiological parameters: <ul style="list-style-type: none"> - <i>E. coli</i> bacteria content less than 2,000,000 CFU/g on a dry basis; - Salmonella not detected¹; • Class O1 municipal biosolid and confirmation by the purification station of the pond pump out date previous to the pump out from which the biosolid originates. For a biosolid from a blend of biosolids from various ponds in the same purification station, use the pump out date for the pond with the most recent previous pump out date.
Residues referred to in paragraphs a, c, d, e, j to p, and s to u of list 1 of Schedule II	<p>Absence of contamination by one of the following materials:</p> <ul style="list-style-type: none"> • Human feces in a proportion greater than 0.1%, evaluated on a dry basis; • Animal waste; • Non-agricultural waste. 	n/a
Green waste	<p>Absence of contamination by one of the following materials:</p> <ul style="list-style-type: none"> • Human feces in a proportion greater than 0.1% of the FR, evaluated on a dry basis • Animal waste; • Non-agricultural waste; • Slaughterhouse waste; • Rendering waste; • Animal carcasses; • Various animal wastes; • Egg waste. 	n/a
Various non-contaminated FRs or FR referred to in paragraph q of list 1 of Schedule II	<p>Salmonella not detected¹</p> <p style="text-align: center;">and</p> <p>Absence of contamination by one of the following materials:</p> <ul style="list-style-type: none"> - Human feces in a proportion greater than 0.1% of the FR, evaluated on a dry basis; - Animal waste; - Non-agricultural waste; - Slaughterhouse waste; - Rendering waste; 	n/a

	<ul style="list-style-type: none"> - Animal carcasses; - Various animal wastes; - Egg waste, other than the FR referred to in paragraph q of list 1 of Schedule II. 	
FRs resulting from thermal processes referred to in paragraphs b, f, g, h and i of list 1 of Schedule II or Biochar or FRs resulting from a thermal combustion process	Thermal combustion process	n/a

CFU: colony forming units

1. Salmonella not detected in at least 2 out of 3 samples from a composite sample for FRs resulting from discontinuous processes, or 2 out of 3 grab samples for FRs resulting from continuous processes, for a minimum test portion of 25 g.

Table 4. Classification of FRMs according to olfactory characteristics

Classes	Types of FRMs
O1	<p>(a) Non-putrescible residue referred to in list 1 of Schedule II</p> <p>(b) Compost</p> <p>(c) Dead leaves, bark, wood waste from cutting and trimming of trees or bushes, wood chips, shavings and sawdust</p> <p>(d) Biochar</p> <p>(e) Paper mill biosolids and de-inking sludge having a carbon/nitrogen ratio equal to or greater than 70</p> <p>(f) Pure de-inking sludge or de-inking sludge mixed with paper mill biosolids and having a neutralizing value equal to or greater than a calcium carbonate equivalent of 30% on a dry basis and a dryness value equal to or greater than 40% at all times</p> <p>(g) Municipal pond or paper mill biosolids when the time from the previous total or partial pump out and the pump out producing the biosolids, plus any time spent in a sludge drying bed or a dewatering bag, is at least 4 years</p>

	<p>(h) Dried digestate protected from moisture and originating entirely or in part from municipal biosolids</p>
O2	<p>(a) Municipal pond or paper mill biosolids when the time from the previous total or partial pump out and the pump out producing the biosolids, plus any time spent in a sludge drying bed or a dewatering bag, is less than 4 years</p> <p>(b) Municipal biosolids from mechanized stations, dried and moisture protected</p> <p>(c) Digestate, other than digestate dewatered using a centrifuge</p> <p>(d) Municipal biosolids from a domestic wastewater treatment system</p> <p>(e) Pure de-inking sludge or de-inking sludge mixed with paper mill biosolids and having a neutralizing value equal to or greater than a calcium carbonate equivalent of 30% on a dry basis and an average annual dryness value equal to or greater than 35%</p> <p>(f) Paper mill biosolids having a carbon/nitrogen ratio equal to or greater than 50 but less than 70 and originating from a process other than a kraft or sulfate process</p> <p>(g) Paper mill biosolids having undergone acid treatment</p> <p>(h) Class O3 FRMs, other than those referred to in subparagraph 4 of the first paragraph of section 46, having undergone liming treatment at a pH equal to or greater than 12 for at least 2 hours and having maintained a pH equal to or greater than 11.5 for at least 22 hours</p> <p>(i) Paper mill biosolids from a kraft or sulfate process that uses a stripping tower prior to using an aerated effluent treatment system</p>
O3	<p>(a) Other municipal biosolids</p> <p>(b) Paper mill biosolids having a carbon/nitrogen ratio equal to or greater than 50 but less than 70 and originating from a process other than a kraft or sulfate process</p> <p>(c) Paper mill biosolids having a carbon/nitrogen ratio less than 50, not having undergone acid treatment and not from a kraft or sulfate process</p> <p>(d) Pre-compost</p> <p>(e) Untreated aquatic animal residue</p> <p>(f) FRMs referred to in subparagraph 4 of the first paragraph of section 46 having undergone treatment at the plant meeting the following requirements:</p> <p>i. Liming at a pH equal to or greater than 12 for at least 2 hours, and maintaining a pH equal to or greater than 11.5 for at least 22 hours</p>

	<p>ii. Calcium equal to or greater than 10% on a dry basis</p> <p>g) Green waste, other than Class O1 green waste</p> <p>(h) Agri-food biosolids</p> <p>(i) Milk, whey, permeate or filtrate from the dairy industry, whey by-products or white water from cheese making</p> <p>(j) Potato residue and other residue from the processing of vegetables and fruits</p>
O-OC	<p>(a) Rendering plant biosolids after primary treatment</p> <p>(b) Slaughterhouse biosolids after primary treatment</p> <p>(c) Paper mill biosolids from a kraft or sulfate process having a carbon/nitrogen ratio less than 50 and having not been treated to remove odours</p> <p>(d) Digestate from municipal biosolids dewatered using centrifuges</p>

Table 5. Classification of FRMs according to foreign matter content

Types of FRMs	Classes	Conditions to meet
Agri-food biosolids	E1	Screening
Slaughterhouse and rendering plant biosolids	E1	Screening
Paper mill biosolids	E1	The paper mill biosolid is not the result of waste paper or cardboard pulping
De-inking sludge	E1	Equipment is present to remove foreign matter on the generation site
FRMs from the condensation of gaseous waste	E1	n/a
Municipal biosolids from mechanized stations	E1	Screening
Municipal biosolids – from a non-first stage treatment pond	E1	Screening
Municipal biosolids – from a first stage treatment pond	E2	Screening

Municipal biosolids from a domestic wastewater treatment system	E2	Screening
Fly ash	E1	n/a
Bottom ash	E2	n/a
Digestate from municipal biosolids	E1	Screening has been performed on the municipal biosolid or digestate
Dead leaves	E2	The leaves are from an autumn bulk or paper bag collection
Fertigation water	E1	Equipment is present to retain foreign matter 2 mm or more in size
Bark	E1	The bark is not from a construction or demolition material sorting centre
Digestate from continuous slurry production processes – from source-separated organic residues and similar residue	E2	Screening has been performed on the input ready to undergo biomethanation or the digestate
Milk residue	E1	The residue has not been packaged for retail and is handled in bulk
Agri-food residue	E1	The residue has not been packaged for retail and is handled in bulk

Table 6. Classification criteria for FRMs according to foreign matter content and foreign matter parameters to be analyzed, pursuant to section 18

Foreign matter parameters	Maximum contents for Class E1	Maximum contents for Class E2
Sharp foreign matter greater than 5 mm in size	1 unit or less per 500 ml	n/a
Foreign matter - longer than 25 mm - larger than 3 mm	2 units or less per 500 ml	n/a
Total foreign matter greater than 2 mm in size	0.5% on a dry basis	1.0% on a dry basis

Table 7. Classification criteria for FRMs according to preventive investigative parameters

Preventive investigative parameters		CAS numbers	Maximum contents for the class in µg/kg on a dry basis	
			I1	I2
Perfluorooctane sulfonate (PFOS)		45298-90-6 (anion) 1763-23-1 (acid R-SO ₃ H)	11	50
Perfluorooctanoic acid (PFOA)		45285-51-6 (anion) 335-67-1 (acid R-COOH)	8	38
Sum of PFAS (∑PFAS)*	Perfluoro-n-butanoic acid (PFBA)	45048-62-2 (anion) 375-22-4 (acid R-COOH)	120	600
	Perfluoro-n-pentanoic acid (PFPeA)	45167-47-3 (anion) 2706-90-3 (acid R-COOH)		
	Perfluoro-n-hexanoic acid (PFHxA)	92612-52-7 (anion) 307-24-4 (acid R-COOH)		
	Perfluoro-n-decanoic acid (PFDA)	73829-36-4 (anion) 335-76-2 (acid R-COOH)		

	Perfluorodecane sulfonate (PFDS)	126105-34-8 (anion) 335-77-3 (acid R-SO ₃ H)		
	1H,1H,2H,2H-perfluorooctane sulfonate (6:2 fluorotelomer sulfonate) (6:2 FTS)	425670-75-3 (anion) 27619-97-2 (acid R-SO ₃ H)		
	3-perfluoropentyl propanoic acid (5:3 FTCA)	1799325-94-2 (anion) 914637-49-3 (acid R-COOH)		
	3-perfluoroheptyl propanoic acid (7:3 FTCA)	1799325-95-3 (anion) 812-70-4 (acid R-COOH)		
	N-methyl perfluorooctane sulfonamidoacetic acid (NMeFOSAA)	2355-31-9		
	N-ethyl perfluorooctane sulfonamidoacetic acid (NEtFOSAA)	2991-50-6		
	2H-perfluoro-2-octenoic acid (FHUEA)	70887-88-6		
* That parameter is calculated on the basis of the sum of the PFAS identified in the next column, without taking into account PFOS and PFOA values.				

Table 8. Parameters to be analyzed according to the type of FRM, pursuant to section 18

		Types of FRMs, composed of FRMs grouped according to their similarity (designated according to the applicable subparagraph of the first paragraph of section 4)															
Parameter	Unit of measurement	1	2	3 and 4	5	6	7	8 and 9	10	11	12	13, 14, 15 and 16	17	18 and 19	21	20, 22, 23 and 24 ⁹	
Dryness value	% on a wet basis	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Total kjeldahl nitrogen (TKN)	mg/kg on a dry basis	x	x	x			x	x	x	x	x	x		x	x(10)	x	
Ammoniacal nitrogen (N-NH ₄)		x	x(1)	x			x	x	x(1)	x	x	x		x	x(10)	x	
Total phosphorus, expressed as P ₂ O ₅		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Total potassium, expressed as K ₂ O		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Organic matter	% on a dry basis	x	x	x		x	x	x	x	x	x	x		x	x	x	
Neutralizing value	% CCE on a dry basis	x(2)		x(2)	x	x	x(2)	x(2)		x(2)	x(2)	x(2)	x	x(2)	x	x(2)	
Maximum aggregate size	%htmx				x	x							x		x	x	
Efficiency	%			x(8)	x								x			x(2)	
Carbon/nitrogen ratio	n/a	x	x	x			x	x	x	x	x	x		x	x(10)	x	
pH		x(2)		x(2)	x	x	x(2)	x(2)	x	x(2)	x(2)	x(2)	x	x	x	x	
Calcium (Ca)	mg/kg on a dry basis	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Magnesium (Mg)	mg/kg on a dry basis	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Total sulphur (S)	% on a dry basis			x	x	x							x	x	x	x	
Sulphate (SO ₄ ²⁻)	mg/kg on a dry basis													x		x	
Aluminum (Al)	mg/kg on a dry basis	x		x(3)			x(3)	x(3)		x		x(6)		x	x(6)	x	
Arsenic (As)		x		x	x	x						x	x	x	x	x	
Boron (B)		x		x(4)	x(4)	x(4)						x(6)	x	x	x(4.6)	x	
Cadmium (Cd)		x		x	x	x						x	x	x	x	x	
Chromium (Cr)		x		x	x	x						x	x	x	x	x	
Cobalt (Co)		x		x	x	x						x	x	x	x	x	
Copper (Cu)		x		x	x	x	x	x(5)		x		x	x	x	x	x	
Iron (Fe)		x		x(3)			x(3)	x(3)		x		x(6)		x	x(6)	x	
Manganese (Mn)		x				x						x(6)		x	x	x	
Mercury (Hg)		x		x	x	x				x		x	x	x	x	x	
Molybdenum (Mo)		x		x	x	x					x	x	x	x	x	x	
Nickel (Ni)		x		x	x	x					x	x	x	x	x	x	
Lead (Pb)		x		x	x	x						x	x	x	x	x	
Selenium (Se)		x		x	x	x				x		x	x	x	x	x	
Sodium (Na)		x		x	x	x	x	x	x	x	x		x(6.11)	x	x	x	x

		Types of FRMs, composed of FRMs grouped according to their similarity (designated according to the applicable subparagraph of the first paragraph of section 4)														
Parameter	Unit of measurement	1	2	3 and 4	5	6	7	8 and 9	10	11	12	13, 14, 15 and 16	17	18 and 19	21	20, 22, 23 and 24 ⁹
Zinc (Zn)		x		x	x	x				x		x	x	x	x	x
Dioxins and furans	ng TEQ/kg on a dry basis	x(7)		x(7)		x(7)						x(7)	x(7)	x(7)	x(7)	x(7)

Analysis is required for x-marked parameters

CCE: Calcium carbonate equivalent

%htmx: Weight percentage of sample on a wet basis passing through one or more sieves with mesh openings of 20 mm and 12.5 mm in accordance with the ASTM C136 method with sieved as-received test portion

TEQ: 2,3,7,8-tetrachlorodibenzodioxin toxic equivalent

- (1) Analysis not required for waste with a carbon/nitrogen ratio greater than or equal to 70.
- (2) Analysis required for alkaline treated fertilizing residuals, de-inking waste, and FRMs containing ground mollusc or crustacean shells.
- (3) Analysis required for FRMs from an aluminum salts or iron process and for mechanically dewatered FRMs with those salts added. The analysis must be conducted after those salts are added.
- (4) Analysis required for FRMs from paperboard manufacturing or any other process with boron added.
- (5) Analysis required for biosolids and other pig slaughterhouse waste and rendering plant biosolids and other rendering waste.
- (6) Analysis required for FRMs originating entirely or in part from a FRM for which analysis of the parameter is required.
- (7) Analysis required for every FRM listed below, originating from a residue listed below, or for which there is a possibility of contamination from the compounds, in particular due to the blending of residues or the generation process:
 - biosolids from a pulp and paper making process using a chlorine oxidizing compound in pulping, bleaching or wastewater treatment;
 - municipal pond biosolids to be classed C1;
 - municipal biosolids or digestate dried by direct contact with incinerator combustion gas;
 - FRMs, including wastewater, in particular from a textile mill or tannery;
 - Residues referred to in paragraphs *d, g, i, l, m* and *s* of list 1 of Schedule II.
- (8) Analysis not required for de-inking waste or FRMs containing de-inking waste.
- (9) FRMs not already referred to in paragraphs 1 to 19 and 21.
- (10) Analysis not required if the biochar originates from wood or bark only.
- (11) Analysis required for FRMs originating entirely or in part from source-separated organic residues as defined in list 2 of Schedule II.

Table 9. Minimum number of samples to be taken for analysis pursuant to section 21

Quantity generated in the last 12 months or stored on a generation site (tonnes, on a dry basis), per FRM	Minimum number of samples according to the nature of the parameter to be analyzed			
	Dioxins and furans and foreign matter	Salmonella and <i>E. coli</i>	PFOS, PFOA and \sum_{PFAS}	Other parameters
0 – 300	1	2	1	2
301 - 1,500	2	4	1	4
1,501 - 15,000	3	6	1	6
> 15,000	4	12	1	12

Table 10. Chemical organic parameters to be analyzed for certain residue in list 1 of Schedule II and the FRMs containing them pursuant to section 18

Categories of parameters	Residue in list 1 of Table 11 of Schedule II			
	Ash or biochar from treated wood or from construction, renovation and demolition wood	Ash or biochar from wood waste from wood-panel manufacturing plants	Kiln dust from the manufacture of Portland cement	Residue referred to in paragraphs <i>d</i> , <i>g</i> , <i>i</i> , <i>l</i> , <i>m</i> and <i>s</i> of list 1 of Schedule II
1- Chlorobenzene	X		X	
2- Semi-volatile organic compounds	X		X	
3- Polycyclic aromatic hydrocarbons - list 1 of Table 11 of Schedule I	X		X	

4- Polycyclic aromatic hydrocarbons - list 2 of Table 11 of Schedule I	X		X	
5- Phenolic compounds - list 1 of Table 11 of Schedule I	X		X	
6- Phenolic compounds - list 2 of Table 11 of Schedule I	X		X	
7- Volatile organic compounds - list 1 of Table 11 of Schedule I	X		X	
8- Volatile organic compounds - list 2 of Table 11 of Schedule I	X			
9- Formaldehyde	X	X		
10- Dioxins and furans				X
Analysis is required for X-marked parameters.				

Table 11. Maximum authorized content of the organic chemical parameters referred to in Table 10

Chemical parameter	Maximum content, in mg/kg (on a dry basis)
1-CHLOROBENZENES	
1,2,4-Trichlorobenzene	2
Hexachlorobenzene	2

2-SEMI-VOLATILE ORGANIC COMPOUNDS	
Bis(2-chloroethyl) ether	6
Bis(2-chloroisopropyl) ether	7.2
4-Bromophenyl phenyl ether	15
Bis (2-Chloroethoxy) methane	7.2
2,6-Dinitrotoluene	0.7
2,4-Dinitrotoluene	140
2,4,6-Trinitrotoluene	0.4
Nitrobenzene	14
2,4-Dinitrophenol	1
n-Nitrosodi-n-propylamine	14
Hexachlorocyclopentadiene	2.4
Hexachloroethane	30
Di-n-butylphthalate (dibutyl phthalate)	28
Butylbenzylphthalate	28
Bis(2-ethylhexyl) phthalate	28
Diethylphthalate	28
Di-n-octylphthalate	28
Dimethylphthalate	28
3-POLYCYCLIC AROMATIC HYDROCARBONS - LIST 1	
Acenaphthene	3.4
Anthracene	3.4
Benzo(a)anthracene	1
Dibenzo(a,h)anthracene	1
Chrysene	1
Fluorene	3.4
Fluoranthene	3.4

Benzo(b,j,k)fluoranthene	1
Naphthalene	5
2-Chloronaphthalene	5.6
Phenanthrene	5
Benzo(g,h,i)perylene	1
Indeno(1,2,3-cd)pyrene	1
Pyrene	8.2
Benzo(a)pyrene	1
4-POLYCYCLIC AROMATIC HYDROCARBONS - LIST 2	
Acenaphthylene	3.4
Benzo(c)phenanthrene	1
7,12-Dimethylbenzo(a)anthracene	1
1-Methylnaphthalene	1
2-Methylnaphthalene	1
1,3-Dimethylnaphthalene	1
2,3,5-Trimethylnaphthalene	1
3-Methylcholanthrene	1
Dibenzo(a,l)pyrene	1
Dibenzo(a,i)pyrene	1
Dibenzo(a,h)pyrene	1
5-PHENOLIC COMPOUNDS - LIST 1	
o-Cresol	1
m-Cresol	1
p-Cresol	1
Phenol	1
2-Chlorophenol	0.5
2,4 + 2,5-Dichlorophenol	0.5

2,4,6-Trichlorophenol	0.5
2,4-Dimethylphenol	1
2-Nitrophenol	1
4-Nitrophenol	1
Pentachlorophenol	0.5
6-PHENOLIC COMPOUNDS - LIST 2	
3-Chlorophenol	0.5
4-Chlorophenol	0.5
2,3-Dichlorophenol	0.5
2,6-Dichlorophenol	0.5
3,4-Dichlorophenol	0.5
3,5-Dichlorophenol	0.5
2,3,4-Trichlorophenol	0.5
2,3,5-Trichlorophenol	0.5
2,3,6-Trichlorophenol	0.5
2,4,5-Trichlorophenol	0.5
3,4,5-Trichlorophenol	0.5
2,3,4,5-Tetrachlorophenol	0.5
2,3,4,6-Tetrachlorophenol	0.5
2,3,5,6-Tetrachlorophenol	0.5
7-VOLATILE ORGANIC COMPOUNDS - LIST 1	
1,2-Dichlorobenzene	1
1,3-Dichlorobenzene	1
1,4-Dichlorobenzene	1
Hexachlorobutadiene	5.6
8-VOLATILE ORGANIC COMPOUNDS - LIST 2	
Benzene	0.5

Chlorobenzene	1
Ethylbenzene	5
1,1-Dichloroethane	5
1,2-Dichloroethane	5
1,1,1-Trichloroethane	5
1,1,2-Trichloroethane	5
1,1,2,2-Tetrachloroethane	5
1,1-Dichloroethene	5
cis-1,2-Dichloroethene	5
Trans-1,2-Dichloroethene	5
Trichloroethene	5
1,1,2,2-Tetrachloroethylene	5
Chloroform	5
Dichloromethane	5
1,2-Dichloropropane	5
cis-1,3-Dichloropropene	5
Trans-1,3-Dichloropropene	5
Styrene	5
Carbon tetrachloride	5
Toluene	3
Vinyl chloride	0.4
Xylene	5
9-FORMALDEHYDE	
Formaldehyde	50
10-DIOXINS AND FURANS	
Sum of chlorodibenzodioxins and chlorodibenzofurans expressed in toxic equivalents 2,3,7,8-T ₄ CDD	2.7 x 10 ⁻⁵

Table 12. Criteria for designating a FRM Class C on the basis of the results of the analyses required under sections 21 and 24 for the purposes of section 29

Class C on the basis of the results of the analyses conducted under section 21 for each parameter	Class C on the basis of the results of the analyses conducted under section 24 for each parameter	FRM designated as Class C for the purposes of reclamation
C1	C1	C1
C2	C1	C2
C2	C2	C2
C1	C2	C2
C1	HC	HC
C2	HC	HC

Table 13. Criteria for designating a FRM Class P on the basis of the results of the analyses required under sections 21 and 24 for the purposes of section 29

Class P on the basis of the results of the analyses conducted under section 21	Characteristics or results of the analyses of the sample taken under section 24	FRM designated as Class P for the purposes of reclamation
P1	<p>Absence of salmonella (not necessary for ash and other residue for which there is no analysis requirement);</p> <p>And</p> <p>1. Compost: O₂ assimilation rate ≤ 400 mg/kg of organic matter/hour</p> <p>Or</p> <p>2. Biosolid or digestate: dryness value $> 90\%$ d.m.;</p> <p>3. Residue not contaminated by human or animal feces</p> <p>4. Biosolid treated with lime with pH ≥ 12 and $\geq 50\%$ d.m.;</p>	P1

	5. Liming de-inking sludge not contaminated by domestic wastewater.	
P2	≤ 2,000,000 <i>E. Coli</i> /g	P2

Table 14. Designation of a FRM Class E on the basis of the results of the analyses required under sections 21 and 24 for the purposes of section 29

Class E on the basis of the results of the analyses conducted under section 21 for each parameter	Class E on the basis of the results of the analyses conducted under section 24 for each parameter	FRM designated as Class E for the purposes of reclamation
E1	E1	E1
E1	E2	E2
E2	E2	E2
E2	E1	E2
E1	HC	HC
E2	HC	HC

SCHEDULE II

(Sections 1, 4, 5, 12, 17, 18, 20, 21, 26, 32, 52, 56, 71, 99, 101 and 108)

LISTS

List 1. Liming materials

	Industrial residue from
(a)	the reaction of calcium carbide with water in the production process of acetylene gas (residue essentially containing hydrated lime [Ca(OH) ₂])
(b)	the dust collecting system of lime kilns
(c)	the production of quicklime (CaO) or hydrated lime [Ca(OH) ₂]
(d)	the production of calcium carbonate (CaCO ₃) from quicklime
(e)	kraft pulp mills producing lime mud, green liquor dregs and slaker grits
(f)	the combustion (with or without auxiliary fuel) <ul style="list-style-type: none"> i. of wood that is not chemically treated or has not been in contact with a salt; ii. of wood residue (except that resulting from the manufacture of panels);

	<p>iii. of de-inking sludge; iv. of sludge resulting from the treatment of process waters from pulp and paper plants not using chlorine bleaching agents to bleach the pulp and not crushing pulp that is bleached with those agents.</p> <p>Bottom ash and fly ash resulting from the combustion of those products are generated, among others, by sawmills, pulp and paper mills or power stations</p>
(g)	<p>the combustion i. of agricultural biomass; ii. of wood residue from wood-panel manufacturing plants (for example particle board, plywood); iii. of wood from construction, renovation and demolition (CRD) material sorting centres or treated wood; iv. of sludge resulting from the treatment of process waters from pulp and paper plants using chlorine bleaching agents to bleach the pulp or crushing pulp that is bleached with those agents, and municipal sludge.</p> <p>Those products may be burned alone or together with the products mentioned in paragraph <i>f</i></p>
(h)	metal recovery during the treatment of slag from steel mills or primary smelters
(i)	kiln dust from the manufacture of Portland cement
(j)	a dust collecting system used in the grinding of limestone or shale rock
(k)	a dust collecting system used in the preparation of calcareous aggregate for bituminous concrete production
(l)	the dissolving of magnesite during the production of magnesium
(m)	a deactivated by-product resulting from the cleaning of electrolytic cells and magnesium furnaces during the production of magnesium from magnesite
(n)	the purification of calcium carbonate originating from natural ground calcium carbonate
(o)	the production of a liquid liming material from natural limestone particles that have been micronized and put into suspension
(p)	lime sludge resulting from water softening treatment (through the addition of lime) used in boilers to produce steam
(q)	eggshells from agri-food processing plants
(r)	liming de-inking sludge resulting from the production of de-inked pulp
(s)	by-products resulting from the capture of SO ₂
(t)	the dust suppression process as a result of machining natural stones
(u)	the retrieval of ready-mixed concrete sediment

Lists 2.1 and 2.2. Inputs permitted for use in compost, pre-compost or a digestate whose reclamation is an activity eligible for a declaration of compliance or an activity exempted from authorization under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)

For the purposes of these lists,

“biomedical waste” means biomedical waste referred to in the Regulation respecting biomedical waste (chapter Q-2, r. 12); (*déchets biomédicaux*)

“hazardous materials” means hazardous materials referred to in the Regulation respecting hazardous materials (chapter Q-2, r. 32); (*matières dangereuses*)

“inedible meat” means inedible meat designated in section 7.1.1 of the Regulation respecting food (chapter P-29, r. 1); (*viandes non comestibles*)

“non-contaminated wood” means wood containing no varnished, painted, stained, treated or engineered wood, or wood contained in oriented strand board, plywood or particle board; (*bois non contaminé*)

“rumen contents” means the partially digested stomach contents of ruminants; (*contenu de panse*)

“source-separated organic residues” means organic material of plant or animal origin resulting mainly from the preparation, consumption and distribution of food and beverages separated on the site where the fertilizing residual materials are produced; (*résidus organiques triés à la source*)

“specified risk material” means specified risk material within the meaning of the Guidance on Specified Risk Material published by the Canadian Food Inspection Agency. (*matériel à risque spécifié*)

2.1. Exhaustive list of basic inputs for composting and biomethanation processes

Origin	Input
Food and agri-food	(a) Agri-food waste from animals, plants or mushrooms; (b) Source-separated organic residues; (c) Residue from the transformation of milk, including whey and downgraded milk; (d) Agri-food wastewater; (e) Plant or animal oil and grease; (f) Residue from feed rations;
Plant waste	(g) Natural Christmas trees; (h) Non-contaminated wood;

	<p>(i) Forest waste; (j) Green waste; (k) Organic matter growing medium (for example, peat moss or coco fibre);</p>
Biosolids	<p>(l) Agri-food; (m) Slaughterhouse; (n) Rendering plant; (o) Municipal; (p) Paper mill; (q) Aquaculture;</p>
Residue of animal origin	<p>(r) Rumen contents; (s) Livestock waste, non-agricultural animal waste or human feces, including those containing litter made of residue referred to in this list; (t) Aquatic animal residue; (u) Inedible meat and other carcasses or parts of dead animals, except specified risk material; (v) Hatchery waste (dead chicks, downgraded or expired eggs, and shells);</p>
Biological treatment outputs	<p>(w) Compost, pre-compost or a digestate generated only from inputs referred to in this list;</p>
Other residue	<p>(x) The following residual materials, up to a total of 5% of the input volume: i. Ash certified or attested as compliant with BNQ 0419-090; ii. Source-separated residual gypsum. In the case of gypsum from drywall panels, there must be no paint or asbestos, and the cardboard must have been removed beforehand; iii. Lime; iv. Plant matter attached to soil that meets the limit values defined in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) and has a plant mass content below 50%;</p> <p>(y) De-inking sludge.</p>

2.2. Non-exhaustive list of residue not permitted for use as inputs in compost, pre-compost or a digestate whose reclamation is an activity eligible for a declaration of compliance or an activity exempted from authorization under the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)

- Asbestos and any material containing asbestos;

- Biosolid or leachates from a wastewater treatment system of establishments regulated by the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

- Residue from the cleaning of storm sewers and combined sewers;
- Residue from industrial catch basins;
- Biomedical waste;
- Car wash wastewater;
- Concrete cutting wastewater;
- Artificial vitreous fibres;
- Specified risk material;
- Hazardous materials;
- Mixed residual materials and residue separated from mixed residual materials;
- Residue from construction, renovation and demolition (other than gypsum referred to in paragraph <i>x</i> of list 2.1).

List 3. FRMs referred to for their preventive investigative parameters

	FRMs that are:
(a)	municipal biosolids from a municipal wastewater treatment works within the meaning of the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);
(b)	paper mill biosolids;
(c)	de-inking sludge;
(d)	every other FRM resulting from the treatment process of mixed materials, such as outputs from a mechanical-biological sorting process applied to deposits of non-source-separated materials, or outputs from the treatment of residual materials resulting from construction or demolition work;
(e)	every pre-compost, compost or digestate that contains a FRM referred to in this list;
(f)	every ash from a FRM referred to in this list.

SCHEDULE III

(Sections 9, 46 and 95)

SNIFFING METHOD FOR THE CLASSIFICATION OF FRMS ACCORDING TO THEIR OLFACTORY CHARACTERISTICS (CLASS O)**General**

This method classifies FRMs according to their olfactory characteristics pursuant to section 9 or 95 of this Code. It proposes to resort to panellists who sniff materials within a particular framework in order to classify them according to their odour.

A maximum of 10 FRMs may undergo the same sniffing test, evenly spread over two half days.

The odour class assigned to a FRM in accordance with this method remains valid for that FRM only if the conditions under which it is generated remain unchanged.

Solid dairy cattle manure and feeder pig slurry must be used as reference materials for the classification of a FRM according to its olfactory characteristics.

If the sniffing test is performed for the sole purpose of assigning Class O1 to a FRM, only dairy cattle manure is required. If the sniffing test is performed for the sole purpose of assigning a Class other than O1 or O2 to a FRM, only feeder pig slurry is required.

Sampling of FRMs and livestock waste

Before the FRM is sampled, it must have been stored for 2 to 8 weeks, or for any other period making it possible for the FRM to achieve the worst-case scenario with regard to odour emissions.

The FRM samples must be taken between 1 May and 31 October, unless the FRM has been protected from the cold or stored in a container or an isolated building and its temperature has been measured at various depths on a weekly basis. The temperatures measured will be used to show that the FRM sample is representative of a FRM that has not been aged in a container or an isolated building or that it has achieved the worst-case scenario with regard to odour emissions.

The solid dairy cattle manure samples must be taken from a pile. Depending on the sampling period, the samples must be taken from outside the frozen part of the pile and the crust, if applicable.

The feeder pig slurry samples must be taken from a slurry pit.

For livestock waste used as reference material, the following samples must be taken:

(1) 2 solid dairy cattle manure samples, taken from dairy cattle aged 2 to 4 months and originating from 2 different agricultural operations;

(2) 2 feeder pig slurry samples originating from 2 different agricultural operations.

The FRM and livestock waste samples must be taken within 21 days before the date of the sniffing test by a person having experience in that area, in accordance with section 22.

If the samples are taken more than 24 hours before the sniffing test, they must be kept in a refrigerator but not frozen.

Analysis of FRMs to be classified and livestock waste used as reference

Physiochemical analyses of the following elements must be conducted on each FRM and livestock waste sample:

(1) the dry matter content, expressed as a percentage;

(2) the organic matter content (loss-on-ignition), expressed as a percentage;

(3) the total kjeldahl nitrogen (TKN) content, expressed in kilograms per tonne;

(4) the ammoniacal nitrogen (N-NH₃) content, expressed in kilograms per tonne;

(5) the carbon/nitrogen (C/N) ratio.

Preparation of samples

Each FRM and livestock waste sample must be split into 20 sub-samples to be used in the sniffing test.

The sub-samples must be placed in identical closed containers that meet the following conditions:

(1) they are odourless;

(2) they have a large opening;

(3) they are amber or opaque in colour;

(4) their capacity is between 250 ml and 500 ml;

(5) they have a lid.

The sub-sample containers must be filled to half their volume.

The containers must be labelled according to the type of material, but in a way that prevents panellists from identifying their contents, for example FRM 1, FRM 2, Manure 1, Manure 2, Slurry 1 or Slurry 2.

The sub-samples must be at room temperature during the sniffing test. Their temperature must be taken and entered in the report.

Premises

The premises selected to perform the sniffing test must be at a comfortable temperature, free from odours, ventilated and well aerated.

The room must be free from any source of noise or light that may negatively affect the sniffing in progress.

The room must be furnished with 10 sniffing stations that include a table, a chair, the sub-samples to be tested, a water sub-sample, and the material required for the test.

Composition of the panel

The generator of the FRM and the person in charge of implementing the sniffing test cannot be part of the panel.

The person in charge of the sniffing test must establish a panel composed of 10 participants and grouped in 2 sub-panels, that is,

(1) 5 employees of the Ministère du Développement durable, de l'Environnement et des Parcs;

(2) 5 other participants, with a maximum of 3 of those participants being linked to the person in charge of the sniffing test.

Each panellist must be able to objectively evaluate the odours and must not suffer from hyperosmia or anosmia. Each panellist must also be familiar with the odour of cattle manure, feeder pig slurry and FRMs.

Each panellist must follow the following code of conduct:

(1) at least 30 minutes before the sniffing test, and while the test is being performed, refrain from consuming any substance likely to affect sensory perception, such as tobacco, food, a liquid other than water, chewing gum or candy;

(2) take care not to interfere with your own sensory perception or that of the other panellists, for example through a lack of personal hygiene or by using perfume, deodorant, body lotion or other beauty products;

(3) make sure not to have a condition that impacts their olfactory perception, such as cold or allergy symptoms, and to remove oneself from the sniffing test, if applicable;

(4) refrain from speaking with the other panellists about their findings and results during the sniffing test;

(5) be unaware of which FRMs are to be tested;

(6) be a non-smoker.

Results bulletin

Results bulletins in keeping with the model shown below must be distributed to the panellists so that they can assign an odour rating, on a scale of 0 to 10, to each of the sub-samples in the containers. The 0 rating corresponds to the water sub-sample, whereas the 10 rating corresponds, if applicable, to an extremely intense and unpleasant odour to which the instinctive reaction would be to avoid any future exposure to that odour at that level of intensity.

Model:

Series of containers (1 or 2): _____

Name of panellist: _____

Employer: _____

Identification (FRs not visible and randomly distributed)	Label number	Odour rating											
		0	1	2	3	4	5	6	7	8	9	10	
Slurry 2													
FR 3													
Manure 2													
FR 2													
FR 1													
Slurry 1													
Manure 1													
Signature of panellist: _____													

Note: A 0 rating corresponds to pure water and a 10 rating corresponds to extremely malodorous waste.

A results bulletin must be completed for each series of containers.

The name of the panellist and the series of sniffing performed by the panellist must be indicated on the bulletin.

Conduct of the sniffing test

The person in charge of the sniffing test must welcome the panellists and give them an instruction sheet, the results bulletins, a lead pencil and an eraser. The person in charge must read out the instruction sheet and answer the questions of the panellists.

Each panellist must sniff 2 series of sub-samples consisting of

- (1) 2 dairy cattle waste sub-samples;
- (2) 2 feeder pig slurry sub-samples;
- (3) 1 sub-sample per FRM; and
- (4) 1 odourless water sub-sample.

The instruction sheet must specify the procedure involving the following steps:

- (1) put on clean, waterproof gloves;
- (2) take the water sub-sample container, open it, sniff it and close it;
- (3) take another container, from left to right, and then
 - (a) open it;
 - (b) create turbulence by doing slight rotary motions for a minimum of 5 seconds;
 - (c) with the sub-sample 10 cm away from the nose, sniff it for a maximum of 15 seconds;
 - (d) select an odour rating, on a scale of 0 to 10, and close the container;
 - (e) enter the odour rating in the appropriate space on the results bulletin;
- (4) wait at least 30 seconds;
- (5) repeat the steps referred to in subparagraphs 2 to 4 for each container from the same series;
- (6) in case of doubt about which odour rating to assign, sniff one or more containers again, following the same procedure, and place the containers from left to right in ascending or descending order of odour rating;
- (7) give the results bulletins to the person in charge.

There must be a pause of at least 30 minutes between each series.

A maximum of 5 FRMs may undergo sniffing tests in one half-day period.

After the sniffing test, the person in charge must

- (1) compile the results;
- (2) prepare a sniffing test report in accordance with this method;
- (3) assign an odour class; and
- (4) send the report to the Minister as soon as it is completed.

Sniffing test report

The person in charge of the sniffing test must produce a sniffing test report that contains the following information:

- (1) the name and contact information of the person in charge of the sniffing test;
- (2) a description of the various materials undergoing sniffing, in particular
 - (a) their origin;
 - (b) their general characteristics;
 - (c) their inputs; and
 - (d) their process;
- (3) the sampling methods for each material;
- (4) the name, contact information and qualifications of the samplers;
- (5) the sampling point and sampling date for each sample;
- (6) the name, contact information and employment of each panellist;
- (7) the date of the sniffing test and the contact information of the place where it was performed;
- (8) the temperature of the premises and of the materials being sniffed;
- (9) the raw and synthesized data from the panel for each sub-sample sniffed;
- (10) the interpretation of the results, including a demonstration that the conditions concerning representativeness were complied with;
- (11) the odour class assigned to each FRM on the basis of the assignation criteria;

(12) a declaration by the person in charge attesting that the sniffing test was performed in accordance with this Schedule.

The promoter of the reclamation project must keep the sniffing test report for a minimum period of 5 years.

Interpretation of the results and conditions concerning representativeness

For the sniffing test to be acceptable, the following 3 representativeness criteria must be complied with and demonstrated by the person in charge:

(1) if the average results of the 2 sub-panels for a given FRM diverge by 2 units or more, one of the following measures must be taken:

(a) invalidate the results for that FRM;

(b) establish classes on the basis of the sub-panel with the most restrictive results;

(2) for livestock waste, the odour rating accepted for solid dairy cattle manure must be lower than the odour rating for feeder pig slurry by at least 2 units, and a nonparametric Wilcoxon statistical test must demonstrate that odour ratings are statistically significantly different at threshold $\alpha = 0.05$;

(3) for FRMs, the physicochemical characteristics of the sample must appear normal in comparison with the annual average, using the standard deviation, or they represent the worst-case scenario with regard to odour emissions.

Despite the first paragraph, the promoter has until 12 months following the sniffing test to demonstrate that the criterion referred to in subparagraph 3 of the first paragraph was complied with. Until that demonstration is made, the odour class assigned to the FRM is temporary.

Criteria for assigning the odour class

If the odour class assigned to a FRM further to a sniffing test is less restrictive than the odour class assigned to that FRM pursuant to Table 4 of Schedule I, that class is henceforth assigned to it.

If the class assigned to a FRM further to a sniffing test is more restrictive than the class assigned to that residual pursuant to section 9, the class determined by Table 4 of Schedule I has priority.

The person in charge of the sniffing test designates a FRM as Class O1 in the following cases:

(1) the average odour rating obtained is lower than that of the solid dairy cattle manure by at least 2 units;

(2) the average odour rating obtained is 2.0 or lower.

The person in charge of the sniffing test designates a FRM as Class O2 in the following cases:

(1) the average odour rating obtained is lower than that of the solid dairy cattle manure by less than 2 units;

(2) the odour rating is higher than that of the solid dairy cattle manure by less than 2 units but lower than that of the feeder pig slurry by at least 2 units.

The person in charge of the sniffing test designates a FRM as Class O3 if the average odour rating is not O1 or O2 and it is lower than or equal to that of the feeder pig slurry.

The person in charge of the sniffing test designates a FRM as “out of class” if its rating is not O1, O2 or O3.

SCHEDULE IV (Section 95)

ADDITIONAL MITIGATION MEASURES TO MINIMIZE THE IMPACT OF ODOUR FROM A FRM PURSUANT TO SECTION 95

This Schedule presents the additional mitigation measures that must be taken by the agronomist or forest engineer who signed the agro-environmental reclamation plan to reduce the impact of odour if the olfactory class of a FRM was obtained using the sniffing method set out in Schedule III.

Measures applicable to the storage of FRMs

The storage of a FRM referred to in this Schedule must take place in accordance with the following measures:

(1) avoid storing FRMs in the axis of the prevailing wind towards nearby dwellings;

(2) select a site close to windbreaks or a wooded strip;

(3) select a site where there are no nearby dwellings situated below;

(4) reduce the duration of storage;

(5) use a permanent watertight cover or impermeable canvas fixed in such a way as to prevent any dispersion;

(6) encapsulate the FRM in accordance with section 57;

(7) install a floating organic mat consisting of straw, compost, peat or sawdust, at least 10 cm thick and covering more than 98% of the surface of the storage facility, not more than 6 hours after receiving or handling the FRMs;

(8) lime at a pH equal to or greater than 12 and maintain a pH greater than 10 at all times;

(9) encourage liquid management for FRMs stored in watertight structures.

Measures applicable to the spreading of FRMs

The spreading of a FRM referred to in this Schedule must be carried out in accordance with the following measures:

(1) apply the minimum distances from the strictest Class O after that of the FRM to be spread;

(2) take into account meteorological conditions, such as temperature and wind direction;

(3) plan the spreading within working hours;

(4) immediately work the FRMs into the soil;

(5) avoid spreading during the summer;

(6) spread the FRMs using boom spreaders with drop pipes.

Measures applicable to the generation of FRMs

The generation of a FRM referred to in this Schedule must be carried out in accordance with the following measures:

(1) add an additional treatment to increase the dryness value, stabilization and hygienization of the FRM;

(2) implement a program focusing on the reduction and reuse at source of potentially malodorous waste by targeting the main emitters;

(3) validate with the suppliers of the products and equipment the effects of the changes planned in the plant;

(4) inform the promoter of the reclamation project of situations deemed to pose a risk with respect to odour;

(5) reduce the duration of storage for FRMs that are ready to leave their generation site.

Measures applicable to the management of the impact on the surroundings

The management of the impact on the surroundings of an activity related to FRMs referred to in this Schedule must be carried out in accordance with the following measures:

- (1) establish an oversight committee on odour;
- (2) use new routes when transporting the FRM;
- (3) establish a plan for communication with nearby dwellings.

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

Environment Quality Act
(chapter Q-2, s. 22, 1st par., subpar. 8, s. 23, 1st par., subpar. 3, and 2nd par., ss. 28 and 30, 2nd par., subpar. 3, and 3rd par., s. 31.0.6, 1st, 2nd and 3rd pars., ss. 31.0.7, 31.0.8 and 31.0.11, 1st, 2nd and 4th pars., ss. 53.30 and 95.1, 1st par., subpars. 10, 13, 16, 18, 20 and 21, and 2nd par.)

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

1. The Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended in section 44 by replacing “Any” in the first paragraph by “Subject to any other provision to the contrary provided for in this Regulation, an”.

2. Section 50 is amended in subparagraph 1 of the first paragraph

(1) by striking out “, for the portion carried on in a wetland or body of water”;

(2) by adding “for the portion carried on in a wetland or body of water,” before “the construction” in subparagraph *a*;

(3) by adding “for the portion carried on in a wetland or body of water,” before “the construction” in subparagraph *b*;

(4) by inserting the following after subparagraph *b*:

“fertilizing residual materials reclamation activities regulated by the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);”.

3. The following is inserted after the heading of Chapter IV of Title III of Part II:

“**241.1.** The terms used in Divisions I and I.1 of this Chapter have the meaning assigned by section 2 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*).”.

4. The following is inserted after the heading of subdivision I of Division I of Chapter IV of Title III of Part II:

“**241.2.** This Division applies to activities to reclaim residual materials, other than those referred to in Division I.1 of this Chapter.”.

5. Section 244 is amended by replacing “declared” by “covered by a declaration of compliance”.

6. Section 247 is amended

(1) in the first paragraph,

(*a*) by adding “that is covered by the Agricultural Operations Regulation (chapter Q-2, r. 26)” after “only” in subparagraph *a* of subparagraph 1;

(*b*) by replacing subparagraphs *c* and *d* of subparagraph 1 by the following:

“(*c*) a composting facility on a raising site or a spreading site where the maximum volume of organic materials present at all times is less than 1,000 m³;

(d) a facility at which all activities take place in a closed building and on watertight surfaces;

(e) a sorting station for green waste at which the activities are protected from the elements and carried out on a watertight surface;”;

(c) by replacing subparagraph 3 by the following:

“(3) level 2 air dispersion modelling for odours, performed in accordance with Schedule H to 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

(a) activities covered by the Agricultural Operations Regulation;

(b) biomethanization facilities on a spreading or a raising site treating less than 25% of exogenous materials;

(c) composting facilities, on a raising site or a spreading site, when the maximum volume of organic materials present at all times is less than 1,000 m³ and receiving no material designated as “out of class” for Class O for odors pursuant to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);

(d) composting facilities where the maximum volume of organic materials present, in addition to mature composts ready for marketing, is at all times less than 7,500 m³, receiving only organic materials sorted at source collected in bulk, green waste collected in bulk and Class O1 or O2 materials pursuant to the Fertilizing Residual Materials Management Code, and situated at least 1 km from any dwelling, public institution or zone where residential or commercial use is permitted by a municipality;

(e) an organic materials transfer station for transfers to a reclamation site;

(f) a green waste sorting, conditioning or storage station;”;

(2) by replacing the second paragraph by the following:

“Subparagraphs 1, 3 and 4 of the first paragraph do not apply to

(1) 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;

(2) the storage or spreading on the site of a fertilizing residual material reclamation activity for the revegetation of degraded sites;

(3) the spreading of fertilizing residual materials outside a raising site, a spreading site or a site where a forest development activity is carried out.

Subparagraphs 3 and 4 of the first paragraph also 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.”.

7. The following is inserted after section 249:

“**249.1.** In addition to what is prescribed as general content by section 16 and the specific content prescribed by section 246, every application for authorization for an activity for the sorting, conditioning or storing of organic materials or fertilizing residual materials carried out outside a raising site, a spreading site or a site where a forest development activity is carried out must include a technical report on the operations describing the steps for the handling, conditioning and storing of such materials, signed by a professional, except in the case of activities regulated by the Agricultural Operations Regulation (chapter Q-2, r. 26).”.

8. Section 252 is amended

(1) in the first paragraph,

(a) by replacing subparagraph 1 by the following:

“(1) the declarant does not already operate such a facility on the same raising site;”;

(b) by adding “that are goats or sheep,” before “come from” in subparagraph ii of subparagraph a of subparagraph 4;

(c) by striking out “operated by the declarant” in subparagraph b of subparagraph 4;

(d) by replacing “by the declarant” in subparagraph c of subparagraph 4 by “from a raising site or a spreading site”;

(e) by replacing subparagraph a of subparagraph 5 by the following:

“(a) viable parts that are likely to result in the propagation of invasive exotic plant species by the spreading of the compost produced;”;

(f) by inserting in the French text “panneaux de” after “contreplaqué ou de” in subparagraph *b* of subparagraph 5;

(g) by striking out “within the previous 5 years,” in subparagraph *b* of subparagraph 9;

(h) by replacing “12 months from the end of the treatment or” in subparagraph 12 by “24 months following the first input of materials forming the pile or 12 months”;

(2) by inserting the following after the first paragraph:

“Despite subparagraphs 9 and 10 of the first paragraph, when an activity is carried out in closed thermophilic equipment, designed in such a manner that it does not generate leachate that must be managed outside the equipment, only the surfaces where carcasses or parts of dead animals to be composted or materials being composted are deposited outside the equipment must be laid out on a watertight surface and protected from the elements.”.

9. The following is inserted after section 254:

“**254.1.** The following activities are eligible for a declaration of compliance, on the conditions set out in the second and third paragraphs, when they are carried out on a raising site or a spreading site:

(1) the composting of residual materials having a volume equal to or less than 1,000 m³;

(2) the construction, laying out, modification and operation of an area for the composting of residual materials with a capacity equal to or less than 1,000 m³;

(3) the storage on those sites of the composts produced therein.

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

(1) the operator does not already carry out the same activity within a radius of 500 m;

(2) the inputs, other than structuring materials, come from a raising site or a spreading site, except Class E1 or E2 dead leaves pursuant to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);

(3) those inputs are any of the following materials:

(a) livestock waste;

(b) organic residue from the cultivation of plants or mushrooms;

(c) wood shavings, sawdust, bark or wood chips;

(d) peat moss or coco fibre based growing medium;

(e) dead leaves;

(4) the inputs are free of the following materials:

(a) human faeces or urine, or bathroom tissue;

(b) 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;

(c) 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;

(d) viable parts that are likely to result in the propagation of invasive exotic plant species by the carrying out of the activity;

(5) the composting area meets the following conditions:

(a) it complies with the standards applicable to storage facilities for livestock waste provided for in the Agricultural Operations Regulation (chapter Q-2, r. 26);

(b) if it is exposed to the elements, it is equipped with a system to collect leachates and the leachates are either reclaimed by spreading on a raising site or a spreading site or directed towards a wastewater treatment works that is covered by an authorization or a declaration of compliance or that is exempted from such an authorization;

(6) the compost produced is stored, as the case may be,

(a) in a storage facility that meets the conditions set out in subparagraph 5;

(b) in field piles, on parcels of land under cultivation, in accordance with the requirements provided for in sections 49 and 51 of the Fertilizing Residual Materials Management Code;

(7) the compost produced is completely removed and reclaimed by being spread on parcels of land under cultivation within 24 months following the first input of materials forming the pile or within 12 months from being stored in piles on parcels of land under cultivation, whichever is sooner;

(8) the composting is treated in accordance with a technical composting report, signed by an agronomist or an engineer, including in particular

- (a) a description of the composting process;
- (b) a plan for mitigation measures to deal with the expected impacts;
- (c) a protocol for environmental monitoring and operations monitoring;
- (d) a protocol for temperature monitoring that demonstrates that the materials have reached a temperature of 40°C at one point during composting.

Despite subparagraph 5 of the second paragraph, in the case of the activity referred to in subparagraph 1 of the first paragraph,

(1) when it is carried out in closed thermophilic equipment designed in such a manner that it does not generate leachate that must be managed outside the equipment, only the surfaces where inputs or materials being composted are deposited outside the equipment must be laid out in accordance with that subparagraph;

(2) it may be carried out outside an area that meets the conditions set out in subparagraph 5 of the second paragraph if

- (a) the minimum dryness value of the composting pile and the compost produced is 30%;
- (b) the contaminated water from the pile does not come into contact with surface water;
- (c) water runoff does not come into contact with the pile;
- (d) the piles of materials being composted comply with the requirements set out in sections 49, 51 and 52 of the Fertilizing Residual Materials Management Code for the storage of fertilizing residual materials.

For the purposes of this section, the total volume and capacity of the facility include composting materials and the compost produced.

254.2. In addition to what is provided for in section 41, the declaration of compliance for an activity referred to in section 254.1 must include a declaration from an engineer or an agronomist certifying that the activity complies with section 254.1 and 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 if applicable, an agronomist according to which the activity was completed in accordance with the first paragraph,

(1) not later than 60 days following the construction, laying out, modification or operation of a composting area;

(2) not later than 12 months following the beginning of a composting activity.”.

10. Section 265 is amended by replacing subparagraph g of paragraph 5 by the following:

“(g) viable part that are likely to result in the propagation of invasive exotic plant species by using the compost produced;”.

11. Section 274 is amended

(1) by replacing “to the extent provided in section 279” in paragraph 3 by “in accordance with section 254.1 or 279”;

(2) by adding the following at the end:

“(5) solid organic agricultural waste, not mixed with other materials, from post-harvest sorting or conditioning of plant products carried out by the operator of a raising site or a spreading site.”.

12. Section 275 is amended by adding the following at the end of the first paragraph:

“(3) the storage for reclamation by spreading, on a cultivated parcel, of solid organic agricultural waste, not mixed with other materials, from post-harvest sorting or conditioning of plant products carried out by the operator of a raising site or a spreading site.”.

13. Section 279 is amended

(1) in the first paragraph,

(a) by replacing “The composting of residual materials is exempted from authorization under this Division when the compost produced is used by the operator, on the following conditions:” in the portion before subparagraph 1 by “The composting of residual materials and the storage of the compost produced when it is used by the operator are exempted from authorization under this Division, on the following conditions:”;

(b) by inserting the following after subparagraph 4:

“(4.1) the compost pile is completely removed and spread on parcels of land under cultivation within 24 months from the first input of materials forming the pile and a new pile of materials being composted is situated 100 m or more from an existing pile of fertilizing materials or a pile removed less than 12 months previously when

(a) the composting is carried out outside a composting area in accordance with the standards applicable to storage facilities for livestock waste provided for in the Agricultural Operations Regulation (chapter Q-2, r. 26);

(b) the total volume of materials is greater than 150 m³;

(c) by striking out “vegetable matter only and comprise” in subparagraph 5;

(d) by inserting “or mushroom” after “plant” in subparagraph a of subparagraph 5;

(e) by inserting the following after subparagraph iii of subparagraph b of subparagraph 5:

“iv. they are comprised of plants or mushrooms only;”;

(f) by inserting the following after subparagraph b of subparagraph 5:

“(c) peat moss or coco fibre based growing medium;

(d) solid organic agricultural waste, not mixed with other materials, from post-harvest sorting or conditioning of plant products carried out by the operator of a raising site or a spreading site;”;

(g) by inserting “teint,” in the French text of subparagraph d of subparagraph 6° after “peint;”;

(h) by replacing subparagraph e of subparagraph 6 by the following :

“(e) viable parts that are likely to result in the propagation of invasive exotic plant species by the spreading of the compost produced;”;

(i) by replacing “dryness of the composting pile is equal to or greater than” in subparagraph 7 by “minimum dryness of the composting pile and the compost produced is”;

(j) by adding the following at the end of the first paragraph:

“(8) the contaminated water from the pile does not come into contact with surface water;

(9) water runoff does not come into contact with the pile.”;

(2) by replacing the third paragraph by the following:

“Despite subparagraph 1 of the first paragraph, in the case of a raising site or a spreading site,

(1) livestock waste, peat moss or coco fibre based growing medium and organic residue resulting only from the cultivation of plants or mushrooms may come from another operator of a raising site or a spreading site;

(2) if the total volume of materials on the lot is less than 150 m³ at all times, the inputs need not be generated by the operator;

(3) Class E1 or E2 dead leaves pursuant to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) may be received without having been generated by the operator.”.

14. The following is inserted after section 279:

“**279.1.** The following activities are exempted from authorization under this Division, on the conditions set out in the second paragraph:

(1) the use of compost during road or railway construction or maintenance work;

(2) the use of compost as filtering berm or sediment barrier on a construction site.

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

(1) the compost is one of the following:

(a) it meets the following conditions:

i. it comes from a composting facility authorized under section 22 of the Act;

ii. according to the description sheet referred to in section 32 of the Fertilizing Residual Materials Management Code, the compost is classed C2-P1-O1-E1 or C1-P1-O1-E1 or by its generator pursuant to the Code;

iii. the inputs of the compost consist only of the materials referred to in list 2.1 of Schedule II to the Fertilizing Residual Materials Management Code;

(b) it is certified as compliant with CAN/BNQ 0413-200 and its grade according to the standard is type AA or A for the foreign matter content;

(2) if the compost is referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is classed II pursuant to the Code.”.

15. The following is inserted after section 290:

“§§8.1. Storage of certain materials by a municipality

290.1. Storage, by a municipality, of wood chips to be distributed to citizens for domestic use is exempted from authorization under this Division, on the following conditions:

(1) the activity is carried out between 1 April and 31 October of the same year;

(2) the municipality has in its possession a written attestation from the chips generator confirming that they come from wood free of

(a) 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;

(b) viable parts that are likely to result in the propagation of invasive exotic plant species by the carrying out of the activity;

(c) nails and other metallic or plastic materials;

(3) the storage area is laid out on a compacted surface, so as to prevent the accumulation of water and so that runoff water does not come into contact with the chips;

(4) the total volume of chips on the site is less than 300 m³ at all times.

290.2. The storage, by a municipality, of compost to be distributed to its citizens for domestic use is exempted from authorization under this Division, on the following conditions:

(1) the municipality has in its possession a written attestation from the generator confirming that

(a) the compost comes from an authorized composting facility;

(b) according to the description sheet referred to in section 32 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*), the compost has been classed C1-P1-O1-E1 by the generator pursuant to the Code;

(c) if the compost is referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is also classed II pursuant to the Code;

(2) the storage area is laid out on a compacted surface, so as to prevent the accumulation of water and so that runoff water does not come into contact with the compost;

(3) the total volume of compost on the site is less than 300 m³ at all times.

§§8.2. Storage and use of certain materials as part of a green space development or maintenance activity or in a nursery, a garden centre or other site of the same nature

290.3. The following activities carried out as part of a green space development or maintenance activity are exempted from authorization under this Division, on the conditions set out in the second paragraph:

(1) storage of wood chips or dead leaves to be used as part of that same activity;

(2) the use of wood chips or dead leaves.

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

(1) the user of chips or dead leaves has in their possession a written attestation from their generator confirming that

(a) the chips or leaves are free of

i. 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;

ii. viable parts that are likely to result in the propagation of invasive exotic plant species by the carrying out of the activity;

iii. nails and other metallic or plastic materials;

(b) according to the description sheet referred to in section 32 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*), dead leaves have been classed C1-P1-O1-E1 by the generator pursuant to the Code;

(2) wood chips or dead leaves are stored or used

(a) in the same calendar year;

(b) on soil that is not covered with snow and, in the case of use, on soil that is not frozen;

(3) the wood chips or dead leaves are stored in accordance with the following conditions:

(a) the wood chips or dead leaves are stored at the place where they are used;

(b) the storage area is laid out so as to prevent the accumulation of water and so that runoff water does not come into contact with the wood chips or dead leaves;

(c) the total volume on the site is at all times less than 300 m³ for wood chips and 50 m³ for dead leaves;

(4) the total thickness of the material spread on the ground during the layout and maintenance of the green space does not exceed 15 cm, including a maximum of 10 cm of dead leaves.

290.4. The following activities carried out as part of a green space development or maintenance activity are exempted from authorization under this Division, on the conditions set out in the second paragraph:

(1) the storage of compost to be used as part of the same activity;

(2) the use of compost.

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

(1) the user of the compost has in their possession a written attestation from the generator of the compost confirming that,

(a) according to the description sheet referred to in section 32 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*), the compost has been classed C1-P1-O1-E1 by the generator pursuant to the Code;

(b) if the compost is referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is also classed I1 pursuant to the Code;

(c) the inputs of the compost consist only of the materials referred to in list 2.1 of Schedule II to the Fertilizing Residual Materials Management Code;

(2) the compost comes from a composting facility authorized under section 22 of the Act;

(3) the compost is stored and used

(a) in the same calendar year;

(b) on soil that is not covered with snow and, in the case of use, on soil that is not frozen;

(4) the compost is stored in accordance with the following conditions:

(a) the compost is stored at the place where it is used;

(b) the storage area is laid out so as to prevent the accumulation of water and so that runoff water does not come into contact with the compost;

(c) the total volume of compost stored on the site is less than 300 m³ at all times.

290.5. The following activities carried out in a nursery, a garden centre or other place of the same nature, with respect to any of the fertilizing residual materials referred to in the second paragraph, are exempted from authorization under this Division, if applicable on the condition set out in the third paragraph:

(1) the storage of fertilizing residual materials for their use in any of those places;

(2) the use of fertilizing residual materials.

For the activities referred to in the first paragraph, a fertilizing residual material is any of the following:

(1) a compost from a composting facility authorized under section 22 of the Act;

(2) wood waste free of

(a) human faeces or urine, bathroom tissue, livestock waste, non-agricultural animal waste within the meaning of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) and other animal matter;

(b) 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;

(c) viable parts that are likely to result in the propagation of invasive exotic plant species by the carrying out of the activity;

(d) nails and other metallic or plastic materials;

(3) in the case of wood waste referred to in subparagraph 2 that are wood chips, they are intended to be used as mulch.

The user of the compost referred to in subparagraph 1 of the second paragraph has in their possession a written attestation from the compost generator confirming that

(1) if the compost is not attested or certified as compliant with CAN/BNQ 0413-200 and the grade according to the standard is type AA or A according to that standard,

(a) according to the description sheet referred to in section 32 of the Fertilizing Residual Materials Management Code, the compost has been classed C1-P1-O1-E1 by the generator pursuant to the Code;

(b) the inputs of the compost consist only of the materials referred to in list 2.1 of Schedule II to the Fertilizing Residual Materials Management Code;

(2) if the compost is referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is also classed II pursuant to the Code.

§§8.3. Storage and sale of certain materials

290.6. The storage for sale of any of the following fertilizing residual materials is exempted from authorization under this Division, on the conditions set out in the second paragraph:

(1) a compost certified as compliant with CAN/BNQ 0413-200;

(2) a fertilizing residual material referred to in the first paragraph of section 4 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*), conditioned and sold in containers or packaging of 50 litres or less;

(3) uncontaminated wood chips in Class E1 determined by its generator pursuant to the Fertilizing Residual Materials Management Code and free of

(a) human faeces and urine, bathroom tissue, livestock waste, non-agricultural animal waste within the meaning of the Code and other animal matter;

(b) 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;

(c) viable parts that are likely to result in the propagation of invasive exotic plant species by the carrying out of the activity.

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

(1) the storage area is laid out on a compacted surface so as to prevent the accumulation of water and so that runoff water does not reach the materials;

(2) the total volume of materials on the site is less than 300 m³ at all times;

(3) the material is sold in compliance with the Fertilizers Act (R.S.C., 1985, c. F-10).

§§8.4. Storage and spreading of certain materials for the restoration of the plant cover

290.7. The storage and spreading of a fertilizing residual material referred to in subparagraphs 1 to 15, 17, 19 and 21 of the first paragraph of section 4 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) or a blend containing such materials for the restoration of the plant cover of the layer of the final cover of a remote landfill or a northern landfill are exempted from authorization under this Division, on the following conditions:

(1) the fertilizing residual material or blend is classed by its generator in accordance with the Fertilizing Residual Materials Management Code and is manufactured in compliance with an authorization issued under section 22 of the Act;

(2) the fertilizing residual material or blend is not designated as “out of class” pursuant to the Fertilizing Residual Materials Management Code for any of Classes C, P, O and E;

(3) if the fertilizing residual material is referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is also not designated as “out of class” for Class I pursuant to the Code;

(4) for all digestates, composts that are not certified as compliant with CAN/BNQ 0413-200 and pre-composts, the inputs must consist only of the materials referred to in list 2.1 of Schedule II to the Fertilizing Residual Materials Management Code;

(5) the dosage is adjusted to meet the needs of the fertilization of seeded species on the recommendation of a professional;

(6) the thickness of the materials spread does not exceed

- (a) 15 cm for a fertilizing residual material;
- (b) 30 cm for a blend containing a fertilizing residual material;
- (7) the fertilizing residual material or the blend is not liquid or the dryness value is not less than 15%;
- (8) the surface seeded during the growing season using indigenous species or using a seedling promoting the establishment of an indigenous perennial vegetation;
- (9) the fertilizing residual material or blend is spread on soil that is neither frozen nor covered with snow;
- (10) the fertilizing residual material or blend is stored in accordance with the conditions set out in sections 49 to 58 of the Fertilizing Residual Materials Management Code for field storage.

§§8.5. *Spreading of sanitary waste*

290.8. The spreading of sanitary waste is exempted from authorization under this Division, on the following conditions:

- (1) the sanitary waste comes from, as the case may be,
 - (a) a compost toilet or a composting toilet compliant with the Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22);
 - (b) the sanitary facility for hunting or fishing camps and filter media made of plant matter in isolated zones;
- (2) the quantity of waste spread is less than 20 tonnes, on a wet basis, per hectare per year, or less than 2 kg per square metre per year;
- (3) the waste is spread on ground belonging to the owner of the site where the waste is generated or with the written agreement of the owner of the receiving site;
- (4) the waste is spread on soil that is neither frozen nor covered with snow;
- (5) the waste is worked into the soil within the hour after its spreading;
- (6) the receiving soil is re-vegetated before the end of the growing season in the year of application;
- (7) the spreading is carried out in accordance with the minimum distances provided for in section 77 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);

(8) if the spreading is carried out on a site where a forest development activity is carried out, it is carried out in accordance with the following minimum distances:

- (a) 30 m from the littoral zone;
- (b) 30 m from a swamp;
- (c) 30 m from forested peat bog;
- (d) 60 m from a pond, a marsh and an open peat bog.

§§8.6. *Animal bedding*

290.9. The use of any of the following materials as animal bedding is exempted from authorization under this Division, on the conditions set out in the second and third paragraphs:

- (1) an organic agricultural residue only from the cultivation of plants or mushrooms;
- (2) a compost certified as compliant with CAN/BNQ 0413-200 the grade of which is type AA or A for the foreign matter content;
- (3) wood residue from sawmill yards;
- (4) a fertilizing residual material that, according to the description sheet referred to in section 32 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*), is classed C2-P1-O1-E1 or C1-P1-O1-E1 by its generator pursuant to the Code;
- (5) a blend of the materials referred to in subparagraphs 1 to 4.

The fertilizing residual material referred to in the first paragraph or the blend of such materials has the following properties:

- (1) if the fertilizing residual material is referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is classed II pursuant to the Code;
- (2) except for wood residue from sawmill yards, the fertilizing residual material has a minimum dryness of 40% and a minimum organic material content of 50%, on a dry basis;
- (3) it has a carbon/nitrogen ratio greater than 30;
- (4) it is free of

(a) 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;

(b) viable parts that are likely to result in the propagation of invasive exotic plant species by the carrying out of the activity;

(5) for any compost that is not certified as compliant with CAN/BNQ 0413-200, the inputs consist only of the materials referred to in list 2.1 of Schedule II to the Fertilizing Residual Materials Management Code.

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

(1) for any material other than organic agricultural only from the cultivation of plants or mushrooms, a compost certified as compliant with CAN/BNQ 0413-200 whose grade is type AA or A or wood waste from sawmill yards, the operator must first obtain an attestation from a veterinary surgeon or an agronomist confirming that the fertilizing residual material does not affect animal welfare and does not cause raising troubles or respiratory problems for the animals;

(2) the storage prior to the use of the material complies with the requirements of the Fertilizing Residual Materials Management Code applicable to storage on a raising site or a spreading site, for reclamation by spreading, or the conditions set out in section 275 of this Regulation for beddings that are organic agricultural waste exclusively from the cultivation of plants or mushrooms;

(3) the fertilizing residual materials do not come from a material treatment process intended to reduce the content of a chemical parameter other than those that must be analyzed for the fertilizing residual material under section 18 of the Fertilizing Residual Materials Management Code or Tables 7 and 9 of Schedule I to the Code;

(4) for any material referred to in subparagraph 4 of the first paragraph or any blend containing such material, the user has in their possession the description sheet referred to in that subparagraph.”

16. The following is inserted after section 291:

**“DIVISION I.1
STORAGE AND SPREADING OF FERTILIZING
RESIDUAL MATERIALS**

§1. Activities requiring authorization or an amendment of authorization

291.1. This Division applies to the following reclamation activities that require an authorization under subparagraph 8 of the first paragraph of section 22 of the Act, that concern the fertilizing residual materials referred to in the first paragraph of section 4 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) and that are carried out on a raising site, a spreading site or a site where a forest development activity is carried out:

(1) the storage and blend of fertilizing residual materials for reclamation by spreading;

(2) the spreading of fertilizing residual materials;

(3) the construction of a fertilizing residual material storage and blend facility or the conversion of a building or facility to store such materials.

291.2. The following activities require an amendment of authorization under subparagraph 3 of the second paragraph of section 30 of the Act:

(1) the modification of a fertilizing residual material storage and mixing facility;

(2) the modification of the type or source of the fertilizing residual materials authorized to be stored and mixed in such a facility.

291.3. In addition to the general content prescribed by section 16, an application for authorization referred to in section 291.1 must include the following additional information and documents:

(1) the agro-environmental reclamation plan referred to in section 89 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) if applicable, an indication of the atypical presence in the fertilizing residual material of any chemical contaminant for which the analysis is not required under the Fertilizing Residual Materials Management Code and that is referred to in Schedule 2 to the guide prepared under section 31.66 of the Act or Tables 2 and 3 of the document entitled Guidelines for Canadian Drinking Water Quality, published by Health Canada;

(3) when the location where the activity is carried out is not the property of the applicant, a copy of the lease or the agreement referred to in section 21 of the Agricultural Operations Regulation (chapter Q-2, r. 26) or section 31 of the Fertilizing Residual Materials Management Code;

(4) a document including the information and documents of the register referred to in section 23 of the Fertilizing Residual Materials Management Code for the previous 12 months;

(5) if applicable, the report referred to in section 26 of the Fertilizing Residual Materials Management Code;

(6) in the case of the storage and spreading of fertilizing residual materials:

(a) if applicable, the agreement of the owner or lessee of the dwelling or the owner or the administrator of the public place permitting the reduction of the storage or spreading distances in accordance with section 37 or 81 of Fertilizing Residual Materials Management Code;

(b) a copy of the signs to be installed in accordance with sections 99 and 100 of the Fertilizing Residual Materials Management Code;

(7) in the case of the storage of fertilizing residual materials, the information identifying the promoter of a project for the reclamation of fertilizing residual materials;

(8) in the case of the spreading of fertilizing residual materials,

(a) a document including the information identifying the operator of the raising site, the spreading site or the site where the forest development activity is carried out;

(b) the attestation of the capacity of the site to receive the phosphorous load referred to in section 66 of the Fertilizing Residual Materials Management Code;

(c) the certificates of the soil analyses conducted in accordance with section 65 of the Fertilizing Residual Materials Management Code;

(9) in the case of the construction of a fertilizing residual material storage facility or the conversion of a building or facility to store such materials,

(a) if applicable, the plans and specifications for the construction;

(b) the facility watertightness monitoring program;

(c) the technical report on containment capability referred to in section 45 of the Fertilizing Residual Materials Management Code.

291.4. In addition to the general content prescribed by section 29, an application for the amendment of an authorization for a fertilizing residual material storage facility must include the plans and specification concerning the amendment.

§2. Validity period and renewal of authorization

291.5. The validity period of the authorization issued for an activity referred to in paragraph 1 of section 291.1 is not more than 5 years in the case of storage in a facility and 12 months in the case of field storage.

The validity period of the authorization issued for an activity referred to in paragraph 2 of section 291.1 is not more than 12 months.

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

§3. Activities eligible for a declaration of compliance

291.6. To be eligible for a declaration of compliance under this Subdivision,

(1) for all digestates, ammonium sulfate from a bi-methanization facility, composts that are not certified as compliant with CAN/BNQ 0413-200, pre-composts and leachates from a composting facility, the inputs must only consist of materials referred to in list 2.1 of Schedule II to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) the storage activities covered by this Subdivision may only be carried out in a storage facility if the construction or conversion of the facility has been authorized under this Division, except for the fertilizing residual materials with a dryness value equal to or greater than 15%;

(3) the fertilizing residual materials are not contaminated by hydrocarbons;

(4) the fertilizing residual materials do not come from a material treatment process to reduce the content of a chemical parameter other than those that must be analyzed for the fertilizing residual material under the first paragraph of section 18 of the Fertilizing Residual Materials Management Code or Tables 7 and 9 of Schedule I to the Code.

291.7. The storage on a raising site or a spreading site, for reclamation by spreading, and the spreading on such a site of only one fertilizing residual material among the following are eligible for a declaration of compliance, on the conditions set out in the second paragraph:

(1) a liming material referred to in list 1 of Schedule II to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) that is attested as compliant with BNQ 0419-090;

(2) a compost that is attested as compliant with CAN/BNQ 0413-200.

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

(1) compliance of the liming material or compost with the applicable standard is attested by an agronomist;

(2) the quantity of fertilizing residual material spread is equal to or less than 4.4 tonnes on a dry basis, per hectare per year, calculated over a period of 3 consecutive years preceding the spreading activity, in the following cases:

(a) a liming material referred to in subparagraph 1 of the first paragraph, if the content of one of the parameters in Table 1 of Schedule I to the Fertilizing Residual Materials Management Code is greater than the limit set for that parameter for Class C1;

(b) a compost referred to in subparagraph 2 of the first paragraph whose grade according to CAN/BNQ 0413-200 is type B for the inorganic trace elements;

(3) for a liming material referred to in subparagraph 1 of the first paragraph or for a compost referred to in subparagraph 2 of the first paragraph whose grade according to CAN/BNQ 0413-200 is type B for foreign matters, spreading is not carried out

(a) on a pasture;

(b) on a parcel used to cultivate root vegetables, tubers and bulbs;

(c) on a meadow, except before seeding or before plowing;

(4) if the fertilizing residual material is referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is also not designated as “out of class” for Class I pursuant to the Code.

291.8. The storage on a raising site or a spreading site, for reclamation by spreading, and the spreading on such a site of not more than 3 fertilizing residual materials from among the following are eligible for a declaration of compliance, on the conditions set out in the second paragraph:

(1) a municipal biosolid;

(2) a blend of municipal biosolids consisting of not more than 3 biosolids;

(3) a green waste;

(4) a paper mill biosolid ;

(5) a de-inking sludge;

(6) agri-food residue;

(7) an agri-food biosolid;

(8) a compost;

(9) a pre-compost;

(10) a digestate;

(11) a liming material referred to in list 1 of Schedule II to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);

(12) gypsum (CaSO_4) from the recycling of drywall or anhydrite from aluminium smelters that has not been acquired in accordance with the Fertilizers Act (R.S.C., 1985, c. F-10);

(13) biochar that has not been acquired in accordance with the Fertilizers Act.

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

(1) the fertilizing residual materials, other than those referred to in subparagraphs 11 and 12, do not come from a sorting station for construction or demolition materials or do not come from materials from such a sorting station;

(2) the fertilizing residual materials have a minimum dryness value of 15%;

(3) the fertilizing residual materials are not designated as “out of class” for any of Classes C, P, O and E under the Fertilizing Residual Materials Management Code;

(4) when a fertilizing residual material is referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is also not designated as “out of class” for Class I pursuant to the Code.

291.9. The storage on a raising site or a spreading site, for reclamation by spreading, and the spreading on such a site of a blend of the following fertilizing residual materials are eligible for a declaration of compliance, on the conditions set out in the second paragraph:

- (1) a municipal biosolid;
- (2) a green waste;
- (3) a paper mill biosolid;
- (4) a de-inking sludge;
- (5) an agri-food biosolid;
- (6) agri-food residue;
- (7) a compost;
- (8) a pre-compost;
- (9) a digestate;
- (10) a liming material referred to in list 1 of Schedule II to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);
- (11) gypsum (CaSO_4) from the recycling of drywall or anhydrite from aluminium smelters that has not been acquired in accordance with the Fertilizers Act (R.S.C., 1985, c. F-10);
- (12) biochar that has not been acquired in accordance with the Fertilizers Act.

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

- (1) the fertilizing residual materials, other than those referred to in subparagraphs 10 and 11 of the first paragraph, do not come from a sorting station for construction or demolition materials or do not come from materials from such a sorting station;
- (2) the fertilizing residual materials composing the blend meet the following conditions:
 - (a) they are classed in accordance with the Fertilizing Residual Materials Management Code;
 - (b) they are not designated as “out of class” for any of Classes C, P, O and E pursuant to the Fertilizing Residual Materials Management Code;

(c) if the fertilizing residual material is referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is also not designated as “out of class” for Class I pursuant to the Code;

(3) the fertilizing residual materials composing the blend or the blend are sampled in accordance with section 24 of the Fertilizing Residual Materials Management Code;

(4) the blend has a minimum dryness value of 15%.

291.10. The spreading on a raising site or a spreading site of a fertilizing residual material if storage in that manner is authorized in accordance with section 291.1 and the material is one or more of the following materials is eligible for a declaration of compliance, on the conditions set out in the second paragraph:

- (1) a municipal biosolid;
- (2) green waste;
- (3) paper mill biosolid;
- (4) a de-inking sludge;
- (5) an agri-food biosolid;
- (6) agri-food residue;
- (7) a digestate;
- (8) leachate from a composting facility;
- (9) fertigation water from cultivation in a building or a greenhouse;
- (10) a liming material referred to in list 1 of Schedule II to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);
- (11) milk, whey, permeate or filtrate from the dairy industry, a whey by-product or white water from cheese making;
- (12) ammonium sulfate from the treatment by biomethanization of organic waste;
- (13) gypsum (CaSO_4) from the recycling of drywall or anhydrite from aluminium smelters that has not been acquired in accordance with the Fertilizers Act (L.R.C., 1985, ch. F-10);

(14) biochar that has not been acquired in accordance with the Fertilizers Act.

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

(1) the fertilizing residual material is not designated as “out of class” for any of Classes C, P, O and E under the Fertilizing Residual Materials Management Code;

(2) if the fertilizing residual material is referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is also not designated as “out of class” for Class I pursuant to the Code.

291.11. In addition to the elements provided for in section 41, a declaration of compliance for an activity covered by this Subdivision must include the following additional information and documents:

(1) the contact information of the site where the fertilizing residual material is generated, the type and classification of the fertilizing residual, as indicated on the description sheet referred to in section 32 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) for the 12 months preceding the filing of the declaration of compliance, the information in the register of analyses referred to in subparagraphs 1 to 3 and 6 to 10 of the first paragraph of section 23 of the Fertilizing Residual Materials Management Code;

(3) when the declarant is not the owner of the sites where the storage or spreading activities are carried out, a confirmation that the declarant has in their possession the lease or agreement referred to in section 21 of the Agricultural Operations Regulation (chapter Q-2, r. 26) or section 31 of the Fertilizing Residual Materials Management Code;

(4) a location plan complying with section 90 of the Fertilizing Residual Materials Management Code;

(5) in the case of the spreading of fertilizing residual materials, the information for identifying the operator of the raising site or the spreading site;

(6) in the case of the storage of fertilizing residual materials, the information for identifying the promoter of the project for the reclamation of fertilizing residual materials;

(7) if fertilizing residual materials are stored in a facility, the declaration from an engineer attesting that the storage facility complies with the Fertilizing Residual Materials Management Code.

§4. Specific provisions applicable to the activities that are covered by a declaration of compliance

291.12. Despite the second paragraph of section 31.0.6 of the Act, the person who produces a declaration of compliance for a fertilizing residual material storage or spreading activity covered by this Division may do so at least 10 days before the beginning of the activity.

291.13. A storage or spreading activity for fertilizing residual materials covered by a declaration of compliance in accordance with this Division must begin not later than 1 year after the declaration is sent.

291.14. A storage or spreading activity for fertilizing residual materials covered by a declaration of compliance under this Division must be fully completed not later than 1 year after it has begun. If both activities are carried out by the declarant, the spreading must be completed not later than 1 year after storage has begun.

Despite the first paragraph, in the case of an activity covered by a declaration of compliance under section 291.10, the period for the spreading of the fertilizing residual material must not exceed the validity period of the authorization for the storage of the material.

§5. Exempted activities

291.15. The following conditions apply to the activities covered by this Subdivision to be exempted from authorization:

(1) for all digestates, ammonium sulfates from a biomethanization facility, composts that are not certified as compliant with CAN/BNQ 0413-200, pre-composts and leachates from a composting facility, the inputs must consist only of materials referred to in list 2.1 of Schedule II to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);

(2) subject to the activities referred to in sections 291.20 and 291.21 that may be carried out in a livestock waste storage facility, the storage activities referred to in this Subdivision may only be carried out in a storage facility if the construction or conversion of the storage facility has been authorized under this Division, except for fertilizing residual materials with a dryness value equal to or greater than 15%;

(3) the fertilizing residual materials are not contaminated by hydrocarbons;

(4) the fertilizing residual materials do not come from a material treatment process to reduce the content of a chemical parameter other than those that must be analyzed for the fertilizing residual material under section 18 of the Fertilizing Residual Materials Management Code or Tables 7 and 9 of Schedule I to the Code.

Chapters II to VI of the Fertilizing Residual Materials Management Code do not apply to the activities referred to in sections 291.20, 291.21, 291.22 and 291.24.

291.16. The storage on a raising site, a spreading site or a site where a forest development activity is carried out, for reclamation by spreading, and the spreading on such a site of one or more of the following fertilizing residual materials are exempted from authorization under this Division, on the conditions set out in the second paragraph:

(1) a fertilizing residual material conditioned and sold in containers or packaging of 50 litres or less;

(2) a residue, other than wood ash, whose minimum guaranteed total content, calculated as a percentage, of nitrogen (N), phosphorus (as P_2O_5) and potassium (as K_2O) is 5% on a wet basis, and having an organic matter content equal to or less than 15% on a wet basis;

(3) gypsum ($CaSO_4$) from the recycling of drywall or anhydrite from aluminium smelters;

(4) ammonium sulfate from the biomethanization process;

(5) biochar that does not contain 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.

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

(1) the fertilizing residual material concerned is acquired in accordance with the Fertilizers Act (R.S.C., 1985, c. F-10);

(2) in the case of a site where a forest development activity is carried out,

(a) the fertilized stand comprises species having a recognized commercial value;

(b) the spreading is carried out in accordance with the following minimum distances:

i. 30 m from the littoral zone;

ii. 30 m from a swamp;

iii. 30 m from forested peat bog;

iv. 60 m from a pond, a marsh and an open peat bog.

Subparagraph ii of subparagraph *b* of subparagraph 2 of the second paragraph does not apply to the spreading of a fertilizing residual material in a forested swamp as part of a forest development activity when the spreading of that residual is authorized under subparagraph 4 of the first paragraph of section 22 of the Act and carried out in accordance with the conditions set out in the authorization.

Sections 62, 79 and 80 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) do not apply to those activities referred to in the first paragraph if the fertilizing residual material is used in compliance with the prescriptions indicated on the labelling prescribed by the Fertilizers Act.

291.17. The storage on a site where a forest development activity is carried out and the spreading on such a site of a fertilizing residual material that is wood waste from a forest development activity when the fertilized stand is comprised of species having a recognized commercial value are exempted from authorization.

291.18. The following activities when they concern Class E1 or E2 dead leaves under the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) from a treatment station for dead leaves and, if applicable, uncontaminated wood waste are exempted from authorization under this Division, on the conditions set out in the second paragraph:

(1) the storage on a raising site, a spreading site and a site where a forest development activity is carried out, for reclamation by spreading on such a site, or for use providing structure in a composting activity referred to in sections 252, 254.1 and 279;

(2) the spreading on a raising site, a spreading site or a site where a forest development activity is carried out.

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

(1) in the case of field storage, the total volume of the materials stored is at all times equal to or less than

(a) 500 m³ for a raising site or a spreading site;

(b) 50 m³ for a site where a forest development activity is carried out;

(2) in the case of storage in a watertight storage facility, the total volume of the fertilizing residual materials stored is equal to or less than 4,000 m³ per site at all times;

(3) according to the description sheet referred to in section 32 of the Fertilizing Residual Materials Management Code, the fertilizing residual material is free of

(a) human faeces and urine, bathroom tissue, livestock waste, non-agricultural animal waste, egg waste, animal carcasses and any other material containing, in whole or in part, such material;

(b) 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;

(4) the quantity of fertilizing residual materials spread is, as the case may be,

(a) on a cultivated parcel or soil, less than 250 m³ per hectare per year or 75 tonnes per hectare per year, on a wet basis;

(b) if the fertilizing residual material is used as mulch in plantations of perennial plants, 1,000 m³ per hectare per year or 300 tonnes per hectare per year, on a wet basis;

(5) in the case of a site where a forest development activity is carried out, the spreading is carried out in accordance with the following minimum distances:

(a) 30 m from the littoral zone;

(b) 30 m from a swamp;

(c) 30 m from a forested peat bog;

(d) 60 m from a pond, a marsh and an open peat bog.

Subparagraph *b* of subparagraph 5 of the second paragraph does not apply to the spreading of a fertilizing residual material in a forested swamp as part of a forest development activity when the spreading of that residual is authorized under subparagraph 4 of the first paragraph of section 22 of the Act and carried out in accordance with the conditions set out in the authorization.

291.19. The storage on a raising site, a spreading site or a site where a forest development activity is carried out, for reclamation by spreading, and the spreading on such a site, of one of the following fertilizing residual materials are exempted from authorization under this Division, on the conditions set out in the second paragraph:

(1) a compost certified as compliant with CAN/BNQ 0413-200;

(2) a municipal biosolid certified as compliant with CAN/BNQ 0413-400;

(3) a liming material referred to in list 1 of Schedule II to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) and certified as compliant with BNQ 0419-090.

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

(1) if the fertilizing residual material is a liming material referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is classed II pursuant to the Code;

(2) in the case of the spreading on a raising site or a spreading site, the quantity of fertilizing residual materials spread is less than 4.4 tonnes, on a dry basis, per hectare per year, calculated over a period of 3 consecutive years preceding the spreading activity, in the following cases:

(a) a fertilizing residual material referred to in subparagraph 2 or 3 of the first paragraph whose content of one of the parameters in Table 1 of Schedule I to the Fertilizing Residual Materials Management Code is greater than the limit set for that parameter for Class C1;

(b) a compost referred to in subparagraph 1 of the first paragraph whose grade, according to CAN/BNQ 0413-200, is type B for inorganic trace elements;

(3) in the case of the spreading on a site where a forest development activity is carried out:

(a) the fertilizing residual material is that referred to in subparagraph 3 of the first paragraph;

(b) if the content of the fertilizing residual material for any of the parameters referred to in Table 1 of Schedule I to the Fertilizing Residual Materials Management Code is greater than the limit set for that parameter for Class C1, the quantity of fertilizing residual material must never exceed the quantity obtained by multiplying the number of years constituting the wood harvest cycle by the annual average of 4.4 tonnes on a dry basis, per hectare;

(c) the spreading is carried out in accordance with the following minimum distances:

- (a) 30 m from the littoral zone;
- (b) 30 m from a swamp;
- (c) 30 m from a forested peat bog;
- (d) 60 m from a pond, a marsh and an open peat bog;

(4) in the case of a compost referred to in subparagraph 1 of the first paragraph whose grade, according to CAN/BNQ 0413-200, is type B for foreign matters or in the case of a liming material referred to in subparagraph 3 of that paragraph, spreading is not carried out

- (a) on a pasture;
- (b) on a parcel used to cultivate root vegetables, tubers and bulbs;
- (c) on a meadow, except before seeding or before plowing.

Subparagraph ii of subparagraph c of subparagraph 3 of the second paragraph does not apply to the spreading of a fertilizing residual material in a forested swamp as part of a forest development activity when the spreading of that residual is authorized under subparagraph 4 of the first paragraph of section 22 of the Act and carried out in accordance with the conditions set out in the authorization.

Sections 5 to 12, 14, 17 to 31, 87 and 89 to 94 of the Fertilizing Residual Materials Management Code do not apply to those activities.

291.20. The storage on a raising site or a spreading site, for reclamation by spreading, and the spreading on such a site of a blend of non-agricultural animal waste with one or more of the following fertilizing residual materials are exempted from authorization under this Division, on the conditions set out in the second paragraph:

- (1) dead leaves from a dead leaves treatment centre and Class E1 or E2 according to the description sheet referred to in section 32 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);
- (2) uncontaminated wood chips.

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

(1) according to the description sheet referred to in section 32 of the Fertilizing Residual Materials Management Code, the fertilizing residual material is free of

(a) 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;

(b) viable parts that are likely to result in the propagation of invasive exotic plant species by the carrying out of the activity;

(2) when the fertilizing residual materials are mixed with livestock waste from liquid manure management, the blend contains not more than 10% of dry matter upon recovery or the dryness of the blend is liquid;

(3) when the fertilizing residual materials are mixed with livestock waste from solid manure management:

(a) the total volume of fertilizing residual materials mixed with livestock waste does not exceed 150 m³;

(b) the blend is solid or, for storage in a watertight facility with solid manure management, has a minimum dryness value of 25%;

(4) the storage and spreading are carried out in accordance with the Agricultural Operations Regulation (chapter Q-2, r. 26);

(5) the storage facility is covered by a technical report in accordance with section 45 of the Fertilizing Residual Materials Management Code.

291.21. The storage on a raising site or a spreading site, for reclamation by spreading, and the spreading on such a site of one of the following fertilizing residual materials or a blend of those fertilizing residual materials, with or without livestock waste, are exempted from authorization under this Division, on the conditions set out in the second paragraph:

(1) non-agricultural animal waste, except those from canids or felids from raising facilities, exhibitions, zoos, zoological parks and gardens or any other similar sites, including those that are dehydrated or dried;

(2) milk, whey, permeate or filtrate from the dairy industry, a whey by-product or white water from cheese making milk, in a maximum proportion of 5% by volume;

(3) a straw mat floating on the surface of a watertight storage facility;

- (4) wash water from a fertilizer spreader;
- (5) organic food waste of a raising site;
- (6) organic waste from the cultivation of plants and mushrooms of a raising site or a spreading site;
- (7) rumen contents from the receiving area or animal pen of a slaughterhouse;
- (8) animal bedding referred to in section 290.9 soiled by livestock waste or non-agricultural animal waste, except those of canids or felids referred to in subparagraph 1;
- (9) leachate from a composting activity of a maximum volume of 1,000 m³, carried out on a raising site or a spreading site, and treating only the inputs referred to in subparagraph 11;
- (10) silage leachate;
- (11) a digestate or compost of livestock waste or fertilizing residual materials referred to in this paragraph, which may be generated from uncontaminated wood waste, free of 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

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

- (1) the storage and spreading are carried out in accordance with the provisions provided for in the Agricultural Operations Regulation (chapter Q-2, r. 26) for the storage and spreading of livestock waste;
- (2) the materials referred to in subparagraphs 2 to 8 of the first paragraph are mixed with livestock waste or materials referred to in subparagraph 1 or 11 of the first paragraph during storage;
- (3) the compost referred to in subparagraph 11 may be generated from carcasses or parts of animals that die at the farm and eggs, on the following conditions:
 - (a) the composting activity is carried out following an order issued by the Canadian Food Inspection Agency under section 48 of the Health of Animals Act (S.C., 1990, c. 21);
 - (b) a temperature of 40°C has been reached by the materials being composted during 5 consecutive days, as attested by a register of temperature readings for the pile or windrow.

291.22. The following activities are exempted from authorization under this Division:

- (1) the addition of wastewater to a fertilizing residual referred to in the first paragraph of section 4 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) carried out in accordance with section 34 of the Code;
- (2) the blend of fertilizing residual materials referred to in the first paragraph of section 4 of the Fertilizing Residual Materials Management Code for hygienisation or deodorizing purposes in accordance with the second and third paragraphs of section 47 of the Code.

291.23. The following activities are exempted from authorization under this Division, on the conditions set out in the second paragraph:

- (1) the use of a fertilizing residual material referred to in subparagraph 2 of the first paragraph of section 52 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) as filtering berm, in accordance with that paragraph;
- (2) the use of a fertilizing residual material referred to in the first paragraph of section 57 of the Fertilizing Residual Materials Management Code for encapsulation purposes, in accordance with the second paragraph of section 40, subparagraph *b* of paragraph 5 of section 51 or section 52 of the Code.

If a fertilizing residual material is stored for use as filtering berm or capsule, the storage is subject to the storage conditions for that material prior to spreading. The spreading of the fertilizing residual material used as filtering berm or capsule is also subject to the spreading conditions for the material stored.

291.24. The storage of a fertilizing residual material in a container is exempted from authorization under this Division, on the following conditions:

- (1) the fertilizing residual material is not designated as “out of class” under the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) for any of classes C, P, O and E;
- (2) if the fertilizing residual material is referred to in list 3 of Schedule II to the Fertilizing Residual Materials Management Code, it is not designated as “out of class” for Class I pursuant to the Code;

(3) the container meets the following conditions:

(a) it is watertight;

(b) it has a volume of less than 50 m³;

(c) it is closed or covered, or situated at the following distances in relation with a dwelling or a public place, according to the Class of the fertilizing residual material under the Fertilizing Residual Materials Management Code:

i. for Class O2, at more than 75 m;

ii. for Class O3, at more than 500 m;

iii. for Class P2, at more than 100 m;

iv. for Class I2, at more than 100 m;

(4) the maximum storage period does not exceed 6 months.”.

17. Section 353 is amended

(1) in paragraph 2,

(a) by replacing “111, the second paragraph” by “111, subparagraph 7 or 8 of the first paragraph or the third paragraph”;

(b) by inserting “, subparagraph 2 of the third paragraph of section 254.1” after “254”;

(2) in paragraph 3,

(a) by inserting “subparagraph 1 or 2 of the second paragraph of section 275,” after “section 212”;

(b) by replacing “or the second paragraph of section 287” by “, subparagraph 8 or 9 of the first paragraph of section 279, the second paragraph of section 287 or section 290.7”.

18. Section 356 is amended

(1) by replacing “219, the second” by “291, subparagraph 7 or 8 of the first paragraph or the third”;

(2) by inserting “subparagraph 2 of the third paragraph of section 254.1,” after “254,”;

(3) by inserting “subparagraph 1 or 2 of the second paragraph of section 275,” after “270,”;

(4) by inserting “subparagraph 8 or 9 of the first paragraph of section 279,” after “277,”

(5) by inserting “, section 290.7” after “section 287”.

19. An activity referred to in this Regulation underway on 1 November 2025 for which no authorization or amendment to an authorization of the Minister was required or no declaration of compliance was required before that date and that becomes subject to such an authorization or amendment after that date or becomes eligible for such a declaration after that date may continue without any other formality provided that that activity is completed not later than 31 October 2026.

20. An authorization issued before 1 November 2025 for a fertilizing residual material storage activity in a storage facility ends on the applicable date indicated below:

(1) for an authorization issued before 1 November 2022, 31 October 2027;

(2) for an authorization issued between 1 November 2022 and 31 October 2023, 31 October 2028;

(3) for an authorization issued between 1 November 2023 and 31 October 2024, 31 October 2029.

An authorization issued before 1 November 2025 for an activity of field storage or spreading of fertilizing residual materials ends on 31 October 2026.

When the holder of an authorization referred to in the first or second paragraph files an application for the issue of a new authorization in accordance with the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), as amended by this Regulation, at least 120 days before the applicable expiry date indicated in that paragraph, the authorization remains valid despite the expiry of its validity period as long as a decision on that application has not been made by the Minister.

21. This Regulation comes into force on 1 November 2025.

Regulation to amend the Agricultural Operations Regulation

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpar. 2, and s. 95.1, 1st par., subpar. 3)

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

1. The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended in section 29.1 by replacing “The spreading” in the portion before subparagraph 1 of the first paragraph by “In addition to the prohibitions provided for in sections 72 and 73 of the Fertilizing Residual Materials Management Code (insert the reference to the Compilation of Québec Laws and Regulations), the spreading”.

2. Section 29.2 is revoked.

3. Section 30 is amended by replacing the second paragraph by the following:

“The fertilizers must be spread in such manner that the fertilizers cannot reach the environments described in the first paragraph.”

4. Section 31 is amended by inserting “under this Regulation or the agro-environmental reclamation plan under the Fertilizing Residual Materials Management Code (insert the reference to the Compilation of Québec Laws and Regulations)” after “plan” in the third paragraph.

5. The following is added after section 31:

“**31.1.** Fertilizing residual materials must be spread, if applicable, in accordance with the minimum distances provided for in sections 77 to 80 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) and the spreading conditions set out in subdivision 4 of Division III of Chapter III of the Code.”

6. Section 43.4 is amended by replacing paragraphs 12, 12.1 and 12.2 by the following:

“(12) to give a written mandate to an agrologist, within the time provided for, when a nutrient balance method is used, in accordance with the first paragraph of section 28.4;

(12.1) to comply with the conditions set out for the use of the nutrient balance method, in accordance with the second paragraph of section 28.4;

(12.2) to comply with the spreading period or the spreading conditions set out in the second or third paragraph of section 31;”

7. Section 43.7 is amended by striking out paragraph 4.1.

8. Section 44.6 is amended by replacing “, 29.1 or 29.2” by “or 29.1”.

9. This Regulation comes into force on 1 November 2025.

Regulation to amend the Water Withdrawal and Protection Regulation

Environment Quality Act
(chapter Q-2, s. 46, pars. 15 and 16, subpars. *d, i* and *k*, and s. 95.1, 1st par., subpars. 7)

1. The Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) is amended in the first paragraph of section 2

(1) by replacing the definition of “animal waste” by ““livestock waste” means livestock waste within the meaning of section 3 of the Agricultural Operations Regulation (chapter Q-2, r. 26), for activities to which the Regulation applies; (*déjections animales*)”;

(2) by inserting the following definitions in alphabetical order:

““nitrogenous fertilizer” means a fertilizer characterized by a minimum content of 5% total nitrogen, on a wet basis, or a carbon/nitrogen ratio less than or equal to 30; (*matière fertilisante azotée*)

“fertilizing residual material” means a fertilizing residual material within the meaning of section 2 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*); (*matière résiduelle fertilisante*)”.

2. Section 17 is amended

(1) by replacing subparagraph 3 of the first paragraph by the following:

“(3) the facility must be located 30 m or more from a composting area, a livestock waste or fertilizing residual material storage facility, a parcel or land used as a cemetery;

(3.1) in the case of a raising site that has an annual phosphorus (P_2O_5) production that does not exceed 5 kg, at all times, determined in accordance with section 50.01 of the Agricultural Operations Regulation (chapter Q-2, r. 26), the groundwater withdrawal facility must be located 10 m or more from a yard or a raising facility;

(3.2) in the case of a raising site other than the raising site referred to in subparagraph 3.1, the groundwater withdrawal facility must be located 30 m or more from a yard, a raising facility or pasture land;”;

(2) by inserting “or the substantial modification” after “replacement” in subparagraph 2 of the second paragraph;

(3) in the fourth paragraph,

(a) by inserting “mainly” before “minimize”;

(b) by adding “and incidentally minimize impacts on agricultural activities”.

3. Section 24 is amended by replacing “subparagraph 1, 2 and 3” in paragraph 3 by “subparagraphs 1 to 3.2”.

4. The heading of subdivision 3 of Division II of Chapter VI is replaced by the following:

“§3. *Intermediate protection zones*”.

5. Section 57 is amended

(1) by replacing “An intermediate protection zone is delimited for all groundwater withdrawals. The limits of the zone” in the portion before subparagraph 1 of the first paragraph by “Two intermediate protection zones are delimited for all groundwater withdrawals, that is, a bacteriological zone and a virological zone. The limits of the zones”;

(2) by replacing “zone” in the second paragraph by “zones”.

6. Sections 58 and 59 are replaced by the following:

“**58.** The storage, directly on the ground, and the spreading of the following substances are prohibited within the intermediate protection zones of a groundwater withdrawal when their water vulnerability rating is medium or high:

(1) any fertilizing residual material containing bio-solids from municipal wastewater treatment works or from any other sanitary wastewater treatment or collection system;

(2) any substance containing more than 0.1%, dry weight basis, of sludge from sanitary waste water.

The first paragraph does not apply in the following cases:

(1) the storage and the spreading are carried out for domestic landscaping purposes;

(2) the fertilizing residual material used is certified as compliant with a BNQ standard within the meaning of section 2 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) and, when the residual is referred to in list 3 of Schedule II of the Code, it is classed I1 for preventive investigator parameters.

59. The construction of a yard, field pile composting and storage, directly on the ground, of livestock waste, nitrogenous fertilizers or fertilizing residual materials not certified as compliant with a BNQ standard within the meaning of section 2 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) or fertilizing residual materials referred to in list 3 of Schedule II to the Code and classed I2 or designated as non-classified for preventive investigator parameters pursuant to the Code are prohibited

(1) within the intermediate bacteriological protection zone for groundwater withdrawals with a water vulnerability rating of medium or high;

(2) within the intermediate protection zones for groundwater withdrawals when the nitrate + nitrite (expressed as N) concentration of the water, sampled in accordance with the Regulation respecting the quality of drinking water (chapter Q-2, r. 40), is above 5 mg/l on 2 or more occasions over a 2-year period;

(3) within the first 100 m of the intermediate virological protection zone for category 3 groundwater withdrawals on a neighbouring property when the water vulnerability rating is medium or high.

The prohibition provided for in subparagraph 3 of the first paragraph does not apply to the construction of a yard and the storage, directly on the ground, of livestock waste on a raising site with an annual phosphorus (P_2O_5) production, determined in accordance with section 50.01 of the Agricultural Operations Regulation (chapter Q-2, r. 26), less than or equal to 100 kg when the following conditions are met:

(1) the configuration and size of the land do not allow the location of the yard or the livestock waste stored directly on the ground by complying with the prohibition provided for in subparagraph 3 of the first paragraph;

(2) the livestock waste stored come exclusively from the raising site on which it is stored;

(3) the person who stores livestock waste does not own or operate other raising sites or spreading sites.

The first paragraph does not apply to the composting of domestic residual materials exempted from authorization under section 278 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

The first and second paragraphs do not apply to the construction of a yard and the storage directly on the ground of livestock waste on a raising site with an annual phosphorous (P_2O_5) production that does not exceed 5 kg, at all times, determined in accordance with section 50.01 of the Agricultural Operations Regulation. In that case, the activities are prohibited in the first 10 m of the intermediate bacteriological protection zone for category 3 groundwater withdrawals.”

7. Section 61 is amended

(1) in the first paragraph,

(a) by replacing “a facility to store animal waste or a building for raising livestock” in the portion before subparagraph 1 by “a facility to store livestock waste or fertilizing residual materials, a building for raising livestock or livestock waste intakes and disposal pipes”;

(b) by replacing “bacteriological protection zone for a category 1 or 2 groundwater withdrawal with a vulnerability” by “intermediate bacteriological protection zone for a category 1 or 2 groundwater withdrawal with a water vulnerability” in subparagraph 1;

(c) by inserting “water” before “vulnerability” in subparagraph 2;

(2) by replacing the second paragraph by the following:

“The first paragraph does not apply to the construction of a building for raising livestock on a raising site with an annual phosphorous (P_2O_5) production that does not exceed 5 kg, at all times, determined in accordance with section 50.01 of the Agricultural Operations Regulation (chapter Q-2, r. 26). In that case, the construction of the building for raising livestock is prohibited within the first 10 m of the intermediate bacteriological protection zone for category 3 groundwater withdrawals.”

8. Section 62 is amended

(1) by replacing “animal waste” by “livestock waste or fertilizing residual material” in the first paragraph;

(2) by replacing “animal waste” by “livestock waste or fertilizing residual material” in the second paragraph;

(3) in the fifth paragraph,

(a) by striking out “regional county”;

(b) by replacing “intermediate protection zones concerned” by “intermediate bacteriological protection zone concerned”;

(4) by adding the following paragraph at the end:

“This section does not apply to the construction of

(1) a composting area when domestic residual materials are composted therein and the composting is exempted from authorization under section 278 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1);

(2) a fertilizing residual material storage facility that has been the subject of a technical report on containment capability in accordance with section 45 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*);

(3) a building for raising livestock on a raising site with an annual phosphorous (P_2O_5) production that does not exceed 5 kg, at all times, determined in accordance with section 50.01 of the Agricultural Operations Regulation (chapter Q-2, r. 26).”

9. Section 63 is amended

(1) in the first paragraph,

(a) by replacing “animal waste, farm compost and fertilizing waste substances not certified as compliant with CAN/BNQ 0413-200, CAN/BNQ 0413-400 or BNQ 419-090” in the portion before subparagraph 1 by “livestock waste, fertilizing residual materials not certified as compliant with a BNQ standard within the meaning of section 2 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*) or fertilizing residual materials referred to in list 3 of Schedule II to the Code and classed I2 or designated as non-classified for preventive investigator parameters pursuant to the Code”;

(b) by replacing “the virological protection zone” in subparagraph 2 by “the intermediate protection zones”;

(2) by replacing “the virological protection zone” in the second paragraph by “the intermediate protection zones”;

(3) by replacing “animal waste, farm compost” in the third paragraph by “livestock waste”;

(4) by adding the following paragraph at the end:

“Grazing on a raising site with an annual phosphorous (P_2O_5) production that does not exceed 5 kg, at all times, determined in accordance with section 50.01 of the Agricultural Operations Regulation (chapter Q-2, r. 26) is not covered by the prohibition provided for in this section.”

10. Section 64 is amended

(1) in the first paragraph,

(a) by replacing “Grazing and the spreading of animal waste, farm compost or fertilizing waste substances” in the portion before subparagraph 1 by “When they are not prohibited under section 63, grazing and the spreading of livestock waste and fertilizing residual materials”;

(b) by inserting “water” before “vulnerability” in subparagraph 1;

(c) by replacing “the intermediate virological protection zone” in subparagraph 2 by “the intermediate protection zones”;

(2) by replacing “the intermediate virological protection zone” in the second paragraph by “the intermediate protection zones”;

(3) by replacing “the intermediate protection zone” at the end of subparagraph 1 of the third paragraph by “the intermediate protection zones”;

(4) by adding the following paragraphs at the end:

“Subparagraph 1 of the first paragraph does not apply to a fertilizing residual material certified as compliant with a BNQ standard within the meaning of section 2 of the Fertilizing Residual Materials Management Code

(insert the reference to the *Compilation of Québec Laws and Regulations*) and, when the material is referred to in list 3 of Schedule II to the Code, classed II for preventive investigator parameters for the purposes of the Code.

This section does not apply in the following cases:

(1) the spreading of livestock waste, nitrogenous fertilizers or fertilizing residual materials if it is for domestic landscaping purposes;

(2) grazing is carried out on a raising site with an annual phosphorous (P_2O_5) production that does not exceed 5 kg, at all times, determined in accordance with section 50.01 of the Agricultural Operations Regulation.”

11. Section 71 is amended,

(1) in the first paragraph,

(a) by replacing “and storage, directly on the ground, of animal waste, farm compost, nitrogenous fertilizers or fertilizing waste substances,” in subparagraph 2 by “and storage, directly on the ground, and composting of livestock waste, nitrogenous fertilizers or fertilizing residual materials”;

(b) by striking out subparagraph 3;

(c) by inserting “a lake or” after “discharge” in subparagraph 4;

(2) by adding the following paragraph at the end:

“This section does not apply in the following cases:

(1) the activities are carried out for domestic landscaping purposes;

(2) grazing and the storage, directly on the ground, of livestock waste carried out on a raising site with an annual phosphorous (P_2O_5) production that does not exceed 5 kg, at all times, determined in accordance with section 50.01 of the Agricultural Operations Regulation (chapter Q-2, r. 26).”

12. This Regulation comes into force on 1 November 2025.

Regulation to amend the Regulation respecting the reclamation of residual materials

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 2 and 3,
and s. 95.1, 1st par., subpars. 3 and 20)

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

1. The Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49) is amended in the first paragraph of section 1 by inserting “Chapter IV of Title III of Part II of” before “the Regulation”.

2. Section 5 is amended

(1) in the first paragraph,

(a) by inserting “254.1,” after “section” in the portion before subparagraph 1;

(b) by replacing “or 281” in the portion before subparagraph 1 by “, 281, 290.2, 290.5 or 290.6”;

(2) by adding the following paragraph at the end:

“The first paragraph does not apply to the activities referred to in sections 290.2, 290.5 and 290.6 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact when they are carried out inside a building.”.

3. Section 9 is amended by adding “, within the time indicated by the Minister” at the end of the second paragraph.

4. Section 11 is amended by adding “, within the time indicated by the Minister” at the end of the second paragraph.

5. The following is inserted after section 11:

“**11.1.** Every declarant of an activity covered by a declaration of compliance under section 254.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) must keep a log containing the following information:

(1) for each composting material that originates from another site,

(a) the reception date;

(b) the date of the composting;

(c) the quantity, by weight or volume;

(d) the name and contact information of the generator;

(2) for each heap of composting materials and compost being stored,

(a) its location;

(b) the date of the first input forming the heap;

(c) the date of the complete removal of the heap;

(3) the internal temperatures of the composting materials in the facility demonstrating that the materials reached 40°C at one point during composting.

The declarant must keep the information recorded in the log for a minimum of 5 years from the date it was entered in it. The information must be provided to the Minister on request, within the time indicated by the Minister.”.

6. Section 12 is amended by adding “, within the time indicated by the Minister” at the end of the second paragraph.

7. Section 13 is amended

(1) by replacing “section 274” by “section 275 or, when it is carried out on a raising or spreading site, section 279” in the portion before subparagraph 1 of the first paragraph;

(2) by adding “, within the time indicated by the Minister” at the end of the second paragraph.

8. The following is inserted after section 13:

“**13.1.** Every operator carrying out an activity exempted under section 290.7 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) must keep a log containing, for each storage facility and each heap of fertilizing residual materials, the following information:

(1) the GPS coordinates of the storage facility or field heap;

(2) for each input of fertilizing residual materials,

(a) the date;

- (b) the type of fertilizing residual materials;
- (c) the name and contact information of the generator of the fertilizing residual materials;
- (d) the quantity, by weight or volume;
- (e) the C, P, O, E and I classes determined pursuant to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*), if applicable.

The operator must keep the information entered in the log for a minimum of 5 years from, as the case may be,

- (1) the date on which the storage facility was fully emptied;
- (2) the date on which the field heap was fully removed.

The information must be provided to the Minister on request, within the time indicated by the Minister.”

9. Section 28 is amended

- (1) by replacing “12 or 13” in paragraph 2 by “, 11.1, 12, 13 or 13.1”;
- (2) by replacing “12 or 13” in paragraph 4 by “, 11.1, 12 or 13”;
- (3) in inserting the following after paragraph 4:

“(4.1) to keep the information entered in the log for the period prescribed by the second paragraph of section 13.1 or provide it to the Minister in accordance with the third paragraph of that section.”

10. Section 31 is amended by replacing “13” by “13.1”.

11. This Regulation comes into force on 1 November 2025.

106960

Draft Regulation

Act respecting collective agreement decrees
(chapter D-2)

Financing of the activities of the training mutual of the Québec Parity Committee of petroleum equipment installation

Notice is hereby given, in accordance with subparagraph 1 of subparagraph *r* of the second paragraph of section 22 of the Act respecting collective agreement decrees (chapter D-2), that the Québec Parity Committee

of petroleum equipment installation has forwarded to the Minister the draft Regulation respecting the financing of the activities of the training mutual of the Québec Parity Committee of petroleum equipment installation and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation imposes a levy to be collected from professional employers governed by the Decree respecting the installation of petroleum equipment (chapter D-2, r. 12) to fund the activities of the Parity Committee training mutual.

The regulatory impact analysis has shown that the draft Regulation will have negligible repercussions on the employers governed by it insofar as the costs represent only 0.5% of their total payroll and insofar as they will ultimately benefit from a better-qualified workforce to safely perform the work covered by the Decree.

Further information on the draft Regulation may be obtained by contacting Vincent Huot, policy development advisor, Direction des politiques du travail, Ministère du Travail, 425, rue Jacques-Parizeau, 5^e étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 81068, or 1 888-628-8934, extension 81068 (toll free); email: vincent.huot@travail.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1; email: ministre@travail.gouv.qc.ca.

JEAN BOULET
Minister of Labour

Regulation respecting the financing of the activities of the training mutual of the Québec Parity Committee of petroleum equipment installation

Act respecting collective agreement decrees
(chapter D-2, s. 22, 2nd par., subpar. *r*, subpar. 1)

DIVISION I GENERAL PROVISIONS AND APPLICATION

1. The Québec Parity Committee of petroleum equipment installation is recognized as a training mutual pursuant to the Regulation respecting training mutuals (chapter D-8.3, r. 7).