

Draft Regulation

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

Contaminants — Mandatory reporting of certain emissions into the atmosphere

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 respecting mandatory reporting of certain emissions of contaminants into the atmosphere, the text of which appears below, may be made by the Minister of Sustainable Development, Environment and Parks on the expiry of 60 days following this publication.

Within the perspective of ensuring supervision of the quality of the environment in relation to phenomena that increase the greenhouse effect, acid rain, smog and toxic pollution, the purpose of this draft Regulation is to determine the thresholds over which enterprises, facilities or establishments are required to report their emissions of contaminants associated with those phenomena. It also determines the information to be provided and the parameters to be used to evaluate or calculate the quantity of contaminants.

The impact of the draft Regulation on enterprises will be minimal. Over the last fifteen years, the Ministère du Développement durable, de l'Environnement et des Parcs has been gathering, on a voluntary basis, various data used to calculate the main atmospheric contaminants emitted by a large number of enterprises. The transmission of information within a normative framework does not place any additional burden on enterprises.

Further information may be obtained by contacting Vicky Leblond or Michel Goulet, Direction des politiques de l'air, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 6^e étage, boîte 30, Québec (Québec) G1R 5V7, telephone: 418 521-3813, extension 4386 or 7022, respectively, or e-mail: vicky.leblond@mddep.gouv.qc.ca or michel.goulet@mddep.gouv.qc.ca; fax: 418 646-0001.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to Vicky Leblond or Michel Goulet at the above address.

THOMAS J. MULCAIR,
*Minister of Sustainable Development,
Environment and Parks*

Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere

Environment Quality Act
(R.S.Q., c. Q-2, ss. 2.2, 109.1 and 124.1)

DIVISION I SCOPE, PURPOSE AND INTERPRETATION

1. This Regulation applies to every operator whose enterprise, facility or establishment emits a contaminant listed in Schedule A into the atmosphere at a level that is equal to or greater than the reporting threshold prescribed for the contaminant.

The provisions of this Regulation apply in a reserved area or an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

2. Within the perspective of ensuring supervision of the quality of the environment in relation to phenomena that increase the greenhouse effect, acid rain, smog and toxic pollution, this Regulation determines the thresholds over which enterprises, facilities or establishments are required to report their emissions in relation to the contaminants associated with those phenomena. It also determines the information to be provided and the parameters to be used to calculate the quantity of the contaminants emitted.

3. In this Regulation,

(1) “total fluorides” means the sum of fluorides emitted as gases and fluorides emitted as particles;

(2) “Minister” means the Minister of Sustainable Development, Environment and Parks;

(3) “process” means any method, reaction or operation through which the matter treated undergoes a physical or chemical change in the same production line and includes all successive operations on a single matter bringing about the same type of physical change;

(4) “reporting threshold” means the quantity of a contaminant or a category of contaminants emitted by an enterprise, facility or establishment, expressed in reference to certain parameters, in excess of which the operator of the enterprise, facility or establishment must report its emission level to the Minister under the provisions of this Regulation or to the Minister of the Environment of Canada under subsection 5 of section 46 of the Canadian Environmental Protection Act (1999) (S.C. 1999, c. 33).

DIVISION II

STANDARDS FOR MANDATORY REPORTING OF CERTAIN EMISSIONS OF CONTAMINANTS INTO THE ATMOSPHERE

4. Every person or municipality operating an enterprise, facility or establishment that emits a contaminant listed in Part I of Schedule A into the atmosphere in a quantity that exceeds the reporting threshold set out in that Schedule for the contaminant or category of contaminants must, not later than 1 June of each year, communicate to the Minister the quantity of each of the contaminants listed in Schedule A that the facility, establishment or enterprise emitted into the atmosphere in the preceding calendar year.

The information must include any data pertaining to production, fuels used and raw materials relevant to the calculation of the quantities of contaminants emitted on an annual basis, and the emission factors used for the calculation.

In addition, the information must be provided in the form in Parts I to IV of Schedule B.

For the purposes of the second paragraph, fuels integral to a process or used to supply transportation machinery integral to a process must be taken into account, as must fuels used to heat facilities.

For the purposes of this section, if an enterprise has several establishments, a separate report must be made for each of them. If an establishment has more than one facility, the data pertaining to each facility must be identified separately. In all cases, the operator must identify the activities, processes or equipment that are the source of contaminant emissions by indicating separately, for each of them, the quantity of fuels and raw materials used, and the volume of production.

5. If the operator of the enterprise, facility or establishment is required, under a public notice given pursuant to section 46 of the Canadian Environmental Protection Act (1999), to report to the Minister of the Environment of Canada for a contaminant listed in Part II of Schedule A, the operator must, without delay, transmit to the Minister a copy of any information transmitted to the Minister of the Environment of Canada concerning any of those contaminants emitted into the atmosphere by the enterprise, facility or establishment.

The operator must also provide the Minister with all data pertaining to production, fuels used and raw materials that were used to calculate the quantities of contaminants reported to the Minister of the Environment of Canada, along with the copy of the information referred

to in the first paragraph, and the emission factors used for the calculation. The operator must identify the activities, processes or equipment that are the source of contaminant emissions by indicating separately, for each of them, the quantity of fuels and raw materials used, and the volume of production. That information must be provided in the form in Parts I, III and IV of Schedule B.

In addition, if the operator is required under a public notice given pursuant to section 46 of the Canadian Environmental Protection Act (1999) to notify the Minister of the Environment of Canada that the enterprise, facility or establishment ceases to meet the prescribed reporting criteria, the operator must so notify the Minister at the same time.

6. The information communicated pursuant to section 4 or the second paragraph of section 5 must be based on the best data and best information the operator of the enterprise, facility or establishment has, may reasonably be expected to have or may obtain by means of appropriate data processing.

Written certification by the operator or a person authorized by the operator stating that the data transmitted was established in conformity with the best practices that apply and the requirements of this Regulation must also be transmitted to the Minister by the operator, along with the information required by section 4 or the copy of the report referred to in section 5.

7. The persons or municipalities to which the provisions of this Regulation apply must retain the required information and the calculations, measurements and other data on which emission data are based for a minimum of five years from the date on which they were produced.

DIVISION III

OFFENCES

8. Every person who fails to communicate the information prescribed by section 4 or the second paragraph of section 5 to the Minister, communicates false or inaccurate information, or fails to transmit the copy of a report referred to in section 5, or to transmit the notice referred to in the third paragraph of section 5, or includes false or inaccurate information or fails to include prescribed data in the documents or fails to retain the data for the period prescribed is liable

(1) to a fine of \$2,000 to \$12,000 in the case of a natural person; and

(2) to a fine of \$5,000 to \$25,000, in the case of a legal person.

9. In the case of a second or subsequent offence, the fines referred to in section 8 are doubled.

DIVISION IV MISCELLANEOUS

10. As of the date on which a contaminant listed in Part I of Schedule A is the subject of a public notice given pursuant to section 46 of the Canadian Environmental Protection Act (1999), that contaminant becomes governed by the provisions of section 5 of this Regulation. The reporting threshold applicable for that contaminant is then the reporting threshold provided for in the public notice.

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

SCHEDULE A

(ss. 1, 4, 5, 10)

Part I

Types	Contaminants	Reporting thresholds
	— total fluorides	10 tonnes
	— polycyclic aromatic hydrocarbons (PAHs):	50 kg
	• Fluorene;	on an annual
	• Phenanthrene;	basis for all the
	• Anthracene;	contaminants
	• Pyrene;	in the PAH
	• Fluoranthene;	category
	• Chrysene;	
Contaminants that cause toxic pollution	• Benzo (a) anthracene;	
	• Benzo (a) pyrene;	
	• Benzo (e) pyrene;	
	• Benzo (b) fluoranthene;	
	• Benzo (j) fluoranthene.	
	— Total reduced sulphur compounds:	10 tonnes
	• hydrogen sulphide (H ₂ S);	on an annual
	• methyl mercaptan (CH ₃ SH);	basis for all the
	• dimethyl sulphide (CH ₃) ₂ S;	contaminants in
	• dimethyl disulphide S ₂ (CH ₃) ₂ .	the category of
		total reduced sulphur compounds

Part II

Types	Contaminants	*Reporting thresholds
Contaminants that cause increased greenhouse effect	— carbon dioxide (CO ₂); — methane (CH ₄); — nitrous oxide (N ₂ O); — sulphur hexafluoride (SF ₆); — hydrofluorocarbons (HFCs):	
	• HFC-23 (CHF ₃);	
	• HFC-32 (CH ₂ F ₂);	
	• HFC-41(CH ₃ F);	
	• HFC-43-10mee (C ₃ H ₂ F ₁₀);	
	• HFC-125 (C ₂ HF ₅);	
	• HFC-134 (CHF ₂ CHF ₂);	
	• HFC-134a (CH ₂ FCF ₃);	
	• HFC-143 (CHF ₂ CH ₂ F);	
	• HFC-143a (CF ₃ CH ₃);	
	• HFC-152a (CH ₂ CHF ₂);	
	• HFC-227ea (C ₃ HF ₇);	
	• HFC-236fa (C ₃ H ₂ F ₆);	
	• HFC-245ca (C ₂ H ₃ F ₅).	
	— perfluorocarbons (PFCs):	
	• perfluoromethane (CF ₄);	
	• perfluoroethane (C ₂ F ₆);	
	• perfluoropropane (C ₃ F ₈);	
	• perfluorobutane (C ₄ F ₁₀);	
	• perfluorocyclobutane (c-C ₄ F ₈);	
	• perfluoropentane (C ₅ F ₁₂);	
	• perfluorohexane (C ₆ F ₁₄).	
Contaminants that cause acid rain and smog	— sulphur dioxide (SO ₂); — nitrogen oxides (NO _x); — volatile organic compounds; — carbon monoxide (CO); — total particulate matter; — particulate matter <10 microns; — particulate matter < 2.5 microns; — ammonia (NH ₃).	
Contaminants that cause toxic pollution	— mercury (Hg) and its compounds; — lead (Pb) and its compounds; — cadmium (Cd) and its compounds; — polychlorinated dibenzo-p-dioxins; — polychlorinated dibenzofurans; — benzene; — hexachlorobenzene; — formaldehyde; — arsenic and its compounds; — hexavalent chromium compounds.	

* The reporting threshold applicable for a contaminant in Part II of this Schedule is the reporting threshold provided for that contaminant in the public notice given by the Minister of the Environment of Canada pursuant to section 46 of the Canadian Environmental Protection Act (1999).

SCHEDULE B

(ss. 4, 5)

**REPORTING OF ANNUAL EMISSIONS, REPORT OF FUELS, PRODUCTS, RAW MATERIALS
AND EMISSION FACTORS****Part I: Identification**Name of enterprise :
_____Name of establishment :
_____Address of establishment
_____Civic number, street :
_____City or Town :
_____Postal Code :
_____Director of establishment
_____Name :
_____Address (If different from establishment) :
_____Civic number, street :
_____City or Town :
_____Postal Code :
_____Telephone number :
_____Fax number :
_____E-mail :
_____Person responsible for the environment (If different from the director of the establishment)
_____Name :
_____Address (If different from establishment)
_____Civic number :
_____Street :
_____City or Town :
_____Postal Code :
_____Telephone number :
_____Fax number :
_____E-mail :

Person responsible for reporting (If different from the person responsible for the environment)

Name:

Address (If different from establishment):

Civic number:

Street:

City or Town:

Postal Code:

Telephone number:

Fax number:

E-mail:

Part II: Annual emissions report

Types	Contaminants	Total emissions	Units of measure
Contaminants that cause toxic pollution	Total fluorides (TF)		
	Polycyclic aromatic hydrocarbons (PAHs)		
	Total reduced sulphur compounds		

Part III: Fuels, products and raw materials report

Identification of emission source	Hours of operation

For each emission source identified, Tables A, B and C must be completed using the best data the operator of the enterprise, facility or establishment has, may reasonably be expected to have or may obtain by means of appropriate data processing.

Table A

Identification of fuel	Characteristics			Quantity	Unit of measure
	% Sulphur	% Water	Heating value		

Table B

Identification of product	Volume of production	Unit of measure

Table C

Identification of raw material		Quantity	Unit of measure	
Part IV : Emission factors				
Contaminant	Emission factor	Unit of measure	Product, raw material or fuel related to the emission factor	Emission factor reference

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