

Gouvernement du Québec

O.C. 191-2025, 26 February 2025

Regulation to amend the Water Withdrawal and Protection Regulation

WHEREAS, under paragraph 15 of section 46 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, establish standards for sinking and sealing off wells;

WHEREAS, under subparagraph *j* of paragraph 16 of section 46 of the Act, the Government may, by regulation, regulate withdrawals of surface water or groundwater, in particular on the basis of its different uses, including the collection of groundwater whose use or distribution is governed by the Food Products Act (chapter P-29), in order to, among other purposes, prescribe standards for water withdrawal facilities and their supply and protection areas;

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, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Water Withdrawal and Protection Regulation 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 without amendment;

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 Water Withdrawal and Protection Regulation, attached to this Order in Council, be made.

DAVID BAHAN
Clerk of the Conseil exécutif

Regulation to amend the Water Withdrawal and Protection Regulation

Environment Quality Act
(chapter Q-2, s. 46, pars. 15 and 16, subpar. *j*, and s. 95.1, 1st par., subpar. 3).

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 biosolids 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 material is referred to in list 2 of Schedule II to the Code, it is classed II 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 2 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 46 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 2 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 2 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 are 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.

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