

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

5225

Draft Regulation

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

Quality of the atmosphere — 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 the quality of the atmosphere, the text of which appears below, may be made by the Government upon the expiry of 60 days following this publication.

The draft Regulation introduces in the Regulation respecting the quality of the atmosphere, for energy conversion projects relating to hazardous residual materials other than used oil, emission standards, destruction and removal efficiency standards and compliance sampling in order to better manage the energy conversion of hazardous residual materials, to better protect the environment and to standardize the requirements throughout Québec.

As a concordance with the new standards proposed in the Regulation respecting the quality of the atmosphere, the draft Regulation proposes to revoke the obligation to carry out an environmental impact assessment for energy conversion projects relating to toxic hazardous residual materials. The revocation of impact assessments will facilitate access to a larger variety of hazardous residual materials for businesses that can comply with the new air-quality standards proposed for energy conversion related to hazardous residual materials. Replacing conventional fuel by hazardous residual materials will generate savings for businesses. Four or five businesses could profit by the new provisions that are put forward.

For any information related to the draft Regulation to amend the Regulation respecting the quality of the atmosphere, contact Ginette Courtois, Direction des politiques du secteur industriel, ministère de l'Environnement, édifice Marie-Guyart, 9^e étage, boîte 71, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7, by tel. (418) 521-3950, ext. 4957, fax: (418) 644-3386 or e-mail: ginette.courtois@menv.gouv.qc.ca

Any person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 60-day period, to the Direction des politiques du secteur industriel of the Ministère de l'Environnement, at the above address.

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Regulation to amend the Regulation respecting the quality of the atmosphere *

Environment Quality Act
(R.S.Q., c. Q-2, ss. 31, 53, 70.19 and 124.1 ; 2001, c. 59, s. 1)

1. Section 1 of the Regulation respecting the quality of the atmosphere is amended

(1) by adding the following definition after paragraph 5 :

“(5.1) “reference conditions”: a temperature of 25° and a pressure of 101.3 kilopascals;”;

(2) by adding the following definition after paragraph 14 :

“(14.1) “residual oil”: fuel oil meeting the specifications of combustible No. 4, 5 or 6 of Standard D396-01 of the American Society for Testing and Materials (ASTM) respecting fuels for burners;”;

(3) by substituting the following for paragraph 20 :

“(20) “new”: which is established, put into operation, or whose construction is begun after 14 November 1979, including a part of an existing source which is modified or enlarged after that date so as to increase by 35% or more its rated capacity or production, that percentage being calculated in relation to the original rated capacity or production;”;

(4) by adding the following definition after paragraph 20 :

* The Regulation respecting the quality of the atmosphere (R.R.Q., 1981, c. Q-2, r.20) 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, 2002, updated to 1 March 2002.

“(20.1) “particle”: any substance in a finely divided liquid or solid state in suspension in a gaseous environment, except chemically unbound water as measured using the reference methods;”;

(5) by adding the following definitions after paragraph 21:

“(21.1) “rated capacity”: output capacity as specified by the manufacturer of fuel burning equipment or established in a certificate of authorization issued under section 22 of the Act before 14 November 1979;”;

(21.2) “R”: under reference conditions;”.

2. The heading “Use of fuels” is substituted for the heading of Division IX.

3. The following section is inserted before section 27:

“**26.1** For the purposes of this Division, fuel burning equipment whose combustion chamber is modified is presumed to be modified.”.

4. The following is substituted for section 27:

“**27. Particle emissions:** Fuel burning equipment fired with liquid or solid fossil fuels or used oils may not emit particles into the atmosphere beyond the standards prescribed in the following table:

Rated capacity (MW)	Fuel used	Emission standards (g/GJ provided by fuel)	
		New equipment	Existing equipment
≥3 and ≤15	petroleum products or used oils*	60	85
≥3 and ≤70	coal or coke	60	85
>15	petroleum products or used oils*	45	60
>70	coal or coke	45	60

* Used oils covered by Chapter III and Schedule 6 to the Regulation respecting hazardous materials and amending various regulatory provisions.

In the case of fuel burning equipment with a rated capacity greater than 125 MW, used in an electric power plant, the emission standard is 45 grams of particles per gigajoule provided by the fuel.”.

5. The following is substituted for section 28:

“**28. Nitric oxide emissions:** Fuel burning equipment, established or put into operation after (*enter the date of coming into force of this Regulation*) or modified after that date, which uses fossil fuels or used oils, may not emit nitric oxides into the atmosphere beyond the standards prescribed in the following table:

Rated capacity (MW)	Fuel used	Emission standards (g/GJ provided by fuel)
>3 and ≤30	Gas	26
	Distillate	40
	Residual oil or used oils (nitrogen content ≤0.35%)	90
	Residual oil or used oils (nitrogen content >0.35%)	110
>30	Gas	40
	Distillate	50
	Residual oil or used oils (nitrogen content ≤0.35%)	90
	Residual oil or used oils (nitrogen content >0.35%)	125

When the burners of a fuel burning equipment are replaced, the nitric oxide emissions of the new burners must be less than or equal to those of combustion burners.

Fuel burning equipment, established or put into operation between 14 November 1979 and (*enter the date of coming into force of this Regulation*), or modified during that period, which uses fossil fuels or used oils, may not emit nitric oxides into the atmosphere beyond the standards prescribed in the following table:

Rated capacity (MW)	Fuel used	Emission standards (g/GJ provided by fuel)
>15 and ≤70	Gas	80
	distillate, residual oil or used oils	175
	coal or coke	260
>70	Gas	110
	distillate, residual oil or used oils	135
	coal or coke	290

28.1 Use of other combustible materials for energy generation in fuel burning equipment: The use for energy generation of residual hazardous materials, other than used oils, or the use of fuel derived from a mix of residual hazardous materials shall be subject to the following standards where they are used in fuel burning equipment:

(a) a rated capacity of at least 3 MW for the fuel burning equipment;

(b) the limits specified in sections 27 and 28 of this Regulation for particle and nitric oxide emissions;

(c) an emission limit of 100 mg/m³R corrected at 7% oxygen for carbon monoxide, the average calculated over an hour;

(d) an emission limit of 50 g/m³R corrected at 7% oxygen for mercury;

(e) a limit of 0.15% in total halogenated organic compounds in hazardous materials before they are burned;

(f) a destruction and removal efficiency equal to or greater than 99.9999% where the hazardous materials are halogenated toxic materials within the meaning of section 3 of the Regulation respecting hazardous materials and amending various regulatory provisions made by Order in Council 1310-97 dated 8 October 1997 or where they contain more than 50 mg/kg of PCBs; and

(g) a destruction and removal efficiency equal to or greater than 99.99% for other organic compounds.

28.2 Use of other combustible materials for energy generation in an industrial furnace: The use for energy generation of residual hazardous materials, other than used oils, or the use of fuel derived from a mix of residual hazardous materials shall be subject to the following standards where they are used in an industrial furnace:

(a) a rated capacity of at least 3 MW for the industrial furnace;

(b) an emission limit of 70 mg/m³R corrected at 7% oxygen for particles or the limit of the industrial furnace if it is lower than 70 mg/m³R;

(c) an emission limit of 50 mg/m³R corrected at 7% oxygen for hydrogen chloride;

(d) an emission limit of 50 g/m³R corrected at 7% oxygen for mercury;

(e) an emission limit of 100 mg/m³R corrected at 7% oxygen for carbon monoxide, the average calculated over an hour;

(f) a destruction and removal efficiency equal to or greater than 99.9999% where the hazardous materials are halogenated toxic materials within the meaning of section 3 of the Regulation respecting hazardous materials and amending various regulatory provisions or where they contain more than 50 mg/kg of PCBs; and

(g) a destruction and removal efficiency equal to or greater than 99.99% for other organic compounds.

28.3 Calculation methods: When residual hazardous materials are used for energy generation in fuel burning equipment or in an industrial furnace, the quantity of emitted lead, mercury, cadmium, arsenic, chromium, beryllium, antimony, barium, silver, thallium shall be such that the limit set in Schedule D for those metals in the ambient air is complied with by using a dispersion model in compliance with the *Guide sur la modélisation de la dispersion atmosphérique* produced by the Ministère de l'Environnement.

The destruction and removal efficiency whose standards are provided for in sections 28.1 and 28.2 shall be calculated in accordance with the formula in section 68.4.

The concentrations prescribed in sections 28.1 and 28.2 are expressed on a dry basis and corrected at 7% oxygen according to the formula below:

$$E = E_a \times \frac{13.9}{20.9 - A}$$

“E” is the corrected concentration;

“E_a” is the uncorrected concentration on a dry basis;

“A” is the % of O₂ on a dry basis in fuel gases at the sampling site.

28.4 Measurements and registration: The operator of fuel burning equipment of a rated capacity greater than 15 MW referred to in this Division and the operator of fuel burning equipment or of an industrial furnace referred to in section 28.1 or 28.2 shall measure and register continuously: the oxygen and carbon monoxide concentration in the gases emitted into the atmosphere by the said equipment. Where the equipment has a rated capacity greater than 15 MW, the operator shall also measure and record continuously nitric oxides, the opacity of the gases or the particle concentration. In the case of equipment supplied with a gaseous fuel, the opacity or the particle concentration does not have to be measured.

Fuel burning equipment put into operation before (*enter the date of coming into force of this Regulation*) shall comply with the requirements of the first paragraph, not later than (*enter the date corresponding to the second anniversary of the coming into force of this Regulation*).

Fuel burning equipment or an industrial furnace referred to in section 28.1 or 28.2 shall comply with the requirements of the first paragraph as soon as this Regulation comes into force.

For the purposes of measuring the opacity or particle concentration, a combination of fuel burning equipment is considered as one piece of equipment where the gases are emitted by one stack only.

The data obtained following the measurements and registration made under this section shall be kept for at least two years.

28.5 Compliance sampling: The operator of fuel burning equipment of a rated capacity equal to or greater than 3 MW shall, not later than six months after it is put into operation, take a sample at the source in order to check whether the emission standards prescribed in section 27 and the first and third paragraphs of section 28 are complied with. In the case of existing equipment, the deadline shall not be later than 12 months after (*enter the date of coming into force of this Regulation*). For fuel burning equipment of a rated capacity greater than 15 MW, samples shall be taken once every three years thereafter.

Where residual hazardous materials are used for energy generation in fuel burning equipment or in a furnace as specified in sections 28.1 and 28.2, the operator shall take a sample at the source within three months after it is put into operation, in order to check the destruction and removal efficiency for toxic matters and PCBs and compliance with the emission standards prescribed in sections 28.1 and 28.2. Samples shall be taken once a year thereafter.”

6. The following is substituted for section 29:

“**29. Sulphur content:** No person may burn a fossil fuel with a sulphur content higher than:

- (a) 2.0% in weight for residual oil;
- (b) 0.5% in weight for distillates;
- (c) 2.0% in weight for coal; and
- (d) 2.0% in weight for coke used in fuel burning equipment.

Notwithstanding subparagraphs *a*, *c* and *d* of the first paragraph, as of 1 January 2005, no one may, for combustion purposes, use in fuel burning equipment or a furnace, residual oil, coal or coke whose sulphur content exceeds 1.5% in weight and, as of 1 January 2010, 1% in weight.”.

7. The following is substituted for section 30:

“**30. Exception:** The sulphur limits prescribed in section 29 for residual oil, coal, and coke and the limits prescribed for residual hazardous materials in Schedules 5 and 6 to the Regulation respecting hazardous materials and amending various regulatory provisions do not apply where:

(a) a portion of the sulphur, which otherwise would be emitted in the form of sulphur dioxide in fuel gases, is recovered and combined to a raw material or a product coming in contact with these gases;

(b) a portion of the sulphur, which otherwise would be emitted in the form of sulphur dioxide in fuel gases, is recovered and treated by a gas cleaning equipment;

(c) another fossil fuel with a low sulphur content is used simultaneously in an oil refinery. In that case, sulphur dioxide emissions must never exceed those that would be obtained by burning a thermally equivalent quantity of a residual oil containing 1% of sulphur.

The person in charge of an establishment to which one of the exceptions prescribed in the first paragraph applies must keep a record book in which the origin, quantity, sulphur content and heating value of the residual oil, coal, coke or hazardous material used are entered; in the case provided for in subparagraph *c* of the first paragraph, that person must also enter in that record book, for each operation day or part thereof, the nature, quantity, sulphur content and heating value of each fossil fuel used. That data must be kept for at least two years.”.

8. The following is substituted for section 31:

“**31. Sulphur dioxide emissions:** Notwithstanding section 30, the quantity of sulphur dioxide emitted into the atmosphere by burning any fossil fuel or residual hazardous materials used for energy generation must not exceed that emitted by burning an equivalent quantity in heating value of residual oil whose sulphur content is equal to the standards prescribed in section 29 of this Regulation, or hazardous materials whose sulphur content is equal to the standards prescribed in Schedules 5 and 6 to the Regulation respecting hazardous materials and amending various regulatory provisions.”.

9. Section 31.1 is revoked.

10. The following is substituted for section 32:

“32. Fuel gas venting: The venting speed into the atmosphere of fuel gases from fuel burning equipment whose rated capacity is more than 3 MW and put into operation after (*enter the date of coming into force of this Regulation*) shall be at least 15 metres per second at the outlet of the stack when the equipment operates at rated capacity.

The venting speed into the atmosphere of fuel gases from fuel burning equipment whose rated capacity is greater than 3 MW shall be at least 15 metres per second at the outlet of the stack where the equipment operates at rated capacity and where the gases are emitted by a stack installed after (*enter the date of coming into force of this Regulation*).”.

11. The following is substituted for section 68.4:

“68.4. Destruction and removal efficiency: The destruction and removal efficiency of a hazardous materials incinerator must be equal to or higher than

(a) 99.9999% for toxic halogenated carbonic compounds within the meaning of the Regulation respecting hazardous materials and amending various regulatory provisions or for materials containing more than 50 mg/kg of PCBs;

(b) 99.99% for other organic compounds;

(c) 99.99% for compounds referred to in subparagraph a where the halogenated organic compound content is no more than 0.2% in weight when fired;

(d) 99.95% for other organic compounds for hazardous materials incinerators whose rated capacity is lower than one ton per hour.

Destruction and removal efficiency is calculated by the following equation:

$$E_d = \frac{Q_r - Q_s}{Q_i} \times 100$$

“ E_d ” is the destruction and removal efficiency of the organic compounds in question;

“ Q_i ” is the firing rate

(a) where a 99.9999% destruction and removal efficiency is applicable, “ Q_i ” is the firing rate of each of the toxic halogenated organic compounds within the mean-

ing of the Regulation respecting hazardous materials and amending various regulatory provisions;

(b) where a 99.99% or 99.95% destruction and removal efficiency is applicable, “ Q_i ” is the firing rate of the most thermally stable organic compound;

“ Q_s ” is the rejection rate into the environment of the organic compounds referred to in “ Q_i ” and present in the gases emitted into the atmosphere.”.

12. The following Schedule is added at the end:

“SCHEDULE D
LIMITS OF CONTAMINANTS IN AMBIENT AIR
(s. 28.3)

Contaminants	Maximum on hourly basis (g/m ³)
Lead	0.06
Arsenic	0.0012
Cadmium	0.0036
Antimony	1.2
Barium	15
Mercury	1.8
Silver	0.15
Thallium	1.5
Beryllium	0.0024
Chromium	0.00048

”.

13. 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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Draft Regulation

Lobbying Transparency and Ethics Act
(2002, c. 23)

Registry of lobbyists

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the registry of lobbyists, the text of which appears below, may be made by the