

M.O., 2019**Order of the Minister of the Environment
and the Fight Against Climate Change
dated 28 August 2019**

Environment Quality Act
(chapter Q-2)

AMENDING the Ministerial Order concerning the fees payable under the Environment Quality Act

THE MINISTER OF THE ENVIRONMENT AND THE FIGHT AGAINST CLIMATE CHANGE,

CONSIDERING subparagraph 1 of the first paragraph of section 95.3 of the Environment Quality Act (chapter Q-2), which provides that the Minister of the Environment and the Fight Against Climate Change may, by regulation, determine the fees payable by an applicant for the issue, renewal or amendment of an authorization, approval, accreditation or certification under the Act or the regulations;

CONSIDERING subparagraph 2 of the first paragraph of section 95.3 of the Act, which provides that the Minister of the Environment and the Fight Against Climate Change may, by regulation, determine the fees payable by anyone required to file a declaration of compliance with the Minister under section 31.0.6 of the Act;

CONSIDERING the Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28), which came into force on 1 June 2008;

CONSIDERING that it is expedient to require the payment of fees by any person or municipality holding an authorization issued by the Minister under the Environment Quality Act (chapter Q-2) applying for the amendment of the authorization under section 30 of the Act;

CONSIDERING section 14.1 of the Ministerial Order, which provides for the fees payable by any person or municipality that, in accordance with subdivision 2 of Division II of Chapter IV of the Environment Quality Act (chapter Q-2), files with the Minister a declaration of compliance for an activity referred to in Chapter III of the Regulation respecting sand pits and quarries (*insert the reference to the Compilation of Québec Laws and Regulations*);

CONSIDERING that it is expedient to broaden the scope of section 14.1 of the Ministerial Order so that the fees provided for therein apply to every person or municipality that must file a declaration of compliance under section 31.0.6 of the Act;

CONSIDERING that it is expedient to make technical and terminological amendments to the Ministerial Order to ensure the accuracy of the references it contains to the Environment Quality Act (chapter Q-2) and the concordance of the terms used in the Ministerial Order with those used in the Act;

CONSIDERING that for those purposes, and in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Ministerial Order concerning the fees payable under the Environment Quality Act was published in the *Gazette officielle du Québec* of 29 May 2019 (2019, G.O. 2, 821) with a notice that the Regulation could be made on the expiry of 45 days following its publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation to amend the Ministerial Order concerning the fees payable under the Environment Quality Act is hereby made.

Québec, 28 August 2019

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

**Regulation to amend the Ministerial
Order concerning the fees payable
under the Environment Quality Act**

Environment Quality Act
(chapter Q-2, a. 95.3)

1. The Ministerial Order concerning the fees payable under the Environment Quality Act (chapter Q-2, r. 28) is amended in section 2

(1) by replacing “d’un certificat d’autorisation” in the French text preceding paragraph 1 by “d’une autorisation”;

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

“(d.1) the operation of an industrial establishment referred to in subparagraph 1 of the first paragraph of section 22 of the Act: \$11,342.”;

(3) by inserting “referred to in the second paragraph of section 22 of the Act” after “establishment” in the text preceding subparagraph *i* of subparagraph *e* of paragraph 1;

(4) by replacing, in subparagraph *i* of subparagraph *e* of paragraph 1, “a certificate of authorization” by “an authorization” and “fourth paragraph of section 22” by “third paragraph of section 24”;

(5) by replacing subparagraphs *h*, *i* and *j* of paragraph 1 by the following subparagraphs:

“(h) the establishment of a pulp and paper mill or saw-mill residual materials landfill, or the amendment of an authorization to increase capacity at such a landfill: \$6,793; the amendment of an authorization for any other reason: \$3,396;

(i) the establishment of a snow disposal site, or the amendment of an authorization to increase capacity at such a site: \$1,358; the amendment of an authorization for any other reason: \$679;

(j) the establishment of a contaminated soil landfill, or the amendment of an authorization to increase capacity at such a landfill: \$6,793; the amendment of the authorization for any other reason: \$3,396; to which fees of \$2,407 are added if environmental emission objectives apply to the project owing to wastewater being discharged into the environment;”;

(6) by replacing “for any alteration of such a facility” in subparagraph *k* of paragraph 1 by “the amendment of an authorization for such a facility”;

(7) by replacing subparagraph *l* of paragraph 1 by the following subparagraph:

“(l) the establishment of a contaminated soil storage site or transfer station, or the amendment of an authorization to increase capacity at such a site or station: \$6,793; the amendment of an authorization for any other reason: \$3,396;”;

(8) by replacing, in subparagraph *m* of paragraph 1, “for an alteration with increase in” by “the amendment of the authorization to increase the” and “for any other alteration of such as landfill or facility” by “the amendment of the authorization for any other reason”;

(9) by replacing, in subparagraph *n* of paragraph 1, “for an alteration with increase in capacity” by “the amendment of the authorization to increase the” and “for any other alteration of such a landfill” by “the amendment of the authorization for any other reason”;

(10) by replacing “for any alteration of such a landfill or centre” in subparagraph *o* of paragraph 1 by “the amendment of the authorization for any reason”;

(11) by replacing “the alteration without increase in capacity of” in subparagraph *b* of paragraph 2 by “the amendment without increase in capacity of the authorization for”;

(12) by replacing “the third paragraph of section 2 of the Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23)” in subparagraph *c* of paragraph 2 by “subparagraph 2 of the third paragraph of section 1 of Part II of Schedule 1 of the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1)”.

2. Section 4 is amended by replacing “section 32” in the part preceding paragraph 1 by “subparagraph 3 of the first paragraph of section 22”.

3. Section 5 is amended

(1) by replacing “section 48” in the first paragraph by “subparagraph 6 of the first paragraph of section 22”;

(2) by replacing “a certificate of authorization” in the second paragraph by “authorization”.

4. Section 6 is amended

(1) by replacing “the first paragraph of section 70.8” by “subparagraph 5 of the first paragraph of section 22”;

(2) by replacing “12” by “24”;

(3) by replacing “of the first paragraph” by “of the second paragraph”.

5. Section 8 is amended

(1) by replacing “, in accordance with section 31.75 of the Act, or modification” in the part of the first paragraph preceding subparagraph 1 by “under subparagraph 2 of the first paragraph of section 22 of the Act, or for an amendment of authorization under section 30 of the Act,”;

(2) by inserting “referred to in one of subparagraphs *a* to *c* of paragraph 1 of section 31.75 of the Act or in section 5 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) and” after “withdrawal” in subparagraph 1 of the first paragraph;

(3) by striking out the second paragraph.

6. Section 8.1 is amended

(1) by inserting “referred to in one of subparagraphs *a* to *c* of paragraph 1 of section 31.75 of the Act or in section 5 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2) and” after “withdrawal” in subparagraph 1 of the first paragraph;

(2) by inserting “to which section 30 of the Act applies” after “withdrawal” in the second paragraph.

7. Section 10.1 is amended by replacing the words “subdivision”, “Division” and “Chapter” wherever they occur in the third paragraph by the words “Division”, “Chapter” and “Title”, respectively.

8. Section 13.1 is amended

(1) by inserting “the second paragraph of” after “amendment under” in the first paragraph;

(2) by replacing the words “subdivision”, “Division” and “Chapter” wherever they occur in the third paragraph by the words “Division”, “Chapter” and “Title”, respectively.

9. Chapter III is revoked.**10.** Section 14.1 is amended

(1) by replacing “for a project activity referred to in Chapter III of the Regulation respecting sand pits and quarries (*insert the reference to the Compilation of Québec Laws and Regulations*)” by “unless a provision of a law or of another regulation sets a different fee for such a declaration”;

(2) by adding the following paragraph:

“The fees set in the first paragraph are not payable when the declaration of compliance concerns an activity referred to in section 39 or 40 of the Agricultural Operations Regulation (chapter Q-2, r. 26).”

11. Section 16 is amended by replacing “116.2” by “124.3”.

12. The heading of Chapter V is replaced by “MANAGEMENT OF HAZARDOUS MATERIALS AND FORMER RESIDUAL MATERIALS ELIMINATION SITES”.

13. Section 17 is amended

(1) by replacing “section 65 of the Act for permission to use, for construction purposes” in the part preceding paragraph 1 by “paragraph 9 of section 22 of the Act for authorization for a construction on”;

(2) by inserting “or for any work intended to change the use of such land” after “materials” in the part preceding paragraph 1.

14. Section 18 is amended

(1) by replacing “a permit issued under” in the part preceding paragraph 1 by “authorization under subparagraph 5 of the first paragraph of section 22 of the Act for an activity referred to in the first paragraph of”;

(2) by replacing “materials that are used, spent or outdated, or that appear on a list established for that purpose by regulation or belong to a class mentioned on the list” in subparagraph *a* of paragraph 1 by “residual materials”;

(3) by replacing “materials described in paragraph 2 of section 70.9 of the Act” in subparagraph *b* of paragraph 1 by “residual materials”;

(4) by inserting “determined by government regulation” after “site” in subparagraph *a* of paragraph 2”;

(5) by replacing “materials that are used, spent or outdated, or that appear on a list established for that purpose by regulation or belong to a class mentioned on the list” in subparagraph *b* of paragraph 2 by “residual materials”;

(6) by replacing “materials described in subparagraph 2 of section 70.9 of the Act” in subparagraph *c* of paragraph 2 by “residual materials”.

15. Section 19 is amended by replacing “a permit under section 70.16” in the part preceding paragraph 1 by “authorization under section 30”.

16. The heading of Chapter VI is replaced by “COMBINING OF AUTHORIZATIONS”.

17. Section 20 is amended

(1) by replacing the part preceding paragraph 1 by the following

“**20.** The fees for an application to combine, in a single authorization, several authorizations issued under section 22 of the Act before 23 March 2018 and referred to in section 296 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), are as follows:”;

(2) by replacing the words “certificates of authorization” wherever they appear in paragraphs 1 to 4 by the word “authorizations”.

18. The following section is added after the heading of Chapter VII:

“**20.1.** The fee for an application, under section 30 of the Act, for the modification of an authorization is equivalent, according to the activity covered by the application, to the fee payable for an application for authorization for that activity, unless a provision of the Order sets a different fee for the application.

The fee does not apply to an application for modification for a project that relates exclusively to

- (1) an agricultural activity, including fish-farming;
- (2) the modification without increase in capacity of authorization for a solid waste elimination or storage site governed by the Regulation respecting solid waste (chapter Q-2, r. 13);
- (3) wildlife development to which subparagraph 2 of the second paragraph of section 1 of Part II of Schedule 1 of the Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) applies;
- (4) work that must be carried out by a regional county municipality to restore normal water flow in a watercourse pursuant to section 105 of the Municipal Powers Act (chapter C-47.1); or
- (5) work or activities arising from a state of emergency declared by a local municipality in accordance with section 42 of the Civil Protection Act (chapter S-2.3).”

19. Section 21 is amended

(1) by replacing, in the first paragraph, “under the Act or its regulations” by “under the Act or a regulation”, and by replacing “an authorization, approval, certificate, permit or permission” by “an approval, certificate or permit”;

(2) by striking out the third paragraph.

20. Section 22 is amended

(1) by replacing “The fee” by “Subject to the second paragraph, the fee”;

(2) by adding the following paragraph:

“The fee for the renewal of authorization under section 31.18 of the Act is \$5,672.”

21. Section 23 is amended by adding “or a declaration of compliance is filed” at the end of the first paragraph.

22. Section 25 is amended by replacing “or, simultaneously, of one or more authorizations under section 22, 32 or 48” by “under section 22”.

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

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