

(1) by substituting the following for paragraph 3:

“(3) his parents or sponsor are deceased and one of his parents or his sponsor resided in Québec at the time of death;”;

(2) by substituting the following for paragraphs 5, 6 and 7:

“(5) Québec is the last place where he resided for 12 consecutive months while not pursuing full-time studies;

(6) he holds a selection certificate issued under section 3.1 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2);

(7) he has resided in Québec for at least three months without having resided in another province for more than three months;

(8) he resided in Québec in accordance with paragraphs 2, 4, 5 and 7 for three consecutive years within the previous five years;

(9) his spouse resides or resided in Québec in accordance with one of the above paragraphs.”.

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

3792

Gouvernement du Québec

O.C. 918-2000, 26 July 2000

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

- **Used tire storage**
- **Solid waste**
- **Amendments**

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

WHEREAS under paragraphs *b*, *c*, *e*, *g*, *m* and *n* of section 31 of the Environment Quality Act (R.S.Q., c. Q-2), amended by section 3 of Chapter 75 of the Statutes of 1999, subparagraphs 1, 2 and 4 of the first paragraph of section 53.30 of the same Act, enacted by section 13 of Chapter 75 of the Statutes of 1999, paragraphs 1, 2, 5 and 8 of section 70 of the same Act,

enacted by section 29 of Chapter 75 of the Statutes of 1999, section 109.1 of the same Act, amended by section 239 of Chapter 40 of the Statutes of 1999 and section 124.1 of the same Act, the Government may make regulations on the matters set forth therein;

WHEREAS under paragraph 1 of section 48 of the Act to amend the Environment Quality Act and other legislation as regards the management of residual materials (1999, c. 75), the Government may, by regulation and notwithstanding any inconsistent provision of a certificate of conformity, certificate of authorization or permit issued under the Environment Quality Act, reduce on the conditions it determines the total or annual storage or disposal capacity, as the case may be, and the period of operation of any used tire storage site to which the Regulation respecting used tire storage applies and that exists at the time the section comes into force;

WHEREAS 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, a draft of the Regulation to amend the Regulation respecting used tire storage and the Regulation respecting solid waste was published in the *Gazette officielle du Québec* on 2 February 2000 with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS under Order in Council 491-2000 dated 26 April 2000, section 48 of the Act to amend the Environment Quality Act and other legislation as regards the management of residual materials came into force on 1 May 2000;

WHEREAS after having taken into account the comments made following the publication of the draft Regulation, it is expedient to make the draft Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the Regulation to amend the Regulation respecting used tire storage and the Regulation respecting solid waste, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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*, ss. 53.30, 1st par., subpars. 1, 2 and 4, 70, pars. 1, 2, 5 and 8, 109.1 and 124.1; 1999, c. 40, s. 239; 1999, c. 75, ss. 13, 14, 29, 44 and 48)

1. The Regulation respecting used tire storage is amended by substituting “**DEFINITIONS AND SCOPE**” for the heading of Division I.

2. The following is substituted for section 1:

“1. For the purposes of 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.

In addition, “reclamation” has the meaning given by section 53.1 of the Environment Quality Act (R.S.Q., c. Q-2).

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.

Divisions I.1, VI, VII and VIII do not apply to the used tire reclamation businesses that store such tires if those businesses hold a certificate of authorization issued under section 22 of the Act.

DIVISION I.1 PROVISIONS RELATED TO THE PERMANENT STORAGE OF USED TIRES

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 accumulate or continue the accumulation of used tires in a storage site, except the persons and municipalities that, on 30 April 2000, were holders of a certificate of authorization or a certificate of conformity for a used tire storage site. In that case, the accumulation may not continue after 30 June 2002.

Notwithstanding the foregoing, no person may, from 24 August 2000 accumulate or 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 to the conditions it was in before it was used for storing used tires. In addition, the person or municipality shall, in respect of the tires accumulated on 24 August 2000, have cleared the site of 20 % of the tires before 31 December 2003 and of 50 % of the tires before 31 December 2005.

Any person or municipality referred to in the first paragraph shall, no later than 24 February 2001, forward to the Minister, for approval, a plan of the measures he or it intends to take to clear the storage site and restore it.

DIVISION I.2 PROVISIONS SPECIFIC TO RECLAMATION BUSINESSES

1.5. A used tire reclamation business may not store more tires than necessary for its operation for a period not exceeding six months.”.

3. The heading “**FIRE PREVENTION AND EMERGENCY MEASURES PLAN**” is substituted for the heading 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;

* The Regulation respecting used tire storage was made by Order in Council 29-92 dated 15 January 1992 (1992, *G.O.* 2, 485) and amended by the Regulation made by Order in Council 492-2000 dated 19 April 2000 (2000, *G.O.* 2, 2090). 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 492-2000 dated 19 April 2000 (2000, *G.O.* 2, 2090). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

(4) by substituting the words “shall be” for the words “will be” in paragraphs 6 and 7;

(5) 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 minimum flow of water available year round from any water source that can be used for fighting a fire;”;

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

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

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

“(f) except for reclamation businesses for which only total capacity is required, the total number of stored tires and the total storage capacity on all the lots;”;

(9) 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 “in section 28” in subparagraph *g* of paragraph 9; and

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

“(11) the name, address and telephone number 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 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.

Notwithstanding the foregoing, changes to the plan related to the number of tires may only be forwarded once a year.

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 and its changes.

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.

Notwithstanding the foregoing, changes to the plan related to the number of tires may only be forwarded once a year.

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

6. Division III, constituted of section 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 with 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 24 August 2000 up to \$100 000. Notwithstanding the foregoing, in the case of the holder 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 “set up” for the word “operated” in paragraph 1.

9. Section 15 is amended by striking out the words “by the operator 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 operation and for not more than 12 months following the closure of the operation”; and

(2) by inserting the words “, provided for in section 17,” after the words “storage site”.

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 close the storage site in the conditions set out in section 1.4.

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 person or the municipality storing used tires” for the words “the operator” wherever they appear in the second paragraph;

(2) by adding the words “provided for in section 17” 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 operator” 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 “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 of which the storage site may be constituted, shall have at his or its disposal, at the storage site, the quantity of sand, earth or

any other equivalent inert granular material necessary for carrying out the interventions provided for in the detailed scenario prescribed by paragraph 14 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 subparagraph 1 of the first paragraph;

(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.” in the last paragraph.

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

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

27. Section 47 is amended

(1) by inserting “1.2 to 1.4, 5.1,” after the words “of sections” in the first and second paragraphs;

(2) by substituting “\$25 000” for “\$50 000” in the second paragraph.

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

“**48.** A used tire reclamation business that, on 24 August 2000 held a certificate of conformity for a used tire storage site shall, within six months following that date, submit an application for a certificate of authorization to the Minister, in accordance with section 22 of the Act, to

include the layout and operation of that used tire storage site in the tire reclamation activities. It is not necessary to submit again information and documents identical to those already provided with a view to obtaining the certificate previously issued. It shall be sufficient to indicate that there has been no change in those data.

49. The person or the municipality storing used tires before 24 August 2000 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 the Minister with the guarantee referred to in section 13.”.

29. Section 50 is revoked.

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

“**56. Used 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.”.

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

32. 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.

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

34. The following is substituted for section 138:

“**138. Fines:** Any natural person who contravenes section 123, 124 or 126 is liable to a minimum fine of \$300 and a maximum fine of \$1 000 for a first offence and to a minimum fine of \$500 and a maximum fine of \$3 000 for any subsequent offence.

Any legal person which contravenes section 123, 124 or 126 is liable to a minimum fine of \$500 and a maximum fine of \$2 000 for a first offence and to a minimum fine of \$800 and a maximum fine of \$5 000 for any subsequent offence.

Any natural person who contravenes the first paragraph of section 134 is liable to a minimum fine of \$100 and a maximum fine of \$500 for a first offence and to a maximum fine of \$1 000 for any subsequent offence.

Any legal person which contravenes the first paragraph of section 134 is liable to a minimum fine of \$200 and a maximum fine of \$1 000 for a first offence and to a minimum fine of \$400 and a maximum fine of \$3 000 for any subsequent offence.

Any natural person who contravenes section 115 is liable to a minimum fine of \$1 000 and a maximum fine of \$10 000 for a first offence and to a minimum fine of \$2 000 and a maximum fine of \$25 000 for any subsequent offence.

Any legal person which contravenes section 115 is liable to a minimum fine of \$5 000 and a maximum fine of \$30 000 for a first offence and to a minimum fine of \$10 000 and a maximum fine of \$50 000 for any subsequent offence.”.

35. 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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Gouvernement du Québec

O.C. 924-2000, 26 July 2000

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Duchénier Fish and Game Reserve — Revocation

Regulation to revoke the Regulation respecting the Duchénier Fish and Game Reserve

WHEREAS in accordance with section 81.2 of the Wildlife Conservation Act (R.S.Q., c. C-61), the Government made the Regulation respecting the Duchénier Fish and Game Reserve (R.R.Q., 1981, c. 61, r. 56);

WHEREAS under section 186 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), every provision of a regulation, order in council or order made by the Government under the Wild-life Conservation Act continues to be in force to the extent that it is consistent with the former Act;

WHEREAS under section 184 of the Act respecting the conservation and development of wildlife, the provisions of the Wild-life Conservation Act are replaced by the corresponding provisions of the Act respecting the conservation and development of wildlife;

WHEREAS under section 121 of the Act respecting the conservation and development of wildlife, the Government may make regulations on the matters mentioned therein;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft regulation to revoke the Regulation respecting the Duchénier Fish and Game Reserve was published in the *Gazette officielle du Québec* of 29 March 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to revoke the Regulation respecting the Duchénier Fish and Game Reserve;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation to revoke the Regulation respecting the Duchénier Fish and Game Reserve, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to revoke the Regulation respecting the Duchénier Fish and Game Reserve*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 121)

1. The Regulation respecting the Duchénier Fish and Game Reserve is revoked.

2. 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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* The Regulation respecting the Duchénier Fish and Game Reserve (R.R.Q., 1981, c. C-61, r. 56) has not been amended since it was revised.