

## Regulations and other Acts

Gouvernement du Québec

### O.C. 233-2018, 14 March 2018

An Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4)

#### Certain transitional measures to carry out the Act

Regulation respecting certain transitional measures to carry out the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund

WHEREAS the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) was assented to on 23 March 2017;

WHEREAS, under section 310 of the Act, certain provisions of the Act relating to the new environmental authorization scheme come into force on 23 March 2018;

WHEREAS, under section 283 of the Act, as of 23 March 2018, a reference to a project notice in the Agricultural Operations Regulation (chapter Q-2, r. 26) becomes a reference to a declaration of compliance;

WHEREAS, under the first paragraph of section 306 of the Act, not later than 23 March 2018, the Government must make a regulation, which must come into force on that date, to amend, replace or repeal the regulations listed therein in order to ensure consistency with and enforcement of the provisions of the Act;

WHEREAS, under the second paragraph of section 306 of the Act, not later than 23 March 2018, the Government must make regulations on activities that are eligible for a declaration of compliance and regulations on activities that are exempted from section 22 of the Environment Quality Act, which must come into force of that date;

WHEREAS, under section 307 of the Act, not later than 23 March 2019, the Government must make a regulation to amend the Regulation respecting pits and quarries (chapter Q-2, r. 7) in order to provide for activities that are eligible for a declaration of compliance;

WHEREAS, under section 308 of the Act, the Minister must, not later than 23 March 2018, make a regulation on fees payable, which must come into force on that date;

WHEREAS most of the draft regulations concerned by section 306 of the Act have been published in the *Gazette officielle du Québec* of 14 February 2018 for a 60-day consultation period, which ends beyond 23 March 2018;

WHEREAS, under section 305 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund, the Government may, by regulation made not later than 23 March 2018, make any transitional measure necessary for the application of the Act, including to adjust the transitional provisions provided for in the Act;

WHEREAS it is expedient to make by regulation various transitional measures necessary for the application of the provisions of the Environment Quality Act relating to the new environmental authorization scheme until the implementation regulations are in force;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), the Regulation respecting certain transitional measures to carry out the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund was published in Part 2 of the *Gazette officielle du Québec* of 14 February 2018 with a notice that it could be made by the Government on the expiry of 15 days following that publication;

WHEREAS it is expedient to make the Regulation respecting certain transitional measures to carry out the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund with amendments;

WHEREAS, under section 18 of the Regulations Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* and 15 days after that date where the authority that has made it is of the opinion that the urgency of the situation requires it and the reason justifying such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the coming into force on 23 March 2018:

— the transitional measures provided for in the Regulation respecting certain transitional measures to carry out the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund must come into force at the time of the coming into force of the provisions of the Act relating to the new environmental authorization scheme;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change:

THAT the Regulation respecting certain transitional measures to carry out the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund, attached to this Order in Council, be made.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

### **Regulation respecting certain transitional measures to carry out the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund**

An Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4, s. 305)

**1.** As of 23 March 2018, in addition to the references provided for in section 274 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), unless the context indicates otherwise, in any Act, any regulation or any order,

(1) subject to paragraph 3, a reference to a certificate of authorization issued under the first paragraph of section 22 of the Environment Quality Act (chapter Q-2), as it read before 23 March 2018, becomes a reference to an authorization issued under the second paragraph of section 22 of that Act as it reads from that date;

(2) a reference to a certificate of authorization issued under the second paragraph of section 22 of the Environment Quality Act, as it read before 23 March 2018, becomes a reference to an authorization issued under subparagraph 4 of the first paragraph of that section as it reads from that date;

(3) until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306, as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund or until 14 July 2018, whichever comes first, a reference to a certificate of authorization issued under the first paragraph of section 22 of the Environment Quality Act, as it read before 23 March 2018, for an activity carried out in a shore or bank or floodplain is a reference to an authorization issued under the second paragraph of section 22 as it reads from that date.

**2.** For the purposes of section 283, subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), the date of 23 March 2018 is postponed until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of that Act or 14 July 2018, whichever comes first.

In addition, the date provided for in section 307 is postponed until the date occurring one year after the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of that Act or 14 July 2019, whichever comes first.

**3.** For the purposes of section 300 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), the following is also rendered accessible in the register referred to in that section:

(1) the information and documents forming an integral part of any authorization issued by the Government under section 31.5 of the Environment Quality Act (chapter Q-2) as of 23 March 2018;

(2) the environmental impact studies filed with the Minister before 23 March 2018 in relation to a project for which the impact assessment and review procedure continues after that date.

**4.** For the purposes of the second paragraph of section 306 and section 307 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), the activities eligible for a declaration of compliance, activities exempt from the application of section 22 of the Environment Quality Act (chapter Q-2), and activities related to quarries and sand pits eligible for a declaration of compliance may be provided in the Regulation respecting ministerial authorizations and declarations of compliance in environmental matters (insert the reference to the Compilation of Québec Laws and Regulations).

**5.** As of 23 March 2018 and until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) or 14 July 2018, whichever comes first, the Environment Quality Act (chapter Q-2) applies on the following conditions:

(1) despite section 46.0.2 of the Environment Quality Act, any work, structures or other intervention carried out in a shore, bank or floodplain are concerned by the second paragraph of section 22 of the Act;

(2) for the purposes of the first paragraph of section 23, the information and documents to be provided to the Minister by a person or municipality in support of an application for authorization are, in addition to those provided for in that section, those required for an application for a certificate of authorization under the following provisions, with the necessary modifications:

(a) the third paragraph of section 22 of the Environment Quality Act, as it read before 23 March 2018;

(b) section 7 of the Act respecting the application of the Environment Quality Act (chapter Q-2, r. 3);

(c) any other provision of a regulation made under the Environment Quality Act that applies to the activity covered by the application for authorization;

(3) for the purposes of section 29, the information and documents required for an application for authorization for research and authorization purposes are, in addition to those referred to in the second paragraph of that section, those referred to in paragraph 2;

(4) for the purposes of section 30, an application to amend an authorization must, in addition to the information and documents prescribed by a provision of a regulation made under that Act that applies to the activity covered by the application, contain the following information and documents:

(a) the number and date of issue of the authorization the amendment of which is applied for;

(b) a complete description of the intended change that requires the amendment of the authorization and the reasons in support of the change;

(c) an assessment of the consequences of the change on the nature, quantity, location or concentration of contaminants discharged into the environment;

(d) a description of the measures, apparatus or equipment required so that the project complies with the conditions, restrictions, prohibitions and standards that apply to it;

(e) an update of the information and documents sent to the Minister for the issue of his or her authorization that are concerned by the amendment;

(f) if the information referred to in subparagraph *e* consisted in data estimates at the time of the application for authorization, the actual data related to information collected in the course of the activity affected by the change, less than 1 year before the application for amendment;

(g) in the cases provided for and in accordance with paragraph 11, the declaration referred to in section 115.8 of the Environment Quality Act;

(h) if the applicant has retained the services of professionals or other competent persons to prepare the application for amendment, the name and contact information of those persons, a brief description of their mandates and a declaration attesting that the information and documents provided by them are complete and accurate;

(i) a declaration from the applicant attesting that all the information and documents provided are complete and accurate;

(5) for the purposes of section 31.0.2, a notice of transfer must contain the following information and documents:

(a) the number and date of issue of the authorization whose transfer is planned;

(b) the scheduled date of the transfer;

(c) the name of the transferee and all information regarding the transferee's identity, namely:

i. the contact information and, if applicable, that of his or her representative;

ii. in the case of an applicant that is not a natural person, the Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

iii. if the applicant is a municipality, a true copy of the resolution of the municipal council or copy of the by-law authorizing the mandatary to sign the application;

(d) in the cases provided for in and in accordance with paragraph 10, the declaration referred to in section 115.8 of the Environment Quality Act completed by the transferee;

(e) if applicable, a declaration attesting that the transferee holds the guarantee or liability insurance required under a regulation made under the Environment Quality Act to carry out the activity covered by the authorization;

(f) a declaration from the holder attesting that all the information and documents provided are complete and accurate;

(6) for the purposes of section 31.0.5, the activities concerned are those for which provisions of the Environment Quality Act or a regulation made under the Act deal with the cessation of an activity; the foregoing also applies to the time allocated to inform the Minister of the permanent cessation of an activity;

(7) for the purposes of section 31.0.5.1, the information and documents required for an application for a general authorization are also those referred to in paragraph 2, except the plans and specifications referred to in the third paragraph of section 22 of the Environment Quality Act, as it read before 23 March 2018;

(8) for the purposes of section 31.18, the time periods, manner and form related to the renewal of an industrial establishment's authorization are those provided for in the Regulation respecting industrial depollution attestations (chapter Q-2, r. 5) for a new application for a depollution attestation;

(9) for the purposes of section 31.20:

(a) the manner and form applicable to the publication of a notice announcing a public consultation are those provided for in section 31.20 of the Act as it read before 23 March 2018 and in section 7 of the Regulation respecting industrial depollution attestations;

(b) the time period referred to in the second paragraph to submit comments to the Minister is 30 days and comments may be sent in writing or in electronic form;

(10) for the purposes of section 31.24, the holder of an authorization to operate an industrial establishment must send the notice to the Minister within 30 days of the date of the total or partial cessation of the operations of the industrial establishment covered by the authorization and the notice must contain the following information and documents:

(a) the number and date of issue of the authorization corresponding to the activity to be ceased;

(b) the location and description of the activity that will cease and the prior measures to be implemented to carry out the cessation;

(c) the follow-up measures that the holder intends to implement to prevent the discharge of contaminants into the environment and to ensure, in particular, the cleaning and decontamination of the premises, the dismantlement of equipment and installations;

(d) the date on which the activity will cease;

(e) the reasons for ceasing the activity;

(f) an attestation from the authorization holder that the holder will comply with the cessation measures determined by the Minister in the authorization, if applicable;

(11) for the purposes of section 115.8, the declaration must be submitted by any applicant or holder who is not a legal person established in the public interest and the declaration must contain the following information and documents:

(a) the contact information of the applicant for or holder of the authorization and, if applicable, that of his or her representative;

(b) in the case of an applicant or holder that is not a natural person, the Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(c) a description of any situation referred to in sections 115.5, 115.6 and 116.7 of the Environment Quality Act that applies to the applicant, the holder or, in the case of a legal person, to any of its directors, officers or shareholders as well as the information referred to in subparagraph *a* concerning them;

(d) a declaration from the applicant for or holder of an authorization to the effect that all the information and documents provided are complete and accurate.

**6.** As of 23 March 2018 and until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) or 14 July 2018, whichever comes first, the amendments made by that Act that involved a change in the structure or numbering must be applied to the interpretation of any Act, regulation or order.

**7.** As of 23 March 2018 and until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) or 14 July 2018, whichever comes first, in addition to the general modifications provided for in this Regulation and that Act, the Regulation respecting industrial depollution attestations (chapter Q-2, r. 5) applies with the following modifications:

(1) section 17 must be read as follows:

“**17.** In accordance with section 31.16 of the Act, in the case of any event or incident resulting in a contravention of the authorization’s provisions, the authorization holder must so inform the Minister in writing, giving reasons for the contravention, and inform the Minister of the measures referred to in that section that have been taken, specifying any timetable for their implementation, within the following time periods:

(1) without delay if the event or incident constitutes a case of accidental occurrence of a contaminant in the environment;

(2) within 30 days of becoming aware of any other event or accident entailing a contravention of the provisions of the authorization.”;

(2) in section 19, the technical report must be submitted to the Minister by any holder of an authorization for the operation of an industrial establishment who wishes to replace or alter apparatus or equipment intended to treat wastewater or to prevent, reduce or stop the discharge of contaminants into the atmosphere, for which contaminant discharge standards are provided for in the authorization;

(3) section 20 does not apply.

**8.** As of 23 March 2018 and until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) or 14 July 2018, whichever comes first, in addition to the general modifications provided for in this Regulation and that Act, the Regulation respecting hazardous materials (chapter Q-2, r. 32) applies with the following modifications:

(1) section 9 does not apply;

(2) in subparagraph *b* of paragraph 5 of section 113, the 12-month period is extended to 24 months.

**9.** This Regulation comes into force on 23 March 2018.

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Gouvernement du Québec

## **O.C. 234-2018, 14 March 2018**

Environment Quality Act  
(chapter Q-2)

### **Private waterworks and sewer services**

WHEREAS the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) was assented to on 23 March 2017;

WHEREAS the Act replaces in particular sections 32, 39, 46 and 95.1 of the Environment Quality Act (chapter Q-2);

WHEREAS, under the second paragraph of section 32 of the Environment Quality Act, as replaced, the Government may, by regulation, define the terms “waterworks system” and “sewer system”;

WHEREAS, under the first paragraph of section 39 of the Act, as replaced, the Government prescribes, by regulation, the cases and manner in which an operator or owner of a waterworks or sewer system may collect a tax, duty or dues from the persons served by it and the terms and conditions according to which the operator or owner sets to that end the applicable rate for using the system;