



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 99

(2002, chapter 35)

**An Act to amend the Environment
Quality Act**

Introduced 7 May 2002

Passage in principle 30 May 2002

Passage 14 June 2002

Assented to 14 June 2002

**Québec Official Publisher
2002**

EXPLANATORY NOTES

This bill amends the Environment Quality Act to empower the Minister of the Environment to combine all the certificates of authorization issued by the Minister under section 22 of that Act and relating to the same works or establishment, the same activity or the same work into a single certificate, on the application of the holder of the certificates.

The bill provides that the Minister may not make any modification to the conditions set out in the certificates of authorization so combined that would have the effect of reducing the protection of the environment ensured by those conditions or subjecting the holder to new obligations.

The bill provides for the incorporation into a depollution attestation issued to an industrial establishment under Division IV.2 of the Environment Quality Act of conditions of operation initially set out in an authorization issued for that establishment under section 22, 32 or 48 of that Act.

Lastly, for the purpose of ascertaining compliance with the Environment Quality Act and the regulations made thereunder that govern agricultural activities, the bill authorizes the disclosure of information between the Minister of the Environment and La Financière agricole du Québec.

LEGISLATION AMENDED BY THIS BILL :

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

Bill 99

AN ACT TO AMEND THE ENVIRONMENT QUALITY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Environment Quality Act (R.S.Q., chapter Q-2) is amended by inserting the following section after section 2 :

“2.0.1. The Minister shall transmit to La Financière agricole du Québec any information, including personal information, enabling it to ascertain compliance with this Act and the regulations thereunder as provided in the last paragraph of section 19 of the Act respecting La Financière agricole du Québec (chapter L-0.1).

La Financière agricole du Québec must, at the request of the Minister, provide any information, including personal information, enabling the Minister to ascertain compliance with this Act and with any regulation made thereunder that governs agricultural activities.

The provisions of the first and second paragraphs apply notwithstanding sections 23 and 24 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and, in the case of the first paragraph, notwithstanding subparagraphs 5 and 9 of the first paragraph of section 28 of that Act.”

2. The said Act is amended by inserting the following sections after section 24 :

“24.1. On the application of the holder of several certificates of authorization issued under section 22 relating to the same works or establishment, the same activity or the same work, the Minister may, on the conditions the Minister determines, combine the certificates of authorization into a single certificate, referred to as an “administrative certificate”.

When issuing an administrative certificate, the Minister may not make any modification to the conditions set out in the certificates of authorization so combined that would have the effect of either reducing the protection of the environment ensured by those conditions or subjecting the holder to new obligations.

“24.2. From the date of its issue, the administrative certificate replaces the certificates of authorization it combines, which cease to have effect without prejudice, however, to any offences committed, proceedings instituted or penalties incurred before that date in relation to those certificates.

“24.3. Once issued, the administrative certificate stands in lieu of the certificate of authorization as if it had been issued under section 22 and is considered to be a certificate of authorization for the purposes of this Act.

“24.4. The Minister shall determine, by order, the fees that may be charged for the processing of an application to combine certificates of authorization and for the issue of an administrative certificate under section 24.1, as well as the manner of payment of those fees.

The fees may vary, in particular, according to the classes of sources of contamination involved, the number of certificates of authorization concerned and the complexity of the technical and environmental aspects pertaining to the application.”

3. Section 31.7 of the said Act is amended by replacing “or 70.11” at the end by “, 70.11 or in Division IV.2”.

4. Section 31.13 of the said Act is amended by adding the following after paragraph 5:

“(6) any other condition of operation applicable to the establishment including, where applicable, a condition contained in an authorization already issued under section 22, 32 or 48 and determined by the Minister.

The Minister may, at the request of the holder of a depollution attestation issued before 14 June 2002, modify the attestation to add a condition of operation contained in an authorization issued under section 22, 32 or 48.

Any condition contained in an authorization issued under section 22, 32 or 48 ceases to be contained therein where it is incorporated into a depollution attestation under subparagraph 6 of the first paragraph or under the second paragraph of this section.”

5. Section 31.26 of the said Act is amended by adding the following subparagraph after subparagraph 3 of the first paragraph:

“(4) where a modification to the conditions of operation becomes necessary following the issue of a certificate of authorization under section 22.”

6. Section 31.41 of the said Act is amended

(1) by inserting “or the application for a modification to the attestation made under the second paragraph of section 31.13” after “attestation” in the second line of paragraph 6;

(2) by adding the following subparagraph after subparagraph *c* of paragraph 6 :

“(d) the complexity of the processing of the application, in particular the fact that the conditions of operation contained in an authorization issued under section 22, 32 or 48 must be incorporated into the attestation;”.

7. The certificates issued by the Minister of the Environment before the coming into force of this Act and whose object is to combine into a single certificate several certificates of authorization previously issued by the Minister under section 22 of the Environment Quality Act are validated, to the extent that the issue of the certificates was not authorized by law. Sections 24.2 and 24.3, enacted by section 2 of this Act, apply to certificates so validated as of the date on which the certificates are issued.

8. This Act comes into force on 14 June 2002, except the first paragraph of section 2.0.1 of the Environment Quality Act, enacted by section 1, which will take effect on the date of coming into force of section 35 of chapter 35 of the statutes of 2001.