

Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials*

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpar. e.1 and s. 70, par. 5)

1. The Regulation respecting the charges payable for the disposal of residual materials is amended in section 3 by inserting the following after the first paragraph:

“In addition, for each metric tonne of residual materials received for disposal from 1 April 2010 to 31 March 2015, an operator of a disposal site must pay, in addition to the charges prescribed in the first paragraph, additional charges of \$9.50.”

2. Section 4 is amended by inserting “prescribed in the first paragraph of section 3” in the first paragraph after “charges”.

3. Section 5 is amended

(1) by replacing “30 July, 30 October and 30 January” in the first paragraph by “31 July, 31 October and 31 January”;

(2) by replacing “a document must be sent on those dates to the Minister of Sustainable Development, Environment and Parks in which the following information is provided” in the introductory sentence of the second paragraph by “the following information must be sent on those dates to the Minister of Sustainable Development, Environment and Parks on the form provided by the Minister”.

4. Section 9 is amended by inserting “, on the form provided by the Minister for that purpose,” after “Parks”.

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

9532

Draft Regulation

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

Organic matter reclamation facility — Financial guarantees

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 (R.S.Q., c. Q-2), that the Regulation respecting financial guarantees payable for the operation of an organic matter reclamation facility, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation is to make the operation of an organic matter reclamation facility conditional on the setting up of a financial guarantee, by the operator or by a third person on behalf of the operator, intended to ensure the performance of the obligations imposed on the operator under the Environment Quality Act or any regulation, order or authorization made under the Act. The reclamation facilities covered are those where sorting, transfer, storage or treatment operations are carried out on organic matters for the purpose of their reclamation.

The proposed Regulation applies to both existing and new reclamation facilities. However, the draft Regulation provides that certain facilities are exempt from the obligation to provide the financial guarantee, such as reclamation facilities not subject to the obligation to obtain a certificate of authorization under section 22 of the Environment Quality Act.

The draft Regulation will help better regulate the organic matter reclamation industry in Québec. It will give the Minister of Sustainable Development, Environment and Parks adequate financial means should the Minister be required to intervene to solve environmental problems linked to the activities of a reclamation facility, even while it is in operation.

Further information may be obtained by contacting Mario Bérubé, service head for residual matters, 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

* 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.

Any person wishing to comment on the draft Regulation is required to submit written comments within the 60-day period to Mario Bérubé, service head for residual matters, 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.

LINE BEAUCHAMP,
*Minister of Sustainable Development,
Environment and Parks*

Regulation respecting financial guarantees payable for the operation of an organic matter reclamation facility

Environment Quality Act
(R.S.Q., c. Q-2, s. 53.30, 1st par., subpars. 4 and 5,
s. 109.1 and s. 124.1)

1. In this Regulation, “reclamation facility” means any facility where sorting, transfer, storage or treatment operations are carried out on organic matters for the purpose of their reclamation.

2. The operation of a reclamation facility is conditional on the setting up of a guarantee, by the operator or a third person on behalf of the operator, intended to ensure the performance of the obligations imposed on the operator under the Environment Quality Act or any regulation, order or authorization made under that Act.

3. Section 2 does not apply to the following reclamation facilities:

(1) a facility that is not subject to the obligation to obtain a certificate of authorization from the Minister pursuant to section 22 of the Environment Quality Act;

(2) a biological treatment facility whose yearly treatment capacity is less than or equal to 100 tonnes;

(3) a biological treatment facility located on an agricultural operation and whose input of matters other than manure or farm products is less than 10%;

(4) a wood combustion facility, unless it receives treated wood.

4. The amount of the guarantee required under section 2 is established as follows:

Class of facility	Guarantee
Biological treatment facility whose yearly treatment capacity authorized under section 22 of the Environment Quality Act is:	
— more than 100 tonnes without exceeding 5,000 tonnes	\$25/tonne minimum \$25,000
— more than 5,000 tonnes without exceeding 75,000 tonnes	\$125,000 + \$50/ton for the quantity in excess of 5,000 tonnes
— more than 75,000 tonnes	\$3,625,000 + \$75/tonne for the quantity in excess of 75,000 tonnes
Heat treatment facility	1% of capital costs minimum \$200,000 maximum \$4,000,000
Transfer centre	\$100,000
Sorting centre	\$100/tonne ¹ minimum \$100,000

¹ The required financial guarantee is calculated on the basis of the total capacity authorized under section 22 of the Environment Quality Act.

5. The guarantee must be provided to the Minister in the form of

(1) a money order, a bank draft or a certified cheque made out to the Minister of Finance;

(2) debt securities issued or guaranteed by the Gouvernement du Québec, the Government of Canada, another province or a Canadian territory;

(3) a security, with a stipulation of solidarity and a waiver of the benefits of discussion and division, taken with a legal person authorized to stand security under the Bank Act (S.C. 1991, c. 46), the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), the Act respecting insurance (R.S.Q., c. A-32) or the Act respecting financial services cooperatives (R.S.Q., c. C-67.3); or

(4) an irrevocable letter of credit issued by an institution governed by the Bank Act, the Act respecting trust companies and savings companies, the Act respecting insurance or the Act respecting financial services cooperatives.

6. The money orders, bank drafts, cheques or securities provided as a guarantee must be deposited with the Minister of Finance pursuant to the Deposit Act (R.S.Q., c. D-5) for the operational period of the facility and for a period of 12 months following the cessation of operations for any reason whatsoever or the transfer of the certificate of authorization, whichever occurs first.

7. A guarantee provided in the form of security or an irrevocable letter of credit must have a term of not less than 12 months. Not less than 60 days before the expiry of the guarantee, its holder must send a renewed guarantee to the Minister of Sustainable Development, Environment and Parks, or any other guarantee meeting the requirements prescribed by sections 4 and 5.

The guarantee must also contain a clause setting at not less than 12 months after its expiry or, as the case may be, after its revocation, rescission or cancellation, the time period for filing a claim based on failure on the part of the operator to perform the operator's obligations.

A clause of revocation, rescission or cancellation of a guarantee may take effect only if prior notice of at least 60 days is sent by registered or certified mail to the Minister.

8. If the operator fails to perform an obligation and the default persists after a notice from the Minister to remedy the failure, the Minister uses the guarantee required under section 2 to pay expenses necessary for performance of the obligation. The sums required to fulfil a financial guarantee provided under this Division become payable.

9. Any person that operates a reclamation facility without providing the guarantee required under section 2 of this Regulation is liable to a fine,

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

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

In the case of a second or subsequent offence, the fine is doubled.

10. An operator of a reclamation facility existing on (*insert the date of coming into force of this Regulation*) has 6 months from that date to provide the Minister with a guarantee complying with the requirements of this Regulation.

11. This Regulation applies to the immovables 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).

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

9531

Draft Regulation

Professional Code
(R.S.Q., c. C-26)

Administrateurs agréés — Indemnity fund

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the indemnity fund of the Ordre des administrateurs agréés du Québec adopted by the Board of directors of the Ordre des administrateurs agréés du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of this draft Regulation is to determine the indemnity procedures and to provide for the establishment of the terms and conditions of the indemnity fund. It also provides for funds management and investment rules.

The draft regulation will have no impact on the enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Denise Brosseau, Director and secretary of the Ordre des administrateurs agréés du Québec, 910, Sherbrooke West, bureau 100, Montreal (Québec) H3A 1G3; telephone: 514 499-0880 or 1 800 465-0880; fax: 514 499-0892.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-days period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order concerned and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*