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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-FIFTH LEGISLATURE

## Bill 113

(1995, chapter 60)

### **An Act to prohibit the establishment or enlargement of certain waste elimination sites**

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**Introduced 1 December 1995  
Passage in principle 7 December 1995  
Passage 7 December 1995  
Assented to 11 December 1995**

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## EXPLANATORY NOTES

*This bill provides that from the date of its introduction in the National Assembly the establishment or enlargement of a sanitary landfill site, dry materials disposal site or solid waste incinerator will be prohibited, except in a region where in the Government's opinion the situation requires it. In the latter case, the Government will also have the power, in urgent situations, to exempt a project from some or all of the environmental impact assessment procedure.*

*However, the ban imposed on the establishment or enlargement of such waste elimination sites will not apply to projects already authorized or in respect of which a notice or application to the Minister of the Environment and Wildlife has already been filed on the date of introduction of the bill.*

*The provisions contained in the bill will apply temporarily as they will cease to have effect upon the coming into force of regulatory provisions replacing the Regulation respecting solid waste.*

**LEGISLATION AMENDED BY THIS BILL:**

– Act respecting the establishment and enlargement of certain waste elimination sites (R.S.Q., chapter E-13.1).

## Bill 113

### **An Act to prohibit the establishment or enlargement of certain waste elimination sites**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** From 1 December 1995, the establishment or enlargement of the following waste elimination sites is prohibited:

- (1) sanitary landfill sites;
- (2) dry materials disposal sites;
- (3) solid waste incinerators.

For the purposes of this Act, the waste elimination sites referred to in subparagraphs 1, 2 and 3 above are the sites to which the Regulation respecting solid waste (R.R.Q., 1981, chapter Q-2, r.14) applies. In addition, the term “enlargement” means any modification resulting in an increase of the landfill, disposal or incineration capacity of the site concerned.

**2.** Notwithstanding the provisions of section 1, the Government may lift the prohibition set out therein if, in its opinion, the situation in a particular region requires the establishment or enlargement of a waste elimination site referred to in that section.

If, in the opinion of the Government, the situation further requires expeditious action, the Government may also, notwithstanding any provision to the contrary in the Act respecting the establishment and enlargement of certain waste elimination sites (R.S.Q., chapter E-13.1) or in the Environment Quality Act (R.S.Q., chapter Q-2), exempt a project from some or all of the environmental impact assessment and review procedure provided for in Division IV.1 of Chapter I of the Environment Quality Act; in

such a case, the decision of the Government must include a description of the situation justifying such exemption.

Where a project is totally exempted from the environmental impact assessment procedure pursuant to the preceding paragraph, the Government shall issue the certificate provided for in section 31.5 of the Environment Quality Act subject to the conditions determined by the Government; moreover, in the case of waste elimination sites to which the Act respecting the establishment and enlargement of certain waste elimination sites applies, section 3 of that Act remains applicable.

**3.** The prohibition imposed by section 1 does not apply to

(1) waste elimination site establishment or enlargement projects in respect of which a certificate was issued under section 31.5 or 54 of the Environment Quality Act before 1 December 1995; or

(2) waste elimination site establishment or enlargement projects in respect of which the notice required by section 31.2 of the said Act or an application for the certificate referred to in section 54 of the said Act was filed before 1 December 1995, and in respect of which the decision of the Government or of the Minister to grant or refuse the certificate of authorization or of conformity applied for has yet to be made on that date.

**4.** Any contravention of the provisions of section 1 renders the offender liable to the penalties set out in section 106 of the Environment Quality Act.

The provisions of the first paragraph of section 109.1.1 and of sections 109.1.2, 109.2, 110, 110.1, 112, 114, 115 and 116.1 of the said Act are applicable.

**5.** The provisions of this Act are not applicable to the territories referred to in the second paragraph of section 31.9, section 133 and section 168 of the Environment Quality Act.

**6.** Section 5 of the Act respecting the establishment and enlargement of certain waste elimination sites is repealed.

**7.** This Act comes into force on 11 December 1995.

This Act will cease to have effect on the date of coming into force of regulatory provisions replacing the Regulation respecting solid waste.