

Regulations and other acts

Gouvernement du Québec

O.C. 1048-2004, 9 November 2004

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

Solid waste

— Amendments

Regulation to amend the Regulation respecting solid waste

WHEREAS, under subparagraphs *a*, *c* and *e* of the first paragraph of section 31 and paragraphs 1, 2, 4 and 5 of section 70 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations on the matters set out therein;

WHEREAS, under section 124 of the Environment Quality Act, any draft regulation prepared under that Act must be published with a notice stating that it may be made, with or without amendment, at the expiry of sixty days following the publication;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as required by section 8 of that Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstance justifies the absence of prior publication and such coming into force of the Regulation attached to this Order in Council:

— in certain regions of Québec, several sanitary landfill sites will reach their authorized landfill capacity very shortly and be required to close;

— the provisions of the Regulation respecting solid waste provide for the disposal of residual materials in sanitary landfill sites as well as by the establishment of in-trench disposal sites for solid waste;

— section 93 of that Regulation allows for the establishment of such in-trench disposal sites in any municipality with a population of less than 2,000 inhabitants served by an organized household garbage collection service and situated more than 30 kilometres from a disposal site;

— the Québec Residual Materials Management Policy, 1998-2008, recommends limiting the number of in-trench disposal sites because of the impact that type of residual materials disposal has on water quality;

— the Regulation attached hereto amends the Regulation respecting solid waste to limit the territories in which an in-trench disposal site may be established;

— in the face of the impending closure of certain sanitary landfill sites, a number of municipalities have stated their intention to make use of in-trench sites to dispose of their residual materials;

— during the time periods inherent in the application of sections 11 and 17 of the Regulations Act, several of the municipalities affected by the closure of sanitary landfill sites will be able to avail themselves of the right to establish an in-trench disposal site for solid waste, with the serious environmental risks associated with that type of disposal;

— it is equally urgent, with a view to enabling municipalities that will no longer be authorized to establish in-trench disposal sites for solid waste to dispose of their residual materials in an environmentally safe manner, to limit a sanitary landfill site operator's power to refuse to accept residual materials from those municipalities;

WHEREAS it is expedient to make the Regulation;

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

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

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting solid waste*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a*, *c* and *e*, s. 70,
pars. 1, 2, 4 and 5)

1. Section 93 of the Regulation respecting solid waste is amended by replacing paragraphs *a* to *e* by the following:

“(1) the territory situated north of the 55th parallel, except Category I and II lands for the Cree of Great Whale River;

(2) Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent, the municipalities of Blanc Sablon, Bonne-Espérance, Gros-Mécatina and Saint-Augustin, and every other municipality constituted under the Act respecting the municipal reorganization of the territory of Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent (1988, c. 55; 1993, c. 65; 1996, c. 2);

(3) every part of territory that is not organized into a local municipality and that is situated more than 100 km by a year-round road from a sanitary landfill site that is not reserved exclusively for an industrial, commercial or other establishment;

(4) the James Bay territory, as described in section 133 of the Environment Quality Act, excluding the municipalities of Chibougamau and Chapais;

(5) all territory inaccessible by a year-round road, including every island that is not connected to the mainland by a bridge or a boat service operational year-round;

(6) the regional county municipalities of Minganie and Caniapiscau;

(7) the part of the territory of Ville de la Tuque situated west of the 73rd meridian.”.

2. Section 94 is replaced by the following:

“**94. Maximum population:** An in-trench disposal site for solid waste may not serve more than 2,000 persons except in the municipalities of James Bay, Lebel-sur-Quévillon, Matagami, Fermont and Havre-Saint-Pierre.

The limit prescribed in the first paragraph also does not apply to in-trench disposal sites that were established prior to the date of coming into force of this section in the municipalities of Îles-de-la-Madeleine, Senneterre, Témiscaming and Ville-Marie and that are still in operation on that date.”.

3. Section 115 is amended by inserting “, section 115.1” after “section 114”.

4. The following is inserted after section 115:

“**115.1. Acceptance of solid waste:** The operator of a sanitary landfill site is required to accept solid waste from any territory that is not organized into a local municipality and from any municipality with a population of less than 2,000 inhabitants, in the case where no other sanitary landfill site is situated closer to the municipality by a year-round road.”.

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

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* 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 843-2001 dated 27 June 2001 (2001, *G.O.* 2, 3518). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.