

Gouvernement du Québec

## O.C. 189-2025, 26 February 2025

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

WHEREAS, under subparagraph 3 of the first paragraph of section 23 of the Environment Quality Act (chapter Q-2), a person that applies to the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks for an authorization must provide any information or documents determined by regulation, which information or documents may vary according to the class of activities and the territory in which they will be carried on;

WHEREAS, under section 28 of the Act, in addition to the cases provided for in the Act, the Government may, by regulation and for any activity or class of activities it determines, prescribe the valid term of an authorization, and also determine by regulation the activities or classes of activities for which the authorization may be renewed, subject to the terms and conditions determined in the authorization; such a regulation may also specify the provisions of the Act that apply to a renewal;

WHEREAS, under subparagraph 3 of the second paragraph and the third paragraph of section 30 of the Act, an amendment to the authorization is required in any case determined by government regulation and the amendment application must include the information and documents determined by government regulation;

WHEREAS, under the first, second and third paragraphs of section 31.0.6 of the Act, the Government may, by regulation, designate the activities referred to in section 22 or 30 of the Act that, subject to the conditions, restrictions and prohibitions determined in the regulation, are eligible for a declaration of compliance under subdivision 2 of Division II of Chapter IV of Title I of the Act; the person must file the declaration of compliance with the Minister at least 30 days before beginning the activity or, in the cases determined by government regulation, within any shorter time limit and attest that the activity will comply with the conditions, restrictions and prohibitions determined under the first paragraph of section 31.0.6 of the Act; and the provisions of the regulation may vary according to the class of activities, persons or municipalities, the territory concerned or the characteristics of a milieu, and the regulation may also prescribe any transitional measure applicable to activities in progress that become eligible for such a declaration on the date of its coming into force;

WHEREAS, under section 31.0.7 of the Act, declarations of compliance filed with the Minister must include the information and documents determined by regulation of the Government, in the manner and form specified in the regulation, and the regulation may, in particular, require that a declaration be signed by a professional or any other person qualified in the field concerned, who must attest that the proposed activity meets any conditions, restrictions and prohibitions determined in the regulation;

WHEREAS, under section 31.0.8 of the Act, a regulation made under section 31.0.6 may also require the filing, after certain classes of activities it specifies have been carried out, of a certificate of compliance with the applicable conditions, restrictions and prohibitions, signed by a professional or any other person qualified in the field concerned, in the manner and form specified in the regulation;

WHEREAS, under the first, second and fourth paragraphs of section 31.0.11 of the Act, the Government may, by regulation and subject to any conditions, restrictions and prohibitions specified in it, exempt certain activities referred to in section 22 of the Act from subdivision 1 of Division II of Chapter IV of Title I of the Act; such a regulation may exempt any part of the territory of Québec and any class of persons or activities it specifies from that subdivision, and, if necessary, set out conditions, restrictions and prohibitions which may vary according to the type of activity, the territory concerned and the characteristics of a milieu; and a regulation made under section 31.0.11 of the Act may also prescribe any transitional measure applicable to the activities concerned that are in progress on the date of its coming into force;

WHEREAS, under subparagraph 1.1 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, determine the operations involved in the processing of residual materials that constitute reclamation within the meaning of Division VII of Chapter IV of Title I of the Act;

WHEREAS, under subparagraph 2 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of recovery or reclamation;

WHEREAS, under subparagraph 4 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, determine the conditions or prohibitions applicable to the establishment, operation and closure of any recovery or reclamation facility, in particular biological treatment and storage facilities, including facilities where sorting and transfer operations are carried out;

WHEREAS, under subparagraph 5 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, determine the conditions or prohibitions applicable to the use, sale, storage and processing of materials intended for or resulting from reclamation and, for that purpose, the regulations may make the standards fixed by a certifying or standards body mandatory, and provide that in such a case, the references to the standards will include such amendments as may be made to the standards from time to time;

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 10 of the first paragraph of section 95.1 of the Act, the Government may make regulations to require a certificate of compliance with regulatory standards, before or after certain specified classes of activities it determines are carried out, signed by a professional or any other person qualified in the field concerned, and prescribe the applicable terms and conditions;

WHEREAS, under subparagraph 13 of the first paragraph of section 95.1 of the Act, the Government may make regulations to determine the terms governing authorization, approval, accreditation or certification applications and any application to amend, renew, maintain, suspend, revoke or cancel those applications and the conditions applicable to such applications;

WHEREAS, under subparagraph 16 of the first paragraph of section 95.1 of the Act, the Government may make regulations to determine the persons that may apply for an authorization or its amendment or renewal, or for an accreditation or certification, and the qualifications required for that purpose;

WHEREAS, under subparagraph 18 of the first paragraph of section 95.1 of the Act, the Government may make regulations to determine the persons authorized to sign any document required under the Act or the regulations;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved by any person carrying on an activity governed by the Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister by any person carrying on an activity governed by the Act or the regulations, and determine the terms and conditions governing their sending;

WHEREAS, under subparagraph 25.1 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the terms according to which and the format in which the data, samples and analyses must be collected, compiled and sent to the Minister and the terms according to which and the format in which the calculations, verifications and any other monitoring measure must be done and sent to the Minister;

WHEREAS, under the second paragraph of section 95.1 of the Act, a regulation made under section 95.1 of the Act may also prescribe any transitional measure necessary for its implementation;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty, and the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them; the amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may in particular determine the provisions

of a regulation the Government has made in particular under the Environment Quality Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact was published in Part 2 of the *Gazette officielle du Québec* of 24 July 2024 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, attached to this Order in Council, be made.

DAVID BAHAN  
*Clerk of the Conseil exécutif*

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

Environment Quality Act  
(chapter Q-2, s. 23, 1st par., subpar. 3, 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., s. 53.30, 1st par., subpars. 1.1, 2, 4 and 5, and s. 95.1, 1st par., subpars. 3, 10, 13, 16, 18, 20, 21 and 25.1, 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 3 by replacing “any health and social services institution governed by the Act respecting health services and

social services (chapter S-4.2) or by” in the definition of “health and social services institution” provided for in paragraph 3 of the definition of “public institution” by “a facility maintained by Santé Québec or by any institution referred to in the Act respecting the governance of the health and social services system (chapter G-1.021), the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or”.

**2.** Section 44 is amended by replacing “Any” in the first paragraph by “Subject to any other provision to the contrary provided for in this Regulation, an”.

**3.** 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 adding the following at the end:

“(c) fertilizing residual materials reclamation activities regulated by 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 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*).”.

**5.** 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.”.

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

**7.** Section 247 is amended

(1) in the first paragraph,

(a) by inserting “that is covered by the Agricultural Operations Regulation (chapter Q-2, r. 26)” at the end of 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 m<sup>3</sup>;

(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 Q2, 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 m<sup>3</sup>;

(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 m<sup>3</sup>, and that are 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.”

**8.** 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).”

**9.** Section 252 is amended

(1) in the first paragraph,

(a) by inserting the following before subparagraph 2:

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

(b) by replacing “materials admitted to” in the portion before subparagraph *a* of subparagraph 4 by “inputs used at”;

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

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

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

(f) by replacing “materials admitted to” in the portion before subparagraph *a* of subparagraph 5 by “inputs used at”;

(g) by replacing subparagraph *a* of subparagraph 5 by the following:

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

(h) by inserting “panneaux de” after “contreplaqué ou de” in subparagraph *b* of subparagraph 5;

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

(j) by replacing “12 months from the end of the treatment or within 12 months from being stored” in subparagraph 12 by “24 months following the first input of materials forming the pile or within 12 months from the compost produced being stored”;

(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.”

**10.** 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 m<sup>3</sup>;

(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 m<sup>3</sup>;

(3) the storage on those sites of the compost 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 or from the cultivation of plants in a building or greenhouse, 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 materials 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 of invasive exotic plant species that are likely to be propagated 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 50 and 52 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 not later than 24 months following the first input of materials forming the pile or 12 months from the compost produced 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 50, 52 and 53 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, from an agronomist according to which the activity was completed in accordance with the first paragraph, as the case may be,

(1) not later than 60 days following the construction, laying out or modification of a composting area; or

(2) not later than 12 months following the beginning of the operation of a composting area.”

**11.** Section 265 is amended by replacing subparagraph g of paragraph 5 by the following:

“(g) viable parts of invasive exotic plant species that are likely to be propagated by the use of the compost produced;”

**12.** 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.”

**13.** 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.”

**14.** Section 279 is amended

(1) in the first paragraph,

(a) by replacing the portion before subparagraph 1 by the following:

“**279.** 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 m<sup>3</sup>;

(c) by striking out “vegetable matter only and comprise” in the portion before subparagraph *a* of subparagraph 5;

(d) by striking out “, namely bark, leaves, grass clippings, shrub clippings, organic materials from plant cultivation, wood shavings, wood chips, sawdust and macrophytes” 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,” after “peint,” in the French text of subparagraph *d* of subparagraph 6;

(h) by replacing subparagraph *e* of subparagraph 6 by the following:

“(e) viable parts of invasive exotic plant species that are likely to be propagated 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 materials resulting only from the cultivation of plants or mushrooms may come from another operator;

(2) if the total volume of materials on the lot is less than 150 m<sup>3</sup> 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.”

**15.** 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 (*insert the reference to the Compilation of Québec Laws and Regulations*), the compost is classed C2-P1-O1-E1 or C1-P1-O1-E1 or by its generator pursuant to the Code;

iii. the compost consists exclusively of inputs that comply with lists 1.1 and 1.2 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 2 of Schedule II to the Fertilizing Residual Materials Management Code, it is classed II pursuant to the Code.”

**16.** 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 of invasive exotic plant species that are likely to be propagated 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 m<sup>3</sup> 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 2 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 m<sup>3</sup> 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 of invasive exotic plant species that are likely to be propagated 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) in the case of the storage of wood chips or dead leaves,

(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 m<sup>3</sup> for wood chips and 50 m<sup>3</sup> 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 2 of Schedule II to the Fertilizing Residual Materials Management Code, it is also classed II pursuant to the Code;

(c) the compost consists exclusively of inputs that comply with lists 1.1 and 1.2 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) in the case of the storage of the compost,

(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 m<sup>3</sup> 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 purposes of 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, livestock waste, non-agricultural animal waste, and various other animal residues;

(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 of invasive exotic plant species that are likely to be propagated 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 certified as compliant with CAN/BNQ 0413-200 or is type B 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 compost consists exclusively of inputs that comply with lists 1.1 and 1.2 of Schedule II to the Fertilizing Residual Materials Management Code;

(2) if the compost is referred to in list 2 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, livestock waste, non-agricultural animal waste within the meaning of the Code, and various other animal residues;

(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 of invasive exotic plant species that are likely to be propagated 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 m<sup>3</sup> 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 2 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, those materials consist exclusively of inputs that comply with lists 1.1 and 1.2 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 50 to 57 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 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 76 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) a digestate or compost referred to in subparagraph 11 of the first paragraph of section 291.20;

(4) a wood residue from sawmill yards;

(5) 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;

(6) a blend of the materials referred to in subparagraphs 1 to 5.

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 2 of Schedule II to the Fertilizing Residual Materials Management Code, it is classed I1 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 of invasive exotic plant species that are likely to be propagated by the carrying out of the activity;

(5) for any compost that is not certified as compliant with CAN/BNQ 0413-200 or any digestate, those materials consist exclusively of inputs that comply with lists 1.1 and 1.2 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 referred to in subparagraph 5 of the first paragraph or any blend containing such material, 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 16 of the Fertilizing Residual Materials Management Code;

(4) for any material referred to in subparagraph 5 of the first paragraph or any blend containing such material, the user has in their possession the description sheet referred to in that subparagraph.”

**17.** 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 facility to store such materials.

When the operator of a raising site, a spreading site or a site where a forest development activity is carried out requires the services of a third party to act as promoter of a reclamation project, the third party may file the application for authorization for a storage or spreading activity referred to in this subdivision for which their services are required.

**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 88 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation*

*of Québec Laws and Regulations*) or, where it is not required, the type, classification and dryness value of the fertilizing residual material;

- (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 1 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 22 of the Fertilizing Residual Materials Management Code for the previous 12 months;

- (5) if applicable, the report referred to in section 25 of the Fertilizing Residual Materials Management Code;

- (6) in the case of the storage and spreading of fertilizing residual materials, 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 38 or 80 of the Fertilizing Residual Materials Management Code, if applicable;

- (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, if applicable;

- (8) in the case of the spreading of fertilizing residual materials, the certificates of the soil analyses conducted in accordance with section 64 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 facility to store such materials,

- (a) if applicable, the plans and specifications for the construction or conversion;

- (b) the facility watertightness monitoring program;

(c) the technical report on watertightness referred to in section 47 of the Fertilizing Residual Materials Management Code.

Despite the first paragraph, for an application for authorization concerning municipal biosolids other than those from a domestic wastewater treatment system,

(1) the description sheet in the agro-environmental reclamation plan required under subparagraph 1 of the first paragraph may contain only the information provided for in subparagraph 1 and subparagraph c of subparagraph 6 of the first paragraph of section 32 of the Fertilizing Residual Materials Management Code;

(2) the classification of the biosolid does not have to be based on analyses conducted in accordance with Division II of Chapter II of the Fertilizing Residual Materials Management Code, but rather on the most restrictive class expected;

(3) the documents referred to in subparagraphs 4 and 5 of the first paragraph are not required.

**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.

An authorization issued for an activity referred to in paragraph 1 of section 291.1 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 biomethanization or composting facility, composts that are not certified as compliant with CAN/BNQ 0413-200, pre-composts and leachates from a composting facility, those materials consist exclusively of inputs that comply with

lists 1.1 and 1.2 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 16 of the Fertilizing Residual Materials Management Code.

When the operator of a raising site, a spreading site or a site where a forest development activity is carried out requires the services of a third party to act as promoter of a reclamation project, the third party may file the declaration of compliance for a storage or spreading activity referred to in this subdivision for which their services are required.

**291.7.** 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) an agri-food biosolid;
- (7) an agri-food residue;
- (8) a compost;
- (9) a pre-compost;
- (10) a digestate;

(11) a liming material;

(12) gypsum ( $\text{CaSO}_4$ ) 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 (*insert the reference to the Compilation of Québec Laws and Regulations*);

(4) when a fertilizing residual material is referred to in list 2 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 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) an agri-food residue;
- (7) a compost;
- (8) a pre-compost;
- (9) a digestate;

(10) a liming material;

(11) gypsum ( $\text{CaSO}_4$ ) 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 (*insert the reference to the Compilation of Québec Laws and Regulations*);

(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 2 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 23 of the Fertilizing Residual Materials Management Code;

(4) the blend has a minimum dryness value of 15%.

**291.9.** The spreading on a raising site or a spreading site of a fertilizing residual material, if storage of that material for reclamation by spreading is authorized under the Act 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) a paper mill biosolid;

- (4) a de-inking sludge;
- (5) an agri-food biosolid;
- (6) an 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;
- (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 biomethanization or composting of organic materials;
- (13) gypsum ( $\text{CaSO}_4$ ) 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 (*insert the reference to the Compilation of Québec Laws and Regulations*);
- (2) if the fertilizing residual material is referred to in list 2 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.

**291.10.** 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) an attestation that the information entered in the register of analyses referred to in section 22 of the Fertilizing Residual Materials Management Code is accurate and complete;

- (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 89 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;

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

**§4.** *Specific provisions applicable to the activities that are covered by a declaration of compliance*

**291.11.** 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.

**291.12.** Despite section 44, a fertilizing residual material storage or spreading activity covered by a declaration of compliance in accordance with this Division must begin not later than 1 year after the declaration is sent.



**291.13.** A fertilizing residual material storage or spreading activity covered by a declaration of compliance under this Division must be fully completed not later than 1 year after it has begun. If the declaration of compliance covers both activities, 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 291.9, 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*

**291.14.** 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 or composting facility, composts that are not certified as compliant with CAN/BNQ 0413-200, pre-composts and leachates from a composting facility, those materials consist exclusively of inputs that comply with 1.1 and 1.2 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 291.19 and 291.20 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 20%;

(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 16 of the Fertilizing Residual Materials Management Code.

Chapters II to VI of the Fertilizing Residual Materials Management Code do not apply to the activities referred to in sections 291.19, 291.20, 291.21 and 291.23.

**291.15.** 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 or composting of organic materials;

(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 61, 78 and 79 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.

**291.16.** 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.

**291.17.** 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 m<sup>3</sup> for a raising site or a spreading site;

(b) 50 m<sup>3</sup> 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 m<sup>3</sup> 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, livestock waste, non-agricultural animal waste, and various other animal residues;

(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 m<sup>3</sup> 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 m<sup>3</sup> 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.

**291.18.** 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 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 2 of Schedule II to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*), 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:

- i. 30 m from the littoral zone;
- ii. 30 m from a swamp;
- iii. 30 m from a forested peat bog;
- iv. 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.

Subparagraph 4 of the second paragraph does not apply to a liming material referred to in subparagraph 3 of the first paragraph if the LM is classed E1 in accordance with the Fertilizing Residual Materials Management Code.

Sections 5 to 29 of the Fertilizing Residual Materials Management Code do not apply to those activities.

**291.19.** 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 livestock 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 of invasive exotic plant species that are likely to be propagated 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 m<sup>3</sup>;

(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 on watertightness in accordance with section 47 of the Fertilizing Residual Materials Management Code.

**291.20.** 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 materials from the cultivation of plants or 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 m<sup>3</sup>, 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.

**291.21.** The following activities are exempted from authorization under this Division:

(1) the addition of wastewater to 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*), or to a blend of such materials 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 hygienization or deodorizing purposes in accordance with the second and third paragraphs of section 48 of the Code.

**291.22.** 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 53 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 58 of the Fertilizing Residual Materials Management Code for encapsulation purposes, in accordance with the second paragraph of section 42, subparagraph *b* of paragraph 5 of section 52 or section 53 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.

**291.23.** 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 2 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 m<sup>3</sup>;

(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.”

**18.** 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, or the second paragraph of section 287”.

**19.** Section 356 is amended by replacing “the second paragraph of section 252, the second paragraph of section 253, section 254, paragraph 2 of section 260, section 262, 264 or 266, paragraph 2 or 3 of section 270, the second paragraph of section 277,” by “subparagraph 7 or 8 of the first paragraph or the third paragraph of section 252, the second paragraph of section 253, section 254, subparagraph 2 of the third paragraph of section 254.1, paragraph 2 of section 260, section 262, 264 or 266, paragraph 2 or 3 of section 270, subparagraph 1 or 2 of the second paragraph of section 275, the second paragraph of section 277, subparagraph 8 or 9 of the first paragraph of section 279.”

## TRANSITIONAL AND FINAL

**20.** An activity referred to in this Regulation under way 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.

**21.** 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;

(4) for an authorization issued between 1 November 2024 and 31 October 2025, 31 October 2030.

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.

**22.** This Regulation comes into force on 1 November 2025, except section 1, which comes into force on 27 March 2025.

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