

Draft Regulation

Environment Quality Act
(R.S.Q., c. Q-2)

Used tire storage and elimination — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation to amend the Regulation respecting used tire storage and the Regulation respecting solid waste, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The purpose of the proposed amendments is to end the accumulation of used tires except for re-use, recycling or energy conversion purposes. Notwithstanding the foregoing, the persons who, at the time of the coming into force of those amendments, hold an operating permit for a permanent storage site will be able to continue their accumulation for the unexpired term of their permit, but only for tires from Québec. Their purpose is also to gradually clear the permanent storage sites and to make use of stored tires from now until 31 December 2008. Until the sites have been completely cleared, they must comply with the standards provided for in the draft Regulation.

As for the used tire storage sites whose purposes are re-use, recycling or energy conversion, they must be set up and operated according to certain conditions that will guarantee public safety and the protection of the environment.

Furthermore, the purpose of the proposed amendments is to prohibit the elimination of used tires, either by burial or by elimination, except waste disposal sites in the North.

The draft Regulation comes under the Plan d'action québécois sur la gestion des matières résiduelles 1998-2008, made public by the Minister of the Environment in September 1998.

Further information on the draft Regulation to amend the Regulation respecting used tire storage and the Regulation respecting solid waste may be obtained by contacting Jean-Marc Jalbert, Head of the Service de la gestion des résidus solides, Ministère de l'Environnement, at the following address: édifice Marie-Guyart, 8^e étage, boîte 42, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7, telephone: (418) 521-3885 extension 4878, fax: (418) 644-2003 or e-mail: Jean-Marc.Jalbert@mef.gouv.qc.ca

Any interested person having comments to make on the draft Regulation respecting used tire storage and the Regulation respecting solid waste is asked to send them in writing, before the expiry of the 60-day period, to the Minister of the Environment, at the following address: édifice Marie-Guyart, 30^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

PAUL BÉGIN,
Minister of the Environment

Regulation to amend the Regulation respecting used tire storage and the Regulation respecting solid waste*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, pars. *b, c, e, g, m* and *n*, s. 70, 1st par., subpars. *a* to *d, f, g* and *k*, ss. 109.1 and 124.1; 1999, c. 40, s. 239)

1. The Regulation respecting used tire storage is amended by substituting "DEFINITIONS AND SCOPE" for the title of Division I.

2. The following is substituted for section 1:

"1. In this Regulation, "used tire" means any tire that cannot be used for the use for which it was intended, in particular because of wear, damage or defect. Tires cut into pieces or shredded are also considered used tires.

1.1. This Regulation applies to any person or municipality storing used tires in an open-air site where that site contains at least 2 000 used tires or at least 136 cubic metres of used tires.

The provisions of this Regulation, except Division II related to the fire prevention and emergency measures plan and Division IV related to the guarantee to be provided, do not apply to the used tire storage sites belonging to re-use, recycling or energy conversion businesses of such tires if those businesses hold a certificate of authorization issued under section 22 of the Act.

* The Regulation respecting used tire storage was made by Order in Council 29-92 dated 15 January 1992 (1992, *G.O.* 2, 485) and has not been amended since it was made. The Regulation respecting solid waste (R.R.Q., 1981, c. Q-2, r. 14) was last amended by the Regulation made by Order in Council 1036-98 dated 12 August 1998 (1998, *G.O.* 2, 3695). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 September 1999.

DIVISION I.1 CLOSING OF USED TIRE STORAGE SITES

1.2. No person may establish or enlarge a used tire storage site.

For the purposes of this section, the enlargement of a storage site includes any change that leads to an increase in the storage capacity of the site.

1.3. No person may continue the accumulation of used tires in a storage site, except the persons who, on (*enter here the date of coming into force of this Regulation*) were holders of an operating permit issued under section 55 of the Act, for the unexpired term of the permit. Notwithstanding the foregoing, no person may continue the accumulation of used tires from outside Québec.

1.4. Any person or municipality storing used tires shall, no later than 31 December 2008, have cleared the storage site and restore it in the conditions it was in before it was used for storing used tires.”.

3. The “FIRE PREVENTION AND EMERGENCY MEASURES PLAN” is substituted for the title of Division II.

4. Section 2 is amended

(1) by substituting the following for what precedes paragraph 1:

“**2.** A person or a municipality storing used tires shall submit to the Minister of the Environment a fire prevention and emergency measures plan that includes the following information and documents:”;

(2) by substituting the words “authorizing the filing of a fire prevention and emergency measures plan” for the words “authorizing the application” at the end of paragraph 2;

(3) by substituting the words “authorizing the filing of a fire prevention and emergency measures plan” for the words “authorizing the application” at the end of paragraph 5;

(4) by substituting the words “shall be” for the words “will be” in paragraph 6;

(5) by deleting paragraph 7;

(6) by adding the following subparagraphs at the end of paragraph 8:

(g) the location of fire hydrants and any other water source that can be used for fighting a fire;

(h) the theoretical dry-weather flow of any water source that can be used for fighting a fire;”;

(7) by inserting the words “, where applicable” after the word “buildings” in subparagraph *d* of paragraph 9;

(8) by inserting the words “, the numbering” after the words “the location” and by striking out the words “planned” and “projected” in subparagraph *e* of paragraph 9;

(9) by substituting the following for subparagraph *f* of paragraph 9:

“(f) the total number of stored tires and the total storage capacity, where applicable, on all the lots;”;

(10) by substituting the words “between the limits of the storage area and the neighbouring land occupied by a person other than the person or the municipality storing used tires” for the words “provided for in section 28” in subparagraph *g* of paragraph 9; and

(11) by substituting the following for paragraphs 11, 12 and 13:

“(11) the full name and address of the person in charge of the fire prevention and emergency measures plan and responsible for providing access to the storage site to a representative of the Minister in an emergency and telephone number where that person may be reached at all times;

(12) a description of the roles and responsibilities of the emergency crew members;

(13) a description of the telecommunications system and of the procedure for calling emergency crew members or their substitutes, including the order of calls and their telephone numbers, and those of the municipal fire department, of a representative of the municipality where the storage site is located, of the regional coordinator of emergency measures of the Ministère de l’Environnement;

(14) the detailed scenario of interventions in case of fire that must include, at least, the following items:

(a) the layout of a security perimeter;

(b) the obtaining of weather conditions and forecast;

(c) criteria and measures for evacuating the population;

(d) measures for fighting a fire;

(e) the containment and recovery of contaminated water and pyrolysis oils;

(f) the recovery of contaminated soils;

(g) follow-up measures of contaminated water, pyrolysis oils, plume of smoke and contaminants in the air;

(15) a copy of the service agreements with external resources in case of emergency;

(16) the description of testing, updating and revision procedures of the fire prevention and emergency measures plan.”

5. The following is substituted for sections 3, 4 and 5:

“3. A person or a municipality storing used tires shall forward in writing the fire prevention and emergency measures plan referred to in section 2, and any changes to the plan, to a representative of the Minister of Public Security, to local municipality authorities, where applicable, and to those of the regional county municipality where the storage site is located, as well as to all the emergency crew members.

4. A person or a municipality storing used tires shall keep, on the storage site, a copy of the fire prevention and emergency measures plan.

5. A person or a municipality storing used tires shall, within 30 days, notify in writing the Minister of any change to the information or documents provided for the fire prevention and emergency measures plan, and to the guarantee required under section 13.

5.1. Any person who accidentally sets fire to used tires shall, without delay, notify the Minister and take the necessary measures to fight the fire.”

6. Division III, including sections 6 to 12, is revoked.

7. The following is substituted for section 13:

“13. A person or a municipality storing used tires shall provide the Minister of the Environment a guarantee that complies with the provisions of sections 14 to 20.

The amount of the guarantee shall be \$2.00 per tire stored on (*enter here the date of coming into force of this*

section) up to \$100 000. Notwithstanding the foregoing, in the case of the holder of an operating permit issued under section 55 of the Act or, where applicable, of a certificate of authorization issued under section 22 of the Act, the amount of the guarantee shall be \$2.00 per tire that the holder is authorized to store up to \$100 000.

That guarantee shall remain in force as long as used tires are stored and until the conditions for closing the storage site provided for in section 17 are fulfilled.”

8. Section 14 is amended by substituting the words “will be set up” for the words “referred to in the permit will be operated” in paragraph 1.

9. Section 15 is amended by striking out the words “by a person applying for the issue or the renewal of a permit, or by a third party on that person’s behalf,” in the part preceding paragraph 1.

10. Section 16 is amended

(1) by substituting the words “as long as used tires are stored” for the words “for the term of the permit and for not more than 12 months following the expiry or revocation of the permit”; and

(2) by substituting the words “provided for in section 17” for the words “referred to in the permit” at the end.

11. The following is substituted for section 17:

“17. Where the guarantee is furnished in accordance with section 16, the person or the municipality storing used tires and covered by this Regulation shall, no later than 31 December 2008, have cleared the storage site and restore it in the conditions it was in before it was used for tire storage.

A person or a municipality storing used tires shall notify the Minister of the Environment of the date on which the site will close, at least four months before the expiry of the period during which the guarantee remains on deposit with the Minister of Finance.”

12. Section 18 is amended

(1) by substituting the words “the failure of the person or the municipality storing used tires” for the words “a permit holder’s failure” in the second paragraph;

(2) by substituting the words “provided for in section 17” for the words “referred to in the permit” at the end of the second paragraph; and

(3) by substituting the words “the person or the municipality storing used tires” for the words “the permit holder” in the third paragraph.

13. Section 19 is amended by striking out the words “and where the storage site is closed,”.

14. Division V, constituted of section 21, is revoked.

15. Section 22 is amended by substituting the words “The person or the municipality storing used tires” for the words “The operator of a storage site”.

16. Section 23 is amended by substituting the words “The person or the municipality storing used tires” for the words “The operator” in the first sentence and by substituting “He or it” for “He” at the beginning of the second sentence.

17. Sections 24 to 28 are amended by substituting the words “The person or the municipality storing used tires” for the words “The operator” wherever they appear and the first paragraph of section 25 is amended by substituting, in the French text, the words “qu’elle” for the words “qu’il” after the words “de l’air”.

18. Section 29 is amended, in the first paragraph,

(1) by substituting the words “The person or the municipality storing used tires” for the words “The operator”;

(2) by striking out the word “unloading,”;

(3) by striking out the word “used” after the word “storing”.

19. Sections 30 to 36 are amended by substituting the words “The person or the municipality storing used tires” for the words “The operator”, wherever they appear.

20. Sections 37 and 38 are revoked.

21. Sections 39, 40 and 41 are amended by substituting the words “The person or the municipality storing used tires” for the words “The operator”, wherever they appear.

22. The following is substituted for section 42:

“42. The person or the municipality storing used tires, in addition to the layer of sand or earth, where applicable, on which the storage site is located, shall have at his or its disposal, at the storage site, the quantity of sand, earth or any other equivalent inert granular mate-

rial necessary for carrying out interventions provided for in the detailed scenario prescribed by paragraph 15 of section 2.”.

23. Section 43 is amended by substituting the words “The person or the municipality storing used tires” for the words “The operator” and by substituting, in the French text, the words “qu’elle” for the words “qu’il”.

24. Section 44 is amended

(1) by substituting the words “A person or a municipality storing used tires” for the words “An operator”, by adding the words “or that” after the word “who” and by adding the words “or it” after the word “he” in the part preceding paragraph 1;

(2) by substituting, in the French text, the words “qu’elle” for the words “qu’il” in subparagraph 1 of the first paragraph;

(3) by inserting the words “and destination” after the words “the origin” in subparagraph 3 of the first paragraph; and

(4) by substituting the words “The person or the municipality storing used tires” for the words “The operator” and by adding the sentence “The register shall, upon request, be at the Minister’s disposal.”.

25. Section 45 is amended by substituting the figure “3” for the figures “7, 12” in the first and second paragraphs.

26. Section 46 is amended by substituting the words “sections 9 or 49” for the words “sections 21, 49 or 50” in the first and second paragraphs.

27. Section 47 is amended by inserting “5.1,” after the words “of sections” in the first and second paragraphs.

28. The following is substituted for sections 48 and 49:

“48. The holder of a certificate of conformity or of an operating permit for a used tire storage site belonging to a re-use, recycling or energy conversion business of such tires, issued by the Government under section 54 or 55 of the Act, shall, within six months following (*enter the date of coming into force of this section*), file an application for a certificate of authorization with the Minister, in accordance with section 22 of the Act, to integrate to the activities of re-use, recycling or energy conversion of those tires, the development and operation of that used tire storage site. It is not necessary to

resubmit the information and documents identical to those already submitted to obtain the previously issued certificate. It shall be indicated, instead, that there has been no change.

49. The person or the municipality storing used tires before (*enter the date of coming into force of this section*) shall, within six months following that date, submit to the Minister the fire prevention and emergency measures plan referred to in section 2 and provide to the Minister the guarantee referred to in section 13.”.

29. Section 50 is revoked.

30. The following is substituted for section 51:

“**51.** A person or a municipality storing used tires shall, as of (*enter the date of coming into force of this section*) bring the storage area into compliance with sections 22 to 43.”.

31. The Regulation respecting solid waste is amended by substituting the following for section 56:

“**56. Tires:** Notwithstanding the other provisions of this Regulation, the operator of a sanitary landfill site may not accept used tires within the meaning of the Regulation respecting used tire storage made by Order in Council 29-92 dated 15 January 1992.”.

32. Section 68 is amended by substituting “, 54 and 56” for “and 54” in the first paragraph.

33. Section 86 is amended by adding the words “, except used tires within the meaning of the Regulation respecting used tire storage” at the end of the first paragraph.

34. Section 99 is amended by adding the words “, except used tires within the meaning of the Regulation respecting used tire storage” at the end.

35. Section 127 is amended by striking out the words “other than used tires governed by the Regulation respecting used tire storage, made by Order in Council 29-92 dated 15 January 1992” in the third paragraph and the words “other than used tires” after the words “for the storage of material,”.

36. Section 138 is amended

(1) by substituting “\$200 and a maximum fine of \$5 000” for “100 \$ and a maximum fine of 500 \$” and by substituting “a minimum fine of \$400 and a maximum fine of \$10 000” for “a maximum fine of 1 000 \$” in the third paragraph;

(2) by substituting “\$1 000 and a maximum fine of \$30 000” for “200 \$ and a maximum fine of 1 000 \$” and by substituting “\$4 000 and a maximum fine of \$100 000” for “400 \$ and a maximum fine of 3 000 \$” in the fourth paragraph.

37. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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