

Regulations and other acts

M.O., 2007

Order of the Minister of Sustainable Development, Environment and Parks dated 26 September 2007

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

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

THE MINISTER OF SUSTAINABLE DEVELOPMENT, ENVIRONMENT AND PARKS,

CONSIDERING section 2.2 of the Environment Quality Act (R.S.Q., c. Q-2), according to which the Minister of Sustainable Development, Environment and Parks may make regulations determining what information, other than personal information, a person or a municipality is required to provide regarding an enterprise, a facility or an establishment that the person or municipality operates;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* dated 1 March 2006, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), of a draft of the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, with a notice that the Regulation could be made by the Minister of Sustainable Development, Environment and Parks on the expiry of 60 days following the publication;

CONSIDERING the comments received;

CONSIDERING that it is expedient to make the draft Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere, attached as a Schedule, is hereby made.

Québec, 26 September 2007

LINE BEAUCHAMP,
*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. In 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, including confidential information that is necessary to calculate the quantity of the contaminants emitted, such as data pertaining to production, fuels, raw materials, equipment and processes.

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 refer-

ence 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 Part I of 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 or assessment of the quantities of contaminants emitted on an annual basis, and the emission factors used for the calculation or assessment.

In addition, the information must be provided in the form in Parts I to III 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 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 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 and III 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.

The information may be based on one of the following methods of calculation or assessment:

- (1) emission source sampling;
- (2) a sampling and continuous emission monitoring system;
- (3) an emission estimation model;
- (4) a calculation that may include the use of an emission factor published in the scientific literature or documentation specific to the enterprise, facility or establishment;
- (5) mass balance; or
- (6) predictive emission monitoring.

A report 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, assessments, 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 to the Minister the information prescribed by section 4 or 5, communicates false or inaccurate information, or fails 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

SCHEDULE A (ss. 1, 4, 5, 10)

Part I

Types	Contaminants		
	Identification	CAS ⁽¹⁾	
Contaminants that cause toxic pollution	– total fluorides	7782-41-4	10 tonnes
	– polycyclic aromatic hydrocarbons (PAHs):		
	• Fluorene;	86-73-7	
	• Phenanthrene;	85-01-8	
	• Anthracene	120-12-7	
	• Pyrene	129-00-0	
	• Fluoranthene	206-44-0	
	• Chrysene	218-01-09	
	• Benzo (a) anthracene	56-55-3	50 kg
	• Benzo (a) pyrene	50-32-8	on an annual basis for all the contaminants in the PAH category
	• Benzo (e) pyrene	192-97-2	
	• Benzo (b) fluoranthene	205-99-2	
• Benzo (j) fluoranthene	205-82-3		

(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 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*.

Types	Contaminants		
	Identification	CAS ⁽¹⁾	
	• Benzo (k) fluoranthene	207-08-09	
	• Benzo (g, h, i) perylene	191-24-2	
	• Indeno (1,2,3-cd) pyrene	193-39-5	
	• Dibenzo (a,h) anthracene	53-70-3	
	– total reduced sulphur compounds:		
	• hydrogen sulphide (H ₂ S);	7783-06-4	10 tonnes on an annual basis for all the contaminants in the category of total reduced sulphur compounds
	• methyl mercaptan (CH ₃ SH);	74-93-1	
	• dimethyl sulphide (CH ₃) ₂ S	75-18-3	
	• dimethyl disulphide S ₂ (CH ₃) ₂	624-92-0	

Part II

Types	Contaminants		
	Identification	CAS ⁽¹⁾	
Contaminants that cause increased greenhouse effect	– carbon dioxide (CO ₂);	124-38-9	
	– methane (CH ₄);	74-82-8	
	– nitrous oxide (N ₂ O);	10024-97-2	
	– sulphur hexafluoride (SF ₆);	2551-62-4	
	– hydrofluorocarbons (HFCs):		
	• HFC-23 (CHF ₃);	75-46-7	
	• HFC-32 (CH ₂ F ₂);	75-10-5	
	• HFC-41(CH ₃ F);	593-53-3	
	• HFC-43-10mee (C ₃ H ₂ F ₁₀);	138495-42-8	
	• HFC-125 (C ₂ HF ₅);	354-33-6	
	• HFC-134 (CHF ₂ CHF ₂);	359-35-3	
	• HFC-134a (CH ₂ FCF ₃);	811-97-2	
	• HFC-143 (CHF ₂ CH ₂ F);	430-66-0	
	• HFC-143a (CF ₃ CH ₃);	420-46-2	
	• HFC-152a (CH ₃ CHF ₂);	75-37-6	
	• HFC-227ea (C ₃ HF ₇);	431-89-0	
• HFC-236fa (C ₃ H ₂ F ₆);	690-39-1		

Types	Contaminants	
	Identification	CAS ⁽¹⁾
Contaminants that cause acid rain and smog	• HFC-245ca (C ₃ H ₃ F ₅).	679-86-7
	– perfluorocarbons (PFCs):	
	• perfluoromethane (CF ₄);	75-73-0
	• perfluoroethane (C ₂ F ₆);	76-16-4
	• perfluoropropane (C ₃ F ₈);	76-19-7
	• perfluorobutane (C ₄ F ₁₀);	355-25-9
	• perfluorocyclobutane (c-C ₄ F ₈);	115-25-3
	• perfluoropentane (C ₅ F ₁₂);	678-26-2
	• perfluorohexane (C ₆ F ₁₄).	355-42-0
	– sulphur dioxide (SO ₂);	7446-09-05
	– nitrogen oxides (NO _x);	11104-93-1
	– volatile organic compounds;	
	– carbon monoxide (CO);	630-08-0
	Contaminants that cause toxic pollution	– total particulate matter;
– particulate matter <10 microns;		
– particulate matter < 2.5 microns;		
– ammonia (NH ₃).		
– mercury (Hg) and its compounds;		
– lead (Pb) and its compounds;		
– cadmium (Cd) and its compounds;		
– polychlorinated dibenzo-p-dioxins;		
– polychlorinated dibenzofurans;		
– benzene;		71-43-2
– hexachlorobenzene;		118-74-1
– formaldehyde;	55-00-0	
– arsenic and its compounds;		
– hexavalent chromium compounds.		

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
	Total fluorides (TF)		
	Polycyclic aromatic hydrocarbons (PAHs)		
	Total reduced sulphur compounds		

Part III: Fuels, products and raw materials report

The operator must identify the activities, processes or equipment that are the source of contaminant emissions into the atmosphere.

Identification of emission source

Hours of operation

For each emission source identified, Tables A, B, C and D 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
--------------------------------	----------	-----------------

Table D

Contaminant	Emission factor	Unit of measure	Product, raw material or fuel related to the emission factor	Origin or emission factor reference used ⁽³⁾
-------------	-----------------	-----------------	--	---

8338

¹⁾ The numbers entered in respect of the contaminants listed in this Schedule correspond to the identification code assigned by the Chemical Abstract Services division of the American Chemical Society.

⁽²⁾ 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).

⁽³⁾ For each contaminant emitted for which the operator takes into account an emission factor to quantify its emissions, the operator must indicate the origin of the emission factor and, if it comes from a published documentary source, indicate its reference