

Regulations and other Acts

Gouvernement du Québec

O.C. 794-2019, 8 July 2019

Environment Quality Act
(chapter Q-2)

Wood-burning appliances —Amendment

Regulation to amend the Regulation respecting wood-burning appliances

WHEREAS, under subparagraph 1 of the first paragraph of section 95.1 of the Environment Quality Act (chapter Q-2), the Government may make regulations to classify contaminants and sources of contamination;

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 4 of the first paragraph of section 95.1 of the Act, the Government may make regulations to determine, for any class of contaminants or of sources of contamination, a maximum quantity or concentration that may be released into the environment, for all or part of the territory of Québec;

WHEREAS, under subparagraph 6 of the first paragraph of section 95.1 of the Act, the Government may make regulations to regulate or prohibit the use of any contaminant and the presence of any contaminant in products sold, distributed or utilized in Québec;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under the second paragraph of section 95.1 of the Act, a regulation made under the section may also prescribe any transitional measure necessary for its implementation;

WHEREAS, under section 115.27 of the Act respecting the Environment Quality Act, the Government may, in a regulation made under the Act, specify in particular

that a failure to comply with the regulation may give rise to a monetary administrative penalty and set forth the amounts;

WHEREAS, under the first paragraph of section 115.34 of the Act, despite sections 115.29 and 115.32 of the Act, the Government may determine the regulatory provisions made under the Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government and the Government may provide that, despite article 231 of the Code of Penal Procedure (chapter C-25.1), a contravention renders the offender liable to the fine, a term of imprisonment, or both the fine and the imprisonment;

WHEREAS, under section 12 of the Regulations Act (chapter R-18.1), a proposed regulation may be made or approved after the expiry of a shorter period than the period applicable to it, or without having been published, if the authority making or approving it is of the opinion that a reason provided for in the Act under which the proposed regulation may be made or approved, that the urgency of the situation requires it, or that the proposed regulation is designed to establish, amend or repeal norms of a fiscal nature;

WHEREAS, under section 13 of that Act, the reason justifying the absence of such publication must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstance warrants the absence of prior publication of the Regulation to amend the Regulation respecting wood-burning appliances:

—Under the second paragraph of section 10 of the Regulation respecting wood-burning appliances, cook stoves are subject, as of 1 September 2019, to that Regulation whereas the standards published by the United States Environmental Protection Agency provide for special exclusions for cook stoves, in particular an exemption from the obligation to be certified;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting wood-burning appliances;

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

THAT the Regulation to amend the Regulation respecting wood-burning appliances, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting wood-burning appliances

Environment Quality Act
(chapter Q-2, ss. 95.1, 115.27 and 115.34)

1. The Regulation respecting wood-burning appliances (chapter Q-2, r. 1) is amended by inserting the following before section 1:

“**0.1.** The standards of the United States Environmental Protection Agency and of the Canadian Standards Association, to which this Regulation refers, include subsequent amendments and later editions of the standards published by those organizations.”

2. Section 1 is amended

(1) by replacing “burn only wood in any of its forms” in the first paragraph by “burn wood in any of its forms and be free of any foreign material or substance other than soil or sand”;

(2) in the second paragraph

(a) by striking out “aux appareils suivants” in the portion before subparagraph 1 in the French text;

(b) by replacing subparagraph 1 by the following:

“(1) the following types of fireplaces:

(a) a fireplace intended for outdoor use only;

(b) a fireplace, within the meaning of 40 CFR 60, subpart AAA, Standards of Performance for New Residential Wood Heaters, published by the United States Environmental Protection Agency;

(c) a residential masonry heater, within the meaning of 40 CFR 60, subpart AAA, Standards of Performance for New Residential Wood Heaters, published by the United States Environmental Protection Agency”;

(c) by replacing “une chaudière ou une fournaise” in subparagraph 2 of the French text by “à une chaudière ou à une fournaise”;

(d) by striking out subparagraph 3;

(e) by inserting “à” in subparagraph 4 of the French text before “un appareil”.

3. Section 3 is struck out.

4. The following is inserted before section 4:

“**3.1.** It is prohibited to burn, in a wood-burning appliance, any material that is not permitted by the warranty and manufacturers manual or that is not permitted by one of the standards referred to in the first paragraph of section 4.”

5. Section 4 is amended

(1) by replacing the portion before paragraph 1 by the following:

“**4.** Every wood-burning appliance manufactured, sold, offered for sale or distributed in Québec must comply with at least one of the following standards as regards particles emitted into the atmosphere.”;

(2) by replacing paragraph 2 by the following:

“(2) as the case may be,

(a) 40 CFR 60, subpart AAA, Standards of Performance for New Residential Wood Heaters, published by the United States Environmental Protection Agency;

(b) 40 CFR 60, subpart QQQQ, Standards of Performance for New Residential Hydronic Heaters and Forced Air Furnaces, published by the United States Environmental Protection Agency”;

(3) by adding the following at the end:

“Cook stoves and camp stoves must however comply with the standard referred to in subparagraph *a* of subparagraph 2 of the first paragraph.

For the purposes of this Regulation, “cook stove” and “camp stove” have the meaning assigned to them by 40 CFR 60, subpart AAA, Standards of Performance for New Residential Wood Heaters, published by the United States Environmental Protection Agency.”

6. Section 5 is amended:

(1) by replacing “in section 4” in the portion before paragraph 1 and in paragraph 2 by “in the first paragraph of section 4”;

(2) by adding the following paragraph at the end:

“Despite the foregoing, cook stoves and camp stoves are deemed to comply with the standard referred to in subparagraph *a* of subparagraph 2 of the first paragraph of section 4 if they bear a mark mentioning that the appliance is not a certified wood-burning appliance.”

7. Section 6 is struck out.

8. Section 7 is amended by replacing “in section 5 or 6” by “in the first paragraph of section 5”.

9. Section 7.2 is replaced by the following:

“**7.2.** A monetary administrative penalty of \$1,500 in the case of a natural person or \$7,500 in other cases may be imposed on every person who

(1) fails to comply with the prohibition provided for in section 3.1;

(2) manufactures, sells, offers for sale or distributes in Québec a wood-burning appliance that does not comply with section 4.”

10. Section 9 is amended by replacing “section 3” by “section 3.1 or 4”.

11. The following is inserted after section 9:

“**CHAPTER IV**
TRANSITIONAL AND FINAL

9.1. Chapter II applies to every wood-burning appliance manufactured, sold, offered for sale or distributed in Québec as of 1 September 2009.

Despite the first paragraph, sections 4 and 5 of this Regulation apply to every cook stove manufactured, sold, offered for sale or distributed in Québec as of 8 August 2019.”

12. Section 10 is amended by striking out the second paragraph.

13. This Regulation comes into force on 8 August 2019.

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Gouvernement du Québec

O.C. 796-2019, 8 July 2019

Environment Quality Act
(chapter Q-2)

Contaminated soil storage and contaminated soil transfer stations
—Amendment

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

WHEREAS, under paragraph 5 of section 31.69 of the Environment Quality Act (chapter Q-2), the Government may make regulations to regulate, in all or part of the territory of Québec, the treatment, recovery, reclamation and elimination of contaminated soils not subject to the provisions of Division VII of Chapter IV of Title I of the Act and of any materials containing such soils;

WHEREAS, under subparagraph 5 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, determine the conditions or prohibitions applicable to the use, sale, storage and processing of materials intended for or resulting from reclamation;

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 4 of the first paragraph of section 95.1 of the Act, the Government may make regulations to determine, for any class of contaminants or of sources of contamination, a maximum quantity or concentration that may be released into the environment, for all or part of the territory of Québec;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under section 115.27 of the Act, the Government may, in a regulation made under the Act, specify in particular that a failure to comply with the regulation may give rise to a monetary administrative penalty and set forth the amounts;