

no. **45B**



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## Part 2

# LAWS AND REGULATIONS

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### **Summary**

Table of Contents  
Draft Regulations

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### Contents

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## Table of Contents

Page

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### Draft Regulations

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Mandatory reporting of certain emissions of contaminants into the atmosphere. . . . .	3829B
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## Draft Regulations

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### Draft Regulation

Environment Quality Act  
(chapter Q-2)

#### Mandatory reporting of certain emissions of contaminants into the atmosphere — Amendment

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, appearing below, may be made by the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks on the expiry of 30 days following this publication.

The draft Regulation provides for relaxations of visits that must be made as part of the verification of greenhouse gas emission reports.

It updates the table concerning default greenhouse gas emission factors for Canadian provinces and certain North American markets.

It also amends protocols QC.1 and QC.30 concerning respectively the methods for the estimation of missing data and the specific information to be reported by fuel distributors.

The draft Regulation also makes consequential amendments to harmonize it with the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1).

In that respect, it provides for mandatory reporting for emitters registered in the cap-and-trade system for greenhouse gas emission allowances on the basis of a demonstration that the threshold for voluntary registration in the system under the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances will be reached or exceeded. It also extends the period during which an emitter must report emissions where the emitter has applied in accordance with the Regulation to remain registered in the cap-and-trade system for greenhouse gas emission allowances despite the fact that the emissions have been below the reporting threshold for 4 consecutive years.

In accordance with sections 12 and 13 of the Regulations Act, the draft Regulation may be made within a period shorter than that of 45 days provided for in section 11 of the Act due to the urgency owing to the following circumstances:

— the amendments made to the table concerning the default greenhouse gas emission factors for Canadian provinces and certain North American markets must be applicable from 1 January 2023 in order for the emissions of contaminants in the year 2023 to be reported in accordance with the new requirements;

— emitters who register early in the cap-and-trade system for greenhouse gas emission allowances under the second paragraph of section 2.1 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances and emitters who sent a notice informing the Minister of their intention to remain registered in the system under the sixth paragraph of section 19 of that Regulation must report their greenhouse gas emissions in accordance with the amendments made by the draft Regulation from 1 January 2023, as that information is necessary for the application of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances.

Further information on the draft Regulation may be obtained by contacting Olivier Lacroix, engineer, Direction des inventaires et de la gestion des halocarbures, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs; telephone: 418 521-3868, extension 4542; email: [olivier.lacroix@environnement.gouv.qc.ca](mailto:olivier.lacroix@environnement.gouv.qc.ca).

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 30-day period to Vicky Leblond, Director, Direction des inventaires et de la gestion des halocarbures, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 5<sup>e</sup> étage, boîte 30, Québec (Québec) G1R 5V7; email: [vicky.leblond@environnement.gouv.qc.ca](mailto:vicky.leblond@environnement.gouv.qc.ca).

BENOIT CHARETTE

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

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## Regulation to amend the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere

Environment Quality Act  
(chapter Q-2, ss. 2.2 and 46.2)

**1.** The Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15) is amended in the first paragraph of section 6.1 by inserting “or, in the cases provided for in the seventh paragraph of section 19 or the fourth paragraph of section 19.0.1 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), for 9 consecutive years,” after “for 4 consecutive years”.

**2.** Section 6.1.1 is amended

(1) by inserting “or, in the cases provided for in the seventh paragraph of section 19 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, for 9 consecutive years” after “for 4 consecutive years”;

(2) by adding the following paragraphs at the end:

“An emitter referred to in the second paragraph of section 2.1 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances must report emissions to the Minister in accordance with this Division for as long as the emitter must cover the emissions under section 19.0.1 of that Regulation.

The fifth, sixth and seventh paragraphs of section 6.1 apply to the emitters referred to in this section, with the necessary modifications.”

**3.** Section 6.6 is amended in the fourth paragraph

(1) by inserting “the first paragraph of” after “or second paragraph of section 6.1 or”;

(2) by inserting “or, in the cases provided for in the seventh paragraph of section 19 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances, for 9 consecutive years” after “for 4 consecutive years”.

**4.** Section 6.6.1 is amended by replacing “in section 2.1” by “in the first paragraph of section 2.1”.

**5.** Section 6.8 is amended

(1) by inserting “, over a period of 3 consecutive years,” after “include” in subparagraph 2 of the first paragraph;

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

“Despite subparagraph 2 of the first paragraph, a visit must be made during a year in the following cases:

(a) it is the first verification carried out by the verification organization for that establishment or enterprise;

(b) the verification organization has not carried out the verification of the report of that establishment or enterprise for at least 3 years;

(c) the previous verification resulted in a negative conclusion respecting the accuracy and reliability of the report;

(d) the operator of the establishment or enterprise has changed since the previous verification;

(e) the sources of emission or the types of reference unit have changed since the previous verification;

(f) the verifier designated by the verification organization is of the opinion that a visit is necessary;

(g) the verification is carried out as part of the permanent closing of the establishment or the dissolution of the enterprise under the seventh paragraph of section 6.1 or the third paragraph of section 6.1.1.

In the case of an emitter who transports or distributes electricity or natural gas, carries on natural gas or oil exploration or production or distributes fuel, the visit must allow a representative sampling of the emitter’s facilities.”

**6.** Section 6.9 is amended

(1) by striking out “and the date of any visit to the enterprise, facility or establishment” in paragraph 3;

(2) by adding the following after paragraph 3:

“(3.1) where applicable, the date of any visit to the enterprise, facility or establishment and, if the visit is made under the second paragraph of section 6.8, the reason for the visit;”.

**7.** Section 9.7 is revoked.

**8.** Schedule A.2 is amended

(1) in equation 1-19 of QC.1.6 in protocol QC.1

(a) by adding “, except in the case of water content. In the latter case, replace the missing data by the lowest data value sampled or analyzed during the report year for which the calculation is made” at the end of the second dash of subparagraph ii;

(b) by adding “, except in the case of water content. In the latter case, replace the missing data by the lowest data value sampled or analyzed during the 3 preceding years” at the end of the third dash of subparagraph ii;

(2) in protocol QC.17, by replacing Table 17-1 of QC.17.4 by the following:

**“Table 17-1. Default greenhouse gas emission factors for Canadian provinces and certain North American markets, in metric tons CO<sub>2</sub> equivalent per megawatt-hour**

Canadian provinces and North American markets	Default emission factor (metric ton GHG/MWh)
Newfoundland and Labrador	0.024
Nova Scotia	0.674
New Brunswick	0.292
Québec	0.002
Ontario	0.025
Manitoba	0.001
Vermont	0.004
New England Independent System Operator (NE-ISO), including all or part of the following states:	
- Connecticut	
- Massachusetts	0.259
- Maine	
- Rhode Island	
- Vermont	
- New Hampshire	

Canadian provinces and North American markets	Default emission factor (metric ton GHG/MWh)
New York Independent System Operator (NY-ISO)	0.207
Pennsylvania Jersey Maryland Interconnection Regional Transmission Organization (PJM-RTO), including all or part of the following states:	
- North Carolina	
- Delaware	
- Indiana	
- Illinois	
- Kentucky	
- Maryland	0.420
- Michigan	
- New Jersey	
- Ohio	
- Pennsylvania	
- Tennessee	
- Virginia	
- West Virginia	
- District of Columbia	
Midwest Independent Transmission System Operator (MISO-RTO), including all or part of the following states:	
- Arkansas	
- North Dakota	
- South Dakota	
- Minnesota	
- Iowa	
- Missouri	
- Wisconsin	0.467
- Illinois	
- Michigan	
- Indiana	
- Montana	
- Kentucky	
- Texas	
- Louisiana	
- Mississippi	
- Manitoba	

Canadian provinces and North American markets	Default emission factor (metric ton GHG/MWh)
Southwest Power Pool (SPP), including all or part of the following states:	
- Kansas	
- Oklahoma	
- Nebraska	
- New Mexico	
- Texas	
- Louisiana	0.462
- Missouri	
- Arkansas	
- Iowa	
- Minnesota	
- Montana	
- North Dakota	
- South Dakota	
- Wyoming	

”;

(3) by inserting “responsible for the declaration at the establishment or, in the case of a person outside Québec, by the person” after “signed by the person” in subparagraph 3.2 of the first paragraph of QC.30.2 in protocol QC.30 and by adding “, and the numbers of the protocols associated with the consumption of the types of fuel, for each establishment concerned” at the end of the subparagraph.

**9.** This Regulation comes into force on 1 January 2023.

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