

## DIVISION XVI TRANSITIONAL AND FINAL

**40.** Section 33 applies to proceedings for which a notice of hearing has not been sent by the Tribunal on the date of coming into force of this Regulation.

Sections 26, 28 and 29 of the Rules of procedure of the Administrative Tribunal of Québec (chapter J-3, r. 3) continue to apply to the other pending proceedings.

**41.** This Regulation replaces the Rules of procedure of the Administrative Tribunal of Québec (chapter J-3, r. 3).

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

103890

### Draft Regulation

Environment Quality Act  
(chapter Q-2)

#### Traceability of excavated contaminated soils Land protection and rehabilitation Contaminated soil storage and contaminated soil transfer stations — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting traceability of excavated contaminated soils, the Regulation to amend the Land Protection and Rehabilitation Regulation and the Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation respecting traceability of excavated contaminated soils is a new regulation that provides for the necessary measures implementing a system ensuring traceability of excavated contaminated soils so that the soils may be unloaded on a site that is permitted to receive them. Under that system, each transportation of excavated contaminated soils must be tracked in real time from their land of origin to the site where their unloading was agreed in advance between the owner of the soils and the person responsible for the receiving site. Thence, the owner of contaminated soils, their carrier and the person responsible for the receiving site will each have to send, using a computer system prescribed by the Minister, different information that will be entered on a tracking slip for contaminated soils, which will track the soils for the duration of their transportation to the site where they will

be unloaded. Documents will also have to be sent to the Minister using the same means. Every person required to send information or documents under the Regulation will first have to be registered in the computer system prescribed by the Minister. The carrier will also have to use a device that sends in real time to that computer system the geographical position of the carrier's load.

The draft Regulation also provides for monetary administrative penalties in cases of failure and penal provisions in cases of offences.

The draft Regulation to amend the Land Protection and Rehabilitation Regulation provides for, in particular, the following elements:

— Activities respecting the reclamation of certain contaminated soils, subject to sections 22 and 30 of the Environment Quality Act (chapter Q-2), eligible for a declaration of compliance under section 31.0.6 of the Act and the conditions, restrictions and prohibitions applicable to those activities;

— Activities respecting the reclamation of certain contaminated soils exempted from the application of all or part of section 22 of the Environment Quality Act and the conditions, restrictions and prohibitions applicable to those activities;

— The time required to send the notice of cessation of an industrial or commercial activity provided for in section 31.51 of the Environment Quality Act and the content of that notice;

— The contaminated land rehabilitation measures that are eligible for a declaration of compliance under section 31.68.1 of the Environment Quality Act to replace the transmission, for approval, of a rehabilitation plan required under section 31.51 or 31.54 of the Act, and the conditions to comply with so that a rehabilitation measure is eligible for such a declaration, the prohibitions applicable to those measures and the information required in the declaration of compliance;

— A provision similar to that provided for in section 66 of the Environment Quality Act, so that, on the one hand, no person may dispose of contaminated soils in a site where it is prohibited to receive contaminated soils whose concentration of contaminants present therein is greater than the values listed in Schedule I to the Regulation and, on the other hand, if such situation occurs, the person responsible for the site is required to ship them to another site where it is permitted to receive them;

— Additions to the list of industrial or commercial activity categories for the purposes of sections 31.51, 31.52 and 31.53 of the Environment Quality Act.

Lastly, the draft Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations reinforces certain actions regarding control, in particular regarding the prohibitions applicable to the disposal of contaminated soils in certain sites. It provides for various technical adjustments, among other things, to ensure consistency with the Regulation respecting traceability of excavated contaminated soils.

With respect to the impact of the draft Regulations on small and medium-sized businesses, the requirement to use a traceability system will entail fees for every transportation of contaminated soils and it is provided that the same applies to the registration in the computer system prescribed by the Minister.

The fees are essentially justified by the costs to be paid by the Government to ensure compliance with the new regulatory requirements.

Further information on the draft Regulations may be obtained by contacting Claude Dugas, Director, Direction du Programme de réduction des rejets industriels et des lieux contaminés, Ministère de l'Environnement et de la Lutte contre les changements climatiques, 675, boulevard René-Lévesque Est, édifice Marie-Guyart, 9<sup>e</sup> étage, boîte 71, Québec (Québec) G1R 5V7; telephone: 418 521-3950, extension 7064; email: [claudedugas@environnement.gouv.qc.ca](mailto:claudedugas@environnement.gouv.qc.ca).

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to Claude Dugas at the above address.

BENOIT CHARETTE,  
*Minister of the Environment and the  
Fight Against Climate Change*

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## Regulation respecting traceability of excavated contaminated soil

Environment Quality Act  
(chapter Q-2, s. 95.1, 1st par., subpars. 3, 7 and 21,  
ss. 115.27 and 115.34)

### CHAPTER I GENERAL

**1.** The purpose of this Regulation is to limit and control contamination caused or likely to be caused by excavated contaminated soils, by implementing a system ensuring traceability so that the soils may be unloaded on a site that is permitted to receive them.

It only applies to soils that contain contaminants, regardless of the concentration values of the contaminants.

**2.** In this Regulation,

“land of origin” means the land from which contaminated soils are excavated; (*terrain d’origine*)

“receiving site” means a site where contaminated soils are temporarily or permanently unloaded. (*lieu récepteur*)

**3.** A person responsible for a receiving site where contaminated soils are temporarily unloaded is bound, as of the moment the soils leave the site and until they are unloaded on another receiving site, by the same obligations, with the necessary modifications, as those that must be met, under sections 7 and 8, by an owner of contaminated soils or other person authorized by the latter to meet them.

The same applies to a person responsible for a receiving site who returns the contaminated soils to their owner or to the person authorized by the latter, and to a person who is required, under section 70.5.1 of the Act, to recover a hazardous material the person accidentally released on the land and remove any contaminated material that is not cleaned or treated on site.

An owner of contaminated soils, or any other person authorized by the latter, to whom such soils are returned by the person responsible for a receiving site entered on the tracking slip for the soils, is bound, on the arrival of the soils, by the same obligations, with the necessary modifications, that the person responsible for a receiving site must meet under section 11.

This section does not apply where the receiving site is a ship or train.

**4.** The information and documents required under sections 5 to 11 and 13 to 15 are sent to the Minister using the computer system prescribed by the Minister.

A signature required under the same sections is affixed electronically.

Every other information or document required under this Regulation is sent to the Minister using any means of communication.

## CHAPTER II TRACEABILITY OF EXCAVATED CONTAMINATED SOILS

### DIVISION I REGISTRATION

**5.** An owner of contaminated soils and any person authorized by the owner to complete, in connection with a project, the tracking slips for such soils, and a carrier of such soils and any person responsible for a receiving site must, for the soils to leave their land of origin, and at least 24 hours before their transportation, be registered in the computer system prescribed by the Minister.

Every person referred to in the first paragraph must register only once in the computer system by sending to the Minister the following information and documents:

- (1) in the case of a natural person, the person's name and address;
- (2) in the case of an enterprise, the name and address of the enterprise and any other name used by the enterprise in Québec to identify itself in the pursuit of its activities, its legal status and the business number assigned where it is registered under the Act respecting the legal publicity of enterprises (chapter P-44.1);
- (3) in other cases, its name and address, and its legal status;
- (4) the person's consent for communication of all the information and documents provided to the Minister to comply with this Regulation where necessary for its application;
- (5) the payment of the fees payable under the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28).

The person responsible for a receiving site must also send to the Minister, within the time limit provided for in the first paragraph, as applicable, the document concerning the person among the following documents:

- (1) a copy of the authorization issued to the person under section 22 of the Act allowing the person to operate the site or, if the authorization is issued for a project, allowing the person to unload on the site the soils transported;
- (2) a copy of the declaration of compliance filed under section 31.0.6 of the Act for unloading contaminated soils on the receiving site; or

(3) a copy of the rehabilitation plan approved by the Minister that contains a measure for the unloading of contaminated soils on the receiving site.

The Minister confirms every registration using the computer system prescribed by the Minister, within 24 hours of the date on which the information and documents referred to in the second paragraph are sent.

**6.** Any modification to the information or documents provided under section 5 must be communicated to the Minister as soon as possible and be the subject of a consent, by the person who provided them, that the information may be communicated where necessary for the application of this Regulation.

### DIVISION II TRACKING OF SOILS

**7.** Transportation of contaminated soils must, before the soils may leave their land of origin, be logged on a tracking slip on which the following information must be entered:

- (1) the address of the land of origin;
- (2) where applicable, the name of the project for which the soils are excavated and transported;
- (3) the name and address of the person completing the slip;
- (4) if the person is not the owner of the site, the name and address of that owner;
- (5) the name and address of the carrier of the soils;
- (6) the registration number of the vehicle used to transport the soils and in which the device referred to in the first paragraph of section 17 is used, and, where applicable, that of its trailer or semi-trailer;
- (7) the number of kilometers of the vehicle, on leaving the land of origin;
- (8) the class or classes to which the contaminants present in the soils belong, among the following:
  - (a) metals and metalloids;
  - (b) volatile organic compounds;
  - (c) polycyclic aromatic hydrocarbons;
  - (d) polychlorinated biphenyls;

- (e) pesticides;
- (f) petroleum hydrocarbons  $C_{10}$ - $C_{50}$ ;
- (g) dioxins and furans;
- (h) other;

(9) the class, among the following, to which belongs the contaminant whose concentration value is the highest among those present in the soils concerned, the values provided for in subparagraph *a* being the lowest and those in subparagraph *d* being the highest:

(a) values less than or equal to those provided for in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);

(b) values greater than those provided for in Schedule I to the Land Protection and Rehabilitation Regulation and less than or equal to those provided for in Schedule II to that Regulation;

(c) values greater than those provided for in Schedule II to the Land Protection and Rehabilitation Regulation and less than those provided for in Schedule I to the Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18);

(d) values equal to or greater than those provided for in Schedule I to the Regulation respecting the burial of contaminated soils;

(10) the quantity of soils to be transported, expressed in metric ton;

(11) the date of the transportation of the soils and the time at which the carrier of the soils left the land of origin;

(12) the address of the soil receiving site.

The tracking slip is completed by the owner of the soils concerned by the transportation or, if the owner is not present at the land of origin of the soils when they are loaded into the vehicle used for their transportation, by the person authorized by the latter to do so. The slip must be signed and dated, and it must include an attestation of the accuracy of the information contained therein.

Every person who meets at least one of the conditions provided for in section 16 and who is not the owner of the soils or the person who excavates or has excavated the soils, or one of their employees is authorized to give the attestation referred to in the second paragraph.

**8.** Where, in connection with a project, excavated contaminated soils must be transported outside their land of origin and cannot be transported all at once, the owner of the soils or a person authorized by the owner must, at least 48 hours before the first transportation of the soils, notify the Minister of the total quantity of contaminated soils to be transported.

Either person must also, immediately after the last transportation of the contaminated soils referred to in the first paragraph, notify the Minister that the totality of the soils has been the subject of a tracking slip.

**9.** A carrier of contaminated soils must, before the soils may leave their land of origin, indicate on the tracking slip for the soils, on which the information required under section 7 if already entered, that the soils were loaded into the vehicle used for their transportation and sign the slip.

The carrier must also enter the following information on the tracking slip:

(1) the make and model of the vehicle and, where applicable, those of its trailer or semi-trailer;

(2) the model of the device used pursuant to section 17;

(3) the serial number of the device, if such a number exists;

(4) the telephone number of the device, if such a number exists.

**10.** Before excavated contaminated soils may leave their land of origin, the person responsible for the receiving site whose contact information is entered on the tracking slip for those soils must also, in addition to other obligations imposed on the person by the preceding provisions, have sent to the Minister a confirmation that the person agreed with the owner of the soils concerned or, as the case may be, with the person authorized by the latter to do so, that the soils could be unloaded on the receiving site.

**11.** The person responsible for a receiving site must, before the contaminated soils may be unloaded, complete the tracking slip for those soils, on which the information required under section 7 is already entered, by entering the following information:

(1) the address of the site;

(2) the person's name and address;

(3) if the person is not the owner of the site, the name and address of that owner;

(4) the make, model and registration number of the vehicle used to transport the soils and, where applicable, those of its trailer or semi-trailer;

(5) the number of kilometers, on arrival, of that vehicle;

(6) the class to which the contaminants present in the soils belong, among those listed in paragraph 8 of section 7;

(7) the class, among those listed in paragraph 9 of section 7, to which the contaminant whose concentration value is the highest among those present in the soils concerned belongs;

(8) the quantity of soils contained in the vehicle, expressed in metric ton;

(9) the date and time at which the carrier of the soils arrived at the receiving site.

The person signs the slip and indicates the date on which the person completed it.

**12.** A carrier of contaminated soils cannot unload the soils on a receiving site before the person responsible for the site has met the obligations provided for in section 11.

**13.** Where the person responsible for a receiving site returns to their owner, or the person authorized by the latter, contaminated soils that are the subject of a tracking slip, the person must, before meeting the obligations provided for in section 3, enter an indication to that effect on the tracking slip.

**14.** Where contaminated soils are unloaded outside Québec, the owner of the soils or the owner's representative must be present when the carrier of the soils arrives at the receiving site and must obtain from the person responsible for the site a document, signed and dated by the latter, confirming reception of the soils and their quantity. The owner of the soils or the owner's representative must send the document to the Minister within 24 hours after the soils are unloaded.

**15.** Where the receiving site of contaminated soils is a ship or a train, the owner of the soils or the owner's representative must be present when the carrier of the soils arrives at the receiving site and, when the soils are unloaded onto the ship or train, the owner or the owner's representative must register the following information in the computer system prescribed by the Minister, on the soil tracking slip on which the information required under section 7 is already entered:

(1) the number of the container in which the soils are loaded;

(2) the identification number of the ship or train transporting the soils;

(3) the name and address of the owner of the ship or train and, if different, the name and address of the owner of the container;

(4) the date and time of the unloading of the soils;

(5) the address of the receiving site where the soils should be unloaded once more.

The owner of the soils or the owner's representative must, where the soils are once more transported by a vehicle, complete, from the site where the vehicle is loaded, a new soil tracking slip. The new carrier of the soils and the person responsible for the receiving site where the soils should again be unloaded are bound, in such a case and with the necessary modifications, by the obligations concerning them in Divisions I, II and IV.

### DIVISION III ATTESTATION

**16.** The attestation referred to in the second paragraph of section 7 may only be given by a person who meets any of the following conditions:

(1) be registered on the list of experts drawn up by the Minister pursuant to section 31.65 of the Act;

(2) be a member of a professional order covered by the Professional Code (chapter C-26) and have at least 5 years of experience in the field of land characterization and rehabilitation;

(3) hold a postsecondary school diploma in a scientific discipline and have at least 7 years of experience as project manager in the field of land characterization and rehabilitation.

### DIVISION IV TRACKING OF SOILS DURING TRANSPORTATION

**17.** A carrier of contaminated soils must, during their transportation, use a device that sends in real time to the computer system prescribed by the Minister, for the duration of the transportation of the soils, their geographical position even where the soil receiving site is located outside Québec.

The first paragraph does not apply to a carrier of such soils by ship or by train.

## CHAPTER IV PENALTIES

### DIVISION I MONETARY ADMINISTRATIVE PENALTIES

**18.** A monetary administrative penalty of \$350 in the case of a natural person and \$1,500 in any other case may be imposed on any person or municipality that

(1) is not registered in the computer system prescribed by the Minister at least 24 hours before the transportation of contaminated soils, in contravention of section 5;

(2) fails to send a copy of a document required under the third paragraph of section 5;

(3) fails to give the consent required under sections 5 and 6;

(4) has the accuracy of the information provided under section 7 attested to by a person who does not meet any of the conditions provided for in section 16 or fails to provide that attestation;

(5) does not send to the Minister the confirmation required under section 10;

(6) fails to sign any document where such a signature is required under the Regulation; or

(7) does not send to the Minister the document required under section 14.

**19.** A monetary administrative penalty of \$750 in the case of a natural person and \$3,500 in any other case may be imposed on any person or municipality that does not comply with section 8.

**20.** A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on any person or municipality that

(1) fails to provide any information required under sections 5 to 7, 9, 11, 13 and 15 or that is necessary to their application, or does not meet the time limit or the time set to do so;

(2) fails to comply with the prohibition provided for in section 12; or

(3) contravenes section 17.

**21.** A monetary administrative penalty of \$1,500 in the case of a natural person and \$7,500 in any other case may be imposed on any person or municipality that

(1) does not comply with the obligations to which the person or municipality is bound under section 3;

(2) does not use, in contravention of section 4, the computer system prescribed by the Minister to provide the information and documents required under sections 5 to 11 and 13 to 15; or

(3) transports or has transported contaminated soils before meeting the obligations provided for in sections 5 and 7 to 10.

### DIVISION II PENAL SANCTIONS

**22.** A person or municipality that

(1) is not registered in the computer system prescribed by the Minister at least 24 hours before the transportation of contaminated soils, in contravention of section 5,

(2) fails to provide a copy of a document required under the third paragraph of section 5,

(3) fails to give the consent required under sections 5 and 6,

(4) has the accuracy of the information provided under section 7 attested to by a person who does not meet any of the conditions provided for in section 16 or fails to provide the attestation,

(5) does not send to the Minister the confirmation required under section 10,

(6) fails to sign any document where such a signature is required under the Regulation, or

(7) does not send to the Minister the document required under section 14,

is liable to a fine of at least \$2,500 and not more than \$250,000 in the case of a natural person or to a fine of at least \$7,500 and not more than \$1,500,000 in other cases.

**23.** A person or municipality that contravenes section 8 is liable to a fine of at least \$4,000 and not more than \$250,000 in the case of a natural person or to a fine of at least \$12,000 and not more than \$1,500,000 in other cases.

**24.** A person or municipality that

(1) fails to provide any information required under sections 5 to 7, 9, 11, 13 and 15 or that is necessary for their application, or does not comply with the time limits or time set to do so,

(2) fails to comply with the prohibition provided for in section 12, or

(3) contravenes section 17,

is liable to a fine of at least \$5,000 and not more than \$500,000 in the case of a natural person or to a fine of at least \$15,000 and not more than \$3,000,000 in other cases.

**25.** A person or municipality that

(1) does not comply with the obligations to which the person or municipality is bound under in section 3,

(2) does not use, in contravention of section 4, the computer system prescribed by the Minister to provide the information and documents required under sections 5 to 11 and 13 to 15, or

(3) transports or has transported contaminated soils before meeting the obligations provided for in sections 5 and 7 to 10,

is liable to a fine of at least \$8,000 and not more than \$500,000 in the case of a natural person or to a fine of at least \$24,000 and not more than \$3,000,000 in other cases.

**26.** Every person who contravenes any other obligation imposed by this Regulation is liable, where no other penalty is provided for by this Division or by the Act, to a fine of at least \$1,000 and not more than \$100,000 in the case of a natural person or, in other cases, to a fine of at least \$3,000 and not more than \$600,000.

#### CHAPTER IV TRANSITIONAL AND FINAL

**27.** This Regulation does not apply to projects in which contaminated soils are transported and that began before the date of its coming into force.

**28.** This Regulation comes into force on 30 November 2019.

## Regulation to amend the Land Protection and Rehabilitation Regulation

Environment Quality Act  
(chapter Q-2, ss. 31.0.6, 31.0.11, 31.51, 31.68.1, 31.69, 1st par., subpar. 2, s. 95.1, 1st par., subpar. 21, ss. 115.27 and 115.34)

**1.** The Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) is amended by inserting the following heading before section 1:

“**CHAPTER I**  
APPLICABLE LIMIT VALUES AND CATEGORIES OF ACTIVITIES CONCERNED”.

**2.** The following is inserted after section 2:

**CHAPTER II**  
DECLARATIONS OF COMPLIANCE

**DIVISION I**  
ACTIVITY ELIGIBLE UNDER SECTION 31.0.6 OF THE ENVIRONMENT QUALITY ACT

### §1. Eligible activity

“**2.1.** Soils containing contaminants in a concentration equal to or less than the limit values in Schedule I that are received on or in land are eligible for a declaration of compliance if

(1) the soils are intended to be reclaimed on the land;

(2) they do not contain asbestos;

(3) they have a residual materials content not more than 50%, on a volumetric basis, after segregation; and

(4) the soils covered by the declaration will not increase the total volume of contaminated soils received on the land to more than 10,000 m<sup>3</sup>, whether that volume is reached after a single project or several projects.

### §2. Content of the declaration

**2.2.** Every declarant for the activity eligible for a declaration of compliance referred to in subdivision 1 must include the following information in the declaration:

(1) information regarding the declarant’s identity, namely:

(a) the declarant’s name, contact information and, if applicable, those of the declarant’s representative;

(b) in the case of a declarant other than a natural person, the Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1), where applicable, and that of the establishment covered by the declaration;

(2) if the declarant has retained the services of professionals or other competent persons to prepare the declaration, the name and contact information of those persons, a brief description of each of their mandates and an attestation that the information and documents they provide are complete and accurate;

(3) a description of the activity that is subject to the declaration of compliance by indicating in particular any information enabling to verify compliance of the activity with the eligibility conditions provided for in subdivision 1;

(4) the limits within which the activity will be carried on and, as the case may be, the applicable municipal zoning and, if applicable, the presence of wetlands and bodies of water within a radius of 100 m and their designation.

For the activity referred to in the first paragraph to be eligible for a declaration of compliance, the declarant must also attach to the declaration

(1) a plan that indicates the geographic coordinates of the site concerned;

(2) the characterization study referred to in section 2.12;

(3) an attestation that the declarant is registered in the computer system prescribed by the Minister in accordance with section 5 of the Regulation respecting traceability of excavated contaminated soil (*insert the reference to the Compilation of Québec Laws and Regulations*);

(4) an attestation that all the information and documents provided by the declarant are complete and accurate; and

(5) the payment of the fees payable under the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28).

The declarant must, at the same time as the declarant sends the declaration of compliance to the Minister, send a copy to the municipality in the territory of which the activity will be carried on.

The owner of the land receiving the soils is responsible for making that declaration.

2.3. Any change to the information sent in the declaration of compliance or to the documents attached to the declaration must be communicated to the Minister by the declarant as soon as possible.

## DIVISION II

### REHABILITATION MEASURES ELIGIBLE UNDER SECTION 31.68.1 OF THE ENVIRONMENT QUALITY ACT

#### §1. Eligible rehabilitation measures

2.4. The following contaminated land rehabilitation measures, when taken under section 31.51 or 31.54 of the Environment Quality Act (chapter Q-2), are eligible for a declaration of compliance if the conditions determined in the second paragraph are met:

(1) land rehabilitation is made only by excavation of soils whose concentration of contaminants present therein exceeds the limit values in Schedule I and its carrying out may be completed within a maximum period of 1 year;

(2) only the recovery of water accumulating in the excavation is required.

The conditions that must be complied with so that the measures referred to in the first paragraph are eligible for a declaration of compliance are the following:

(1) the quantity of contaminated soils to be excavated is not more than 10,000 m<sup>3</sup>;

(2) the characterization study reveals

(a) the absence, in the land, of residual hazardous materials, asbestos, chlorinated volatile organic compounds and measurable immiscible liquids; and

(b) that no monitoring of groundwater quality is required after carrying out the work;

(3) the recovered water will be discharged into a municipal wastewater treatment works or transported to a site authorized by the Minister.

The rehabilitation measures referred to in the first paragraph must begin as soon as possible after carrying out the characterization study provided for in the first paragraph of section 31.51 or in the first paragraph of section 31.53 of the Environment Quality Act (chapter Q-2).

## §2. Content of the declaration

**2.5.** The declaration of compliance includes the following information and is accompanied by a work schedule:

- (1) the contact information of the person filing it;
- (2) the location and description of the contaminated land;
- (3) the nature and concentration of contaminants present in the land and the quantity of soils to be excavated;
- (4) if the declarant is not the person carrying out the excavation work, the contact information of that person;
- (5) the address of the site where
  - (a) contaminated soils will be shipped;
  - (b) material from the dismantling of the installations present on the land, where applicable, will be shipped; and
  - (c) recovered water will be discharged or, where applicable, transported.

**2.6.** Any change to the information or schedule sent pursuant to section 2.5 must be communicated to the Minister as soon as possible.

## CHAPTER III EXEMPTIONS

**2.7.** Soils containing contaminants in a concentration equal to or less than the limit values in Schedule I that are received on or in land are exempted from the application of all or part of section 22 of the Environment Quality Act (chapter Q-2) if

- (1) the soils are intended to be reclaimed on that land;
- (2) they do not contain asbestos;
- (3) they have a residual materials content not more than 50%, on a volumetric basis, after segregation;
- (4) the disposal of those soils will not increase the total volume of contaminated soils received on the land to more than 1,000 m<sup>3</sup>, whether that volume is reached after a single project or several projects.

**2.8.** Every person or municipality that carries on an activity exempted under this Chapter must keep the characterization study of the land where the soils are received, required by section 2.12, for at least 5 years after the end of the activity.

## CHAPTER IV MONITORING MEASURES

**2.9.** Soils that, in connection with a project, are intended to be reclaimed and whose reception is covered by a declaration of compliance must be used for that purpose within 72 hours after they are received on the land where their reclamation must take place.

Where the reception of such soils is exempted from the requirement to obtain an authorization under the Environment Quality Act (chapter Q-2), those soils must, as soon as they are received on the land where their reclamation must take place, be used immediately for that purpose.

**2.10.** Where the reception of contaminated soils is covered by a declaration of compliance or exempted from the application of section 22 of the Environment Quality Act (chapter Q-2), the owner of the land where the soils are received, or the owner's representative, must, before receiving the soils, verify their eligibility.

To that end, the owner or representative must, upon arrival of the soils, enter in a logbook the following information:

- (1) the address of the soils' land of origin;
- (2) the contact information of the carrier of soils;
- (3) the date on which the soils are received;
- (4) their quantity, expressed in m<sup>3</sup>;
- (5) the nature and concentration of the contaminants they contain, established on the basis of the analysis reports referred to in the third paragraph.

The owner or representative must also attach to the logbook the analysis reports that were used to perform the characterization study of the soils that their owner must give to them.

Where the reception of the owner's soils is covered by a declaration of compliance, the owner of the land or representative must also, for each volume of 100 m<sup>3</sup> of soils accepted, take a single sample with a mass sufficient to make an analysis of all the contaminants likely to be present in each volume of soils, among those listed in Schedule I. The results of the analysis must also be entered in the logbook referred to in the second paragraph.

**2.11.** The owner of the land or the owner's representative must keep the logbook and make it available to the Minister for at least 5 years after the project of reclamation of soils has ended.

## CHAPTER VI CHARACTERIZATION STUDY

**2.12.** Every person or municipality preparing to receive soils containing contaminants in a concentration equal to or less than the limit values in Schedule I on or in land must, before receiving the soils, perform a characterization study of the land.”

**3.** Section 3 is amended by replacing “of Division IV.2.1 of Chapter I” by “of this Regulation or of Division IV of Chapter IV of Title I”.

**4.** The following heading is inserted after section 3:

### “CHAPTER VI MONITORING OF GROUNDWATER QUALITY”

**5.** The following is inserted after section 13:

### “CHAPTER VII NOTICE OF PERMANENT CESSATION

**13.0.1.** Every person who permanently ceases an activity of one of the categories listed in Schedule III must send to the Minister, not later than 30 days following that cessation, a notice containing the following information and documents:

(1) where applicable, the number and date of issue of the authorization corresponding to the activity that ceased;

(2) the person’s name and address;

(3) the address of the site where the activity was carried on;

(4) the date of the cessation of the activity;

(5) the reason for the cessation of the activity;

(6) an attestation from that person that all the information and documents provided are complete and accurate;

(7) if the person holds an authorization, an attestation from that person that the person will comply with the cessation measures prescribed, where applicable, by the Minister in the authorization.

## CHAPTER VIII PROHIBITIONS

**13.0.2.** Except in the cases covered by the Environment Quality Act (chapter Q-2) or the regulations made thereunder, no one may dispose of soils containing

contaminants nor allow them to be disposed of, on or in a site other than land where the disposal is permitted, as the case may be,

(1) by an authorization issued under the Environment Quality Act (chapter Q-2);

(2) by a declaration of compliance covered by the Act or the regulations made thereunder and filed in accordance with the Act; or

(3) by a rehabilitation plan approved by the Minister.

The prohibition provided for in the first paragraph does not apply where the disposal is covered by an exemption covered by the Environment Quality Act (chapter Q-2) or the regulations made thereunder.

Where soils containing contaminants are disposed of on or in a site where the disposal is not permitted by one of the documents provided for in the first paragraph or is not covered by an exemption, the person responsible for the site is required to take the necessary measures so that the soils are transported on or in a site where

(1) such a disposal is permitted by one of the documents; or

(2) such a disposal is covered by an exemption.

**13.0.3.** No one may dispose of contaminated soils in wetlands and bodies of water.

## CHAPTER IX PENALTIES

### DIVISION I MONETARY ADMINISTRATIVE PENALTY

**6.** Section 13.1 is amended by adding the following before paragraph 1:

“(0.1) to keep the characterization study required by section 2.12 as provided for in section 2.8, for at least 5 years following the end of the exempted activity;”

**7.** Section 13.2 is replaced by the following:

“**13.2.** A monetary administrative penalty of \$350 in the case of a natural person or \$1,500 in other cases may be imposed on any person who fails

(1) to communicate to the Minister, as provided for in sections 2.3 and 2.6, any change to the information sent pursuant to section 2.2 or 2.5, as soon as possible;

(2) to enter in a logbook the information provided for in the second paragraph of section 2.10 or to attach to the logbook the analysis reports that were used to perform the characterization study of soils in accordance with the third paragraph of that section;

(3) to keep the logbook or to make it available to the Minister for at least 5 years after the project of reclamation of soils has ended, in accordance with section 2.11;

(4) to send to the Minister an analysis report made under section 8, in accordance with the first paragraph of section 9;

(5) to send to the Minister the notice required by section 13.0.1, within the time prescribed therein.”

**8.** Section 13.3 is amended by inserting the following before paragraph 1:

“(0.1) to take the samples covered by the fourth paragraph of section 2.10 or to enter the results of the analysis of those samples in the logbook covered by the second paragraph of that section;”.

**9.** Section 13.5 is replaced by the following:

“**13.5.** A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in other cases may be imposed on any person who fails

(1) to perform a characterization study in accordance with section 2.12;

(2) to mention, in the analysis report referred to in the second paragraph of section 8, an excess of the limit value or to inform the Minister thereof as soon as possible, in accordance with the second paragraph of section 8;

(3) to comply with the prohibition provided for in the first paragraph of section 13.0.2 or that provided for in section 13.0.3;

(4) to comply with the requirement provided for in the second paragraph of section 13.0.2.”

**10.** The following heading is inserted after section 13.5:

“**DIVISION II**  
**PENAL SANCTIONS”.**

**11.** Section 14 is amended by inserting “section 2.8, 2.12,” after “who contravenes”.

**12.** Section 14.1 is amended by replacing “the first paragraph of section 9” by “section 2.3, 2.6, the second or third paragraph of section 2.10, section 2.11, the first paragraph of section 9 or section 13.0.1”.

**13.** Section 14.2 is amended by inserting “the fourth paragraph of section 2.10,” after “who contravenes”.

**14.** Section 14.4 is amended by replacing “the second paragraph of section 8” in paragraph 1 by “section 2.12, the second paragraph of section 8 or section 13.0.2 or 13.0.3;”.

**15.** Schedule III is amended

(1) by striking out the following:

“4471 Gasoline Stations (including Self-Serve Facilities or Unattended Self-Serve Facilities and Gas Stations with no Vehicle Servicing)”;

(2) by replacing

“Motor Fuel Dispensing Outlets (Self-Serve Facilities, Unattended Self-Serve Facilities, Airport Outlets, User Outlets, Marina Outlets and Service Stations) as defined in section 8.01 of the Construction Code and governed by that Code”

by the following:

“Motor Fuel Dispensing Outlets Using High-Risk Petroleum Equipment, as defined by section 8.01 of the Construction Code and governed by that Code.”

**16.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except subparagraph 3 of the second paragraph of section 2.2, introduced by section 2 of this Regulation, which comes into force on 30 November 2019.

## **Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations**

Environment Quality Act  
(chapter Q-2, s. 31.69, par. 5, s. 53.30, par. 5, s. 95.1,  
1st par., subpars. 3, 4 and 7, ss. 115.27 and 115.34)

**1.** The Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46) is amended in section 1 by striking out “equal to or” in the third paragraph.

**2.** Section 4 is replaced by the following:

“4. The disposal of or permission to dispose of soils containing contaminants in a concentration equal to or less than the limit values in Schedule I, on or in soils having a contaminant concentration lower than the contaminant concentration in the soils disposed of is prohibited.

The disposal of or permission to dispose of such soils on or in land to be used for housing is also prohibited.

The prohibition referred to in the first paragraph does not apply where soils are disposed of

- (1) on or in the site of origin;
- (2) on or in the site of the source contamination activity; or
- (3) on or in sites other than those referred to in subparagraph 1 or 2 and that are used

(a) for the redevelopment and restoration of a quarry in accordance with the Regulation respecting quarries and sand pits (*insert the reference to the Compilation of Québec Laws and Regulations*);

(b) for reclamation purposes in connection with a project where the disposal is authorized by the Minister.

The prohibition provided for in the second paragraph does not apply where soils are disposed of

- (1) on or in the sites referred to in subparagraph 1 or 2 of the third paragraph; or
- (2) on or in sites other than those referred to in subparagraph 1 of the third paragraph and that are used as backfill in connection with land rehabilitation work in accordance with the Environment Quality Act (chapter Q-2), and if their contaminant concentration is equal to or lower than the contaminant concentration in the host soils.

**4.1.** Where a disposal of soils is made in contravention of section 4, the person responsible for the site where soils were disposed of is required to take the necessary measures so that they are disposed of on or in a site covered

(1) by the third or fourth paragraph of that section, to the extent where the requirements provided for therein are complied with; or

(2) by an authorization, a declaration of compliance, an exemption or by the Environment Quality Act (chapter Q-2) or the regulations made thereunder.”.

**3.** Section 6 is amended by

(1) inserting “carries out or” before “has soil excavation carried out” in the first paragraph;

(2) adding the following after the fourth paragraph:

“The third and fourth paragraphs do not apply where the excavated soils are covered by the Regulation respecting traceability of excavated contaminated soils (*insert the reference to the Compilation of Québec Laws and Regulations*).”.

**4.** Section 68.7 is amended

(1) by inserting “or permits the disposal of soils” in paragraph 1 after “section 4” and by adding “on or in land to be used for housing” at the end of that paragraph;

(2) by adding the following after paragraph 1:

“(1.1) does not take the measures referred to in section 4.1.”.

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 2 of section 3 of this Regulation, which comes into force on 30 November 2019.

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## Draft Regulation

Professional Code  
(chapter C-26)

### Roll of professional orders — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the roll of professional orders, made by the Office des professions du Québec and appearing below, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The Regulation harmonizes the provisions of the Regulation respecting the roll of professional orders (chapter C-26, r. 9) with those of the Professional Code (chapter C-26) concerning email addresses and adds the member’s number to the roll of the Ordre des