

(1) A category of animal not listed in the Schedule is deemed to have an annual phosphorus (P_2O_5) production/animal space of 5 kg.

The counting of an animal may, for certain categories of livestock, correspond to an adult animal and its offspring. In the case of a raising facility in which animals are in rotation for a raising cycle, the number of animals taken into consideration corresponds to the number of available places for such livestock in that raising site.”.

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

9255

Draft Regulation

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

Landfilling and incineration of residual materials — Amendments

Charges payable for the disposal of residual materials — 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 landfilling and incineration of residual materials and the Regulation respecting the charges payable for the disposal of residual materials, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The draft Regulation makes various regulatory amendments concerning residual materials disposal facilities governed by the Regulation respecting the landfilling and incineration of residual materials. The gradual implementation of the Regulation, which came into force on 19 January 2006, brought to light the necessity to make various regulatory amendments in order to make its application easier without reducing the protection of persons and the environment

The purpose of the proposed regulatory amendments is to allow the establishment in new sparsely populated territories of northern landfills, trench landfills and remote landfills. The purpose of the amendments is also

to exempt, under certain conditions, small transfer stations operated by municipalities from the application of various regulatory requirements including those related to the weighing of residual materials and radiological testing. The draft Regulation also proposes to no longer make compulsory the disposal of branches, stumps or shrubs and soils that have not been contaminated by human activity, as well as fibrous waste from oriented strandboard manufacturing plants, in a landfill governed by the Regulation respecting the landfilling and incineration of residual materials.

The proposed Regulation makes other various amendments relating to the monitoring measures applicable to residual materials disposal facilities, particularly as regards water discharged in a municipal sewer system and the landfilling of contaminated soil or the use of such soil as cover material. The purpose of the proposed Regulation is also to subject engineered landfills to the provisions of the Environment Quality Act related to the fixing of tariffs by the operator of a residual materials disposal facility.

Lastly, the proposed Regulation makes consequential amendments to the Regulation respecting the charges payable for the disposal of residual materials.

The proposed amendments entail certain new obligations that may slightly affect certain operators of residual materials disposal facilities, without having a significant economic impact. Furthermore, considering the closure of many residual materials disposal facilities due to the new requirements provided for in the Regulation respecting the landfilling and incineration of residual materials, the proposed amendments will make it possible for remote and sparsely populated communities to establish small transfer stations, which will result in reducing the costs for establishing and managing that type of facility. The proposed amendments also make it possible for oriented strandboard manufacturing plants to reduce the management costs of certain fibrous waste by offering the plants an alternative to waste disposal in a site governed by the Regulation respecting the landfilling and incineration of residual materials.

Further information may be obtained by contacting Mario Bérubé, Head, Service des matières résiduelles, Direction des politiques en milieu terrestre, Ministère du Développement durable, de l'Environnement et des Parcs, Édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 9^e étage, boîte 71, Québec (Québec) G1R 5V7; telephone: 418 521-3950, extension 4970; fax: 418 644-3386; e-mail: mario.berube3@mddep.gouv.qc.ca

Any person may submit written comments on the draft Regulation within the 60-day period to Mario Bérubé at the same address.

LINE BEAUCHAMP,
Minister of Sustainable Development,
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Regulation to amend the Regulation respecting the landfilling and incineration of residual materials¹ and the Regulation respecting the charges payable for the disposal of residual materials²

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a, b, c, d, e, f, g, h, h.1, h.2* and *m*, s. 64.1 and s. 70, pars. 1 to 7)

1. The Regulation respecting the landfilling and incineration of residual materials is amended in section 4 by replacing paragraph 6 by the following:

“(6) pesticides within the meaning of the Pesticides Act (R.S.Q., c. P-9.3);”.

2. Section 6 is amended

(1) by adding “, except branches, stumps or shrubs and soils that have not been contaminated by human activity” at the end of the first paragraph;

(2) by replacing the second paragraph by the following:

“Despite the provisions of the first paragraph, the following may be disposed of in a landfill authorized for that purpose by the Minister under section 22 of the Environment Quality Act:

(1) fibrous waste from sawmills;

(2) fibrous waste of the same nature as fibrous waste from sawmills that originates from oriented strandboard manufacturing plants; and

(3) ash and soils or sludge from those establishments and that contain such waste.”.

3. Section 8 is amended by replacing paragraph 3 by the following:

“(3) subject to the provisions of Chapter VI of the Regulation respecting pulp and paper mills, mill residual materials within the meaning of section 1 of that Regulation;

(3.1) subject to the second paragraph of section 6 of this Regulation, fibrous waste from sawmills and fibrous waste of the same nature that originates from oriented strandboard manufacturing plants, as well as ash and soils or sludge from those establishments and that contain such waste;”.

4. Section 22 is amended

(1) by striking out the third dash in subparagraph *a* of subparagraph 1 of the first paragraph;

(2) by striking out “and the base of the lower liner is at least 1.5 m above bedrock” at the end of the third paragraph.

5. Section 24 is amended by adding the following paragraph at the end:

“In addition, if such a landfill does not receive household garbage, the minimum width of the buffer zone prescribed by section 18 is reduced to 10 m.”.

6. Section 32 is amended by inserting “if it is not reclaimed,” after “In addition,” in the third paragraph.

7. Section 39 is amended

(1) by replacing “an annual log” in the introductory part of the first paragraph by “a log”;

(2) by striking out “annual” in the last paragraph.

8. Section 40 is amended by replacing the first paragraph by the following:

“The operator must also enter in the log, for every load of materials referred to in the second and third paragraphs of section 42 and the third and fourth paragraphs of section 50 and to be used to cover the residual materials landfilled in the disposal areas, the nature and quantity of the materials.”.

¹ The Regulation respecting the landfilling and incineration of residual materials, made by Order in Council 451-2005 dated 11 May 2005 (2005, *G.O.* 2, 1182), was last amended by the regulation made by Order in Council 82-2009 dated 11 February 2009 (2009, *G.O.* 2, 193). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

² The Regulation respecting the charges payable for the disposal of residual materials, made by Order in Council 340-2006 dated 26 April 2006 (2006, *G.O.* 2, 1481), has not been amended since it was made.

9. The following is inserted after section 40:

“**40.1.** The operator is required to confirm the acceptance of soil when soil referred to in subparagraph 2 of the first paragraph of section 39 is received. For that purpose, for each batch of soil of 200 tonnes or less, the operator must have a sample taken to have it analyzed for all contaminants likely to be present in the soil among those referred to in the second paragraph of section 42 and the third paragraph of section 50, in the case of soil used to cover residual materials, or in Schedule I to the Land Protection and Rehabilitation Regulation for soil intended for landfilling. For every batch of soil of more than 200 tonnes, the operator must have an additional sample taken and have it analyzed for each additional fraction of 400 tonnes or less.

The results of the analyses must be entered in the log.”

10. Section 42 is amended

(1) by replacing “this section. For that purpose, the operator must have representative samples of the soils or materials analyzed” in the fourth paragraph by “the first paragraph. For that purpose, the operator must have representative samples of the soils or materials measured and analyzed”;

(2) by inserting “measures and” after “the results of the” in the fourth paragraph;

(3) by replacing “soil or material that does not” in the fifth paragraph by “materials other than soil that do not”.

11. Section 47 is replaced by the following:

“**47.** No person may burn residual materials in an engineered landfill. An operator may not allow the burning of such materials in an engineered landfill.”

12. Section 50 is amended by adding the following paragraph at the end:

“The provisions of sections 34 to 36 relating to quality assurance and control apply, with the necessary modifications, to the final cover of disposal areas prescribed by this section.”

13. Section 52 is amended

(1) by inserting “, the source” after “the nature” in subparagraph 1 of the first paragraph;

(2) by inserting “in a computer medium using the technology-based documents prescribed by the Minister” after “the Minister” in the second paragraph.

14. Section 53 is amended, in the table in the first paragraph,

(1) by striking out “275 CFU/100 ml”;

(2) by replacing “100 CFU/100 ml” by “1000 CFU/100 ml”.

15. Section 63 is amended

(1) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(3) at least once a month, if the leachate or water is conveyed to a sewer system that conveys wastewater to a treatment facility established and operated pursuant to an authorization issued under the Environment Quality Act, for the purpose of measuring the parameters or substances referred to in section 53, except fecal coliforms.”;

(2) by inserting “or discharged into a sewer system that conveys wastewater to a treatment facility” after “being treated” in the second paragraph;

(3) by inserting “, other than surface water sediment basins,” after “landfill” in the fourth paragraph;

(4) by replacing the last paragraph by the following:

“The flow of the leachate collected by the collection systems prescribed by sections 25 and 26 and the flow of the discharges from the treatment system in the landfill must be separately and continuously measured and the results recorded.”

16. Section 65 is amended by replacing “situated entirely” in the second paragraph by “situated in whole or in part”.

17. Section 71 is amended

(1) by replacing “within 60 days” in the first paragraph by “within 30 days following the last day of the month”;

(2) by replacing “being” in the third paragraph by “the last day of the month during which the operator is”.

18. Section 77 is amended by striking out “annual” before “logs” in the second paragraph.

19. Section 87 is amended by replacing paragraph 3 by the following:

“(3) in the territory of the James Bay region, as described in the schedule to the James Bay Region Development and Municipal Organization Act (R.S.Q., c. D-8.2), excluding the municipalities of Chibougamau and Chapais;”.

20. Section 89 is amended

- (1) by inserting “40.1,” after “40;”;
- (2) by adding the following paragraph at the end:

“The provisions of sections 63, 65 and 66 do not apply to a trench landfill that is completely sited on a mine tailings heap if the monitoring and supervision measures prescribed by those sections cannot be implemented due to physical constraints inherent to the heap. In that case, the operator must see to the implementation of substitution measures that, in addition to being better adapted to those constraints, allow groundwater monitoring and supervision as close as possible to those prescribed by sections 63, 65 and 66.”.

21. Section 91 is amended by adding the following paragraph at the end:

“The provisions of sections 34 to 36 relating to quality assurance and control apply, with the necessary modifications, to the final cover of disposal areas prescribed by this section.”.

22. Section 94 is amended

(1) by striking out “, except Category I and II lands for the Crees of Great Whale River” in subparagraph 1 of the third paragraph;

(2) by inserting “, Ville de Schefferville and the territory within a radius of 10 kilometres from the limits of that municipality, the Naskapi Village of Kawawachikamach” after “Saint-Augustin” in subparagraph 2 of the third paragraph.

23. Section 105 is amended

(1) by replacing “40, 43 to 46, 48, 49, 52 to 55, 57 to 60 and 63 to 79” in the first paragraph by “40.1, 43 to 49, 52 to 55, 57 to 60, 63 to 67 and 69 to 79”;

(2) by striking out subparagraph 3 of the second paragraph;

- (3) by adding the following paragraph at the end:

“The operator must periodically verify, at the frequency specified in the authorization obtained pursuant to section 22 or 31.5 of the Environment Quality Act,

whether the soils or other materials used to cover the residual materials meet the requirements of subparagraph 1 of the second paragraph of this section. For that purpose, the operator must have representative samples of the soils or materials measured and analyzed and the results of the measures and analyses must appear in the annual report prepared pursuant to section 52.”.

24. Section 106 is amended by adding the following paragraph at the end:

“The provisions of sections 34 to 36 relating to quality assurance and control apply, with the necessary modifications, to the final cover of disposal areas prescribed by this section.”.

25. Section 112 is amended

- (1) by replacing the first paragraph by the following:

“Remote landfills are permitted in the following territories only:

(1) territories that are not organized into local municipalities;

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

(3) the territory of the James Bay region, as described in the schedule to the James Bay Region Development and Municipal Organization Act;

(4) the territories referred to in the third paragraph of section 94;

(5) the part of the territory of Ville de La Tuque situated west of the 73rd meridian.”;

(2) by inserting the following paragraph after the first paragraph:

“Except the territories referred to in subparagraph 4 of the first paragraph, those landfills may not serve more than 100 persons on average, on a yearly basis.”;

(3) by replacing “subparagraphs 1 and 3” in the second paragraph by “subparagraphs 1, 3 and 5”;

(4) by adding the following subparagraph after subparagraph 6 of the second paragraph:

“(7) Ville de La Tuque.”.

26. Section 113 is amended by replacing “50” in paragraph 2 by “100”.

27. Section 115 is replaced by the following:

“**115.** No person may burn residual materials in a remote landfill. An operator may not allow the burning of such materials in a remote landfill.

The prohibition in the first paragraph is however not applicable to a northern landfill as defined in section 94 that has a fire barrier at least 15 m wide and devoid of all vegetation extending outward from the burning area.”.

28. Section 117 is amended by inserting “or at least once a week where those materials are burned pursuant to section 115” after “day of use” in the first paragraph.

29. Section 124 is amended by striking out “and have a fire extinguishing system” in the second paragraph.

30. Section 137 is amended by replacing the second paragraph by the following:

“Despite the foregoing, sludge with a dryness lower than 25% may not be accepted at a transfer station.”.

31. Section 139 is amended by replacing “subparagraph 4” in the last paragraph by “subparagraphs 1 and 4”.

32. The following is inserted after section 139:

“**139.1.** Despite the provisions of section 139, a transfer station operated by a municipality is exempt from the application of the provisions of section 38 if

(1) its maximum capacity does not exceed 300 m³; and

(2) the quantity of residual materials that is transferred at the station per week does not exceed 100 tonnes.

Such a station is also exempt from the application of the provisions of sections 29, 37, 39, subparagraph 4 of the first paragraph and second paragraph of section 52, the second and third paragraphs of section 124 and section 138 if

(1) its maximum capacity does not exceed 100 m³; and

(2) the quantity of residual materials that is transferred at the station per week does not exceed 30 tonnes.

A local municipality may not have on its territory more than 1 transfer station referred to in the first paragraph of this section. This also applies to a transfer station referred to in the second paragraph and used in whole or in part for the transfer of household garbage.

139.2. Residual materials in a transfer station referred to in the second paragraph of section 139.1 must be deposited in a closed and airtight container.

In addition, from May to September, the residual materials must be conveyed to a disposal facility at least once a week.”.

33. Section 140 is amended by inserting “, except the facilities referred to in the second paragraph of section 139.1,” after “Chapters III and IV apply” in the first paragraph.

34. Section 146 is amended by adding the following paragraph at the end:

“Likewise, the provisions of that section do not apply to a transfer station referred to in the second paragraph of section 139.1. In such a case, the notice to the Minister and regional county municipality must specify where such a station is situated, the weekly quantity of residual materials that will be transferred at the station and the user community concerned.”.

35. Section 147 is amended in the first paragraph

(1) by replacing the part preceding subparagraph *a* of subparagraph 1 of the first paragraph by the following:

“(1) in the case of an application for the establishment or enlargement of an engineered landfill or a construction or demolition waste landfill that was authorized by the Government under section 31.5 of the Environment Quality Act,”;

(2) by replacing “any other engineered landfill” in subparagraph 2 of the first paragraph by “any other application concerning an engineered landfill or a construction or demolition waste landfill”;

(3) by replacing “a trench landfill” in subparagraph 3 of the first paragraph by “an application concerning a trench landfill”;

(4) by replacing “the lots or parts of lots covered by the application and the location certificate for each lot or part of lot” in subparagraph *a* of subparagraph 3 of the first paragraph by “the land covered by the application”;

(5) by inserting the following subparagraph after subparagraph *b* of subparagraph 3 of the first paragraph:

“(c) if a landfill is planned to be sited completely on a mine tailings heap, the documents or information establishing that physical constraints justify the implementation of substitution measures for groundwater monitoring and supervision, as permitted by section 89, and that those measures meet the conditions in that section;”;

(6) by replacing “a northern landfill” in subparagraph 4 of the first paragraph by “an application concerning a northern landfill”;

(7) by replacing “a residual materials transfer station or” in subparagraph 5 of the first paragraph by “an application concerning a residual materials transfer station or”.

36. Section 150 is amended

(1) by inserting “139.2,” after “120,” in the first paragraph;

(2) by inserting “the fifth paragraph of section 91 concerning the application of sections 34 to 36,” after “and 52,” in the second paragraph;

(3) by replacing “subparagraph 4” in the second paragraph by “subparagraphs 1 and 4”.

37. Section 151 is amended

(1) by replacing “41” and “third paragraph” in the first paragraph by “40.1” and “third and fourth paragraphs” respectively;

(2) by replacing “sections 43, 44” and “43, 44, 55 and 63 to 71” in the second paragraph by “sections 40.1, 43, 44” and “40.1, 43, 44, 55, 63 to 67 and 69 to 71” respectively.

38. Section 152 is amended by replacing “sections 53” in the second paragraph by “sections 47, 53”.

39. The following is inserted after section 155:

“**155.1.** Sections 64.2 to 64.12 of the Environment Quality Act related to the fixing of tariffs by the operator of a residual materials disposal facility apply to the engineered landfills governed by Division 2 of Chapter II of this Regulation.”.

40. Section 157 is amended by striking out “annual” in paragraph 2.

41. Section 161 is amended by adding the following paragraph at the end:

“Despite the provisions of this section, residual materials generated in the territory of Ville de Lebel-sur-Quévillon may still be accepted in the in-trench disposal site operated by the municipality before 19 January 2009 and located in the territory of Ville de Senneterre, up to the landfill capacity authorized on that date.”.

42. The Regulation respecting the charges payable for the disposal of residual materials is amended in section 8 by replacing “an annual log” in the first paragraph by “a log” and by striking out “annual” in the last paragraph.

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

9256

Draft Regulation

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

Quarries and pits — 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 pits and quarries, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The proposed Regulation gives new ways of restoring quarries and pits. More precisely, the proposed Regulation allows the backfill of quarries and pits with materials of a mineral nature generated by the dimension stone industry and by the crushing and screening of aggregate material and fragments of cement concrete or brick. It also allows the use of compost for the purpose of revegetating a quarry or pit.

The regulatory amendments, which, for the purpose of restoring a quarry or pit, will allow the reclamation of certain residues of a mineral nature generated by the crushing and screening activities, will offer a new alternative to the disposal of residues in landfills governed by