

Regulations and other acts

Gouvernement du Québec

O.C. 340-2006, 26 April 2006

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

Disposal of residual materials — Charges payable

Regulation respecting the charges payable for the disposal of residual materials

WHEREAS, under subparagraphs *b* and *e.1* of the first paragraph of section 31, paragraph 5 of section 70 and sections 109.1 and 124.1 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations on the matters set forth therein;

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 Regulation was published in Part 2 of the *Gazette officielle du Québec* of 24 November 2004 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS, in the light of the comments received following the publication in the *Gazette officielle du Québec*, it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

That the Regulation respecting the charges payable for the disposal of residual materials, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the charges payable for the disposal of residual materials

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *b* and *e.1*, s. 70, par. 5, ss. 109.1 and 124.1)

1. The purpose of this Regulation is to prescribe the charges payable for the disposal of residual materials in disposal sites.

2. This Regulation applies to the following disposal sites:

(1) the sanitary landfill sites, dry materials disposal sites and incinerators governed by the Regulation respecting solid waste (R.R.Q., 1981, c. Q-2, r. 14);

(2) the incinerator whose establishment was authorized under section 22 of the Environment Quality Act (R.S.Q., c. Q-2) in the territory of Îles-de-la-Madeleine for the principal purpose of disposing of household garbage produced on the islands;

(3) incinerators for sludge from municipal water treatment works; and

(4) the engineered landfills, construction or demolition waste landfills and incineration facilities for residual materials to which the Regulation respecting the landfilling and incineration of residual materials made by Order in Council 451-2005 dated 11 May 2005 applies.

3. Every operator of a disposal site referred to in section 2 must pay disposal charges of \$10 for each metric tonne of residual materials received for disposal.

No charge is payable for incineration residue from an incinerator referred to in section 2 or for soils or other materials to be used to cover the residual materials. In addition, no charge is payable for residual materials that are sorted and recovered on the premises to be reclaimed, or for mine tailings or residue generated by a mine tailings reclamation process.

4. The charges are indexed on 1 January of each year on the basis of the percentage change in the Consumer Price Indexes for Canada, as published by Statistics Canada. The change is calculated by determining the

difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes for the same period of the second preceding year.

The Minister of Sustainable Development, Environment and Parks is to inform the public of the indexing under this section in Part 1 of the *Gazette officielle du Québec* and, if the Minister considers it appropriate, by any other means.

5. The charges prescribed by section 3 are payable to the Minister of Finance, as the case may be, not later than 30 April, 30 July, 30 October and 30 January of each year for the three-month period preceding the month in which payment becomes due. If one of those dates falls on a Saturday or Sunday, the charges are payable on the following Monday.

In addition to the payment of those charges, a document must be sent on those dates to the Minister of Sustainable Development, Environment and Parks in which the following information is provided:

(1) the operator's name and address;

(2) the quantity of residual materials received for disposal during the quarter covered by the charges, including mention of the quantity, if any, of incineration residue from an incinerator referred to in section 2, of soils or other materials to be used to cover the residual materials, of materials sorted and recovered for reclamation and of residue generated by a mine tailings reclamation process; the quantities must be expressed in weight; and

(3) the amount of the charges paid.

If no charge is payable for a given quarter, the operator must notify the Minister of Sustainable Development, Environment and Parks thereof within the same time and provide the reasons.

The document must be signed by the person who prepared it and attest to the accuracy of the particulars it contains.

6. Charges not paid within the prescribed time bear interest, from the due date, at the rate determined under section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

In addition to the interest payable, the following amounts are added to every amount outstanding:

(1) 7% of the amount of the unpaid charges if the delay does not exceed seven days;

(2) 11% of the amount of the unpaid charges if the delay exceeds seven days but does not exceed 14 days; and

(3) 15% of the amount of the unpaid charges in all other cases.

7. All materials received at the disposal site must, upon receipt, be weighed on the premises.

The devices for weighing the materials must be installed, used and maintained so as to provide reliable data, and be calibrated at least once a year.

Where some of the materials received are sorted and recovered for reclamation, the recovered materials must be weighed before being transported off-site.

8. In addition to the particulars that must be entered by the operator in an annual log in accordance with section 39, 105, 128, 157 or 163 of the Regulation respecting the landfilling and incineration of residual materials, the following particulars must also be entered in the log:

(1) the quantity of incineration residue from an incinerator referred to in section 2;

(2) the quantity of soils or other materials to be used to cover the residual materials;

(3) the quantity of materials recovered for reclamation, the quantity shipped off-site, the name of the carrier, the licence plate number of the vehicle used and the names and addresses of all consignees; and

(4) the quantity of mine tailings or residue generated by a mine tailings reclamation process.

All quantities must be expressed in weight.

The annual logs must be kept at the disposal site and be made available to the Minister for a minimum of five years after the date of the last entry.

9. Within 90 days after the end of each year, the operator of a disposal site referred to in section 2 must send to the Minister of Sustainable Development, Environment and Parks an assessment of the quantity, expressed in weight, of residual materials disposed of during the year at the site. The assessment must be certified by an external auditor who is a member of a professional order of accountants authorized by law to audit books or accounts.

10. The operator of a disposal site existing on the date of coming into force of this Regulation that does not have a device on the premises for weighing the residual materials is exempted from the requirements of section 7 for a five-month period beginning on that date, except in the case of a disposal site that receives fewer than 20,000 tonnes of residual materials per year in which case the period is three years.

In addition to the information provided in the document required by the second paragraph of section 5, the operator of such a disposal site must also indicate in the document if materials were weighed elsewhere than on the premises, the place and date on which they were weighed and the name of the person who weighed them. If the materials were not weighed, the operator must indicate the quantity expressed in cubic metres and the equivalence in weight. The same applies to the quantities entered in the log referred to in section 8 and in the assessment referred to in section 9.

For the purpose of calculating the charges prescribed by section 3 for residual materials that are not weighed, one cubic metre of residual materials equals 0.5 metric tonnes.

In the case where residual materials are not weighed, the quantity of residual materials sorted and recovered that may be deducted from the quantity of residual materials received and measured for the purpose of calculating the charges may not exceed 10% of that latter quantity.

11. Every offence against sections 3, 5 and 7 to 9 and the second paragraph of section 10 renders the operator liable to a fine

(1) of \$2,000 to \$15,000 in the case of a natural person; and

(2) of \$5,000 to \$100,000 in the case of a legal person.

In the case of a second or subsequent offence, the fines are doubled.

12. This Regulation applies to a reserved area and to an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

13. Despite the first paragraph of section 5, the charges due for the period from 23 June 2006 to 30 September 2006 are payable on 30 October 2006.

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

Gouvernement du Québec

O.C. 382-2006, 10 May 2006

Health Insurance Act
(R.S.Q., c. A-29)

Insured hearing devices — Amendments

Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act

WHEREAS, under subparagraph *h.2* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29), the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine the hearing deficiencies, the services and the sets or subsets of hearing aids that must be considered to be insured services for the purposes of the seventh paragraph of section 3 of the Act, fix the age of the insured persons referred to therein and determine the classes of insured persons, determine the cost that the Board may assume on behalf of an insured person with a hearing deficiency, determine the cases and conditions in and on which the Board assumes the cost of such insured services and in and on which the services are furnished, prescribe the terms and conditions for claims and payments, and prescribe the cases and conditions in and on which such hearing aids may or must be recovered;

WHEREAS the Government made the Regulation respecting hearing devices insured under the Health Insurance Act by Order in Council 869-93 dated 16 June 1993;

WHEREAS amendments must be made to the Regulation;

WHEREAS the Régie de l'assurance maladie du Québec has been consulted regarding the amendments;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting hearing devices insured under the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* of 25 May 2005, on page 1401, with a notice that it could be made by the Government on the expiry of 45 days following that publication and that any interested person having comments to make on the matter could send them, before the expiry of the 45-day period, to the designated persons;