

Regulations and other Acts

Gouvernement du Québec

O.C. 433-2020, 8 April 2020

Environment Quality Act
(chapter Q-2)

Charges payable for the disposal of residual materials — Amendment

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

WHEREAS, under paragraphs 1 and 5 of section 70 of the Environment Quality Act (chapter Q-2), the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec, in particular, to classify residual materials elimination facilities and residual materials, and exempt certain classes from the application of all or certain of the provisions of the Act and the regulations, as well as to determine the conditions or prohibitions applicable to the establishment, operation and closure of any residual materials elimination facility, in particular incinerators, landfills and treatment, storage and transfer facilities;

WHEREAS, under subparagraph 11 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish measures providing for the use of economic instruments with a view to protecting the environment and achieving environmental quality objectives for all or part of the territory of Québec;

WHEREAS, under subparagraph 12 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish any rule that is necessary for or relevant to carrying out measures referred to in subparagraph 11 and that pertains, in particular, to the determination of persons or municipalities required to pay the fees or charges referred to in that subparagraph, the conditions applicable to their collection and the interest and penalties payable if the fees or charges are not paid;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the records to be kept and preserved by any person or municipality carrying on an activity governed by the Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the period for which they must be preserved;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister of the Environment and the Fight against Climate Change by any person or municipality carrying on an activity governed by the Act or the regulations, determine their form and content and the conditions governing their preservation and sending;

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 its provisions may give rise to a monetary administrative penalty and set forth the amounts of the penalty;

WHEREAS, under the first paragraph of section 115.34 of the Act, the Government may, in particular, 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;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials was published in Part 2 of the *Gazette officielle du Québec* of 24 July 2019 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials with amendments;

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 the charges payable for the disposal of residual materials, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

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

Environment Quality Act
(chapter Q-2, ss. 70, 95.1, 115.27 and 115.34)

1. The Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) is amended in section 1 by replacing “sites” by “facilities”.

2. Section 2 is replaced by the following:

“2. This Regulation applies to engineered landfills, construction or demolition waste landfills and residual materials incineration facilities to which the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) applies.”

3. Section 3 is amended

(1) by replacing the first and second paragraphs by the following:

“Every operator of a disposal site referred to in section 2 must, for each metric ton of residual materials received for disposal, pay disposal charges of (*insert the amount corresponding to \$23.51 adjusted on 1 January 2021 in accordance with section 4, as replaced by section 4 of this Regulation*);”

(2) by replacing the third paragraph by the following:

“No charge is payable for

(1) incineration residue from an incineration facility referred to in section 2;

(2) soils and other materials intended for covering the residual materials;

(3) residual materials that are sorted and recovered on the premises to be reclaimed;

(4) residual materials recovered, after incineration, to be reclaimed; and

(5) mine tailings or residue generated by a mine tailings reclamation process.”

4. Section 4 is replaced by the following:

“4. The charges prescribed by section 3 are adjusted on 1 January of each year on the basis of the rate calculated in the manner provided for in section 83.3 of the Financial Administration Act (chapter A-6.001).

The Minister of Sustainable Development, Environment and Parks is to publish the adjustment in a notice in the *Gazette officielle du Québec* or by any other means the Minister considers appropriate.”

5. Section 5 is amended

(1) by replacing the portion before subparagraph 1 of the second paragraph by the following:

“In addition to the payment of those charges, the following information must be received by those dates to the Minister of Sustainable Development, Environment and Parks on the form provided by the Minister:”;

(2) by replacing “in weight” in subparagraph 2 of the second paragraph by “in metric tons”;

(3) by inserting “according to the same conditions,” after “same time and” in the third paragraph.

6. Section 6 is amended by adding the following paragraphs at the end:

“The second paragraph does not apply where unpaid charges for the period concerned correspond to less than 1% of the total quantity of residual materials for which charges are payable for that period.

In addition, no unpaid charge, no interest referred to in the first paragraph and no amount referred to in the second paragraph are payable where they are under \$5.”

7. Sections 7, 8 and 9 are replaced by the following:

“7. Materials received by the operator of a disposal site referred to in section 2 that are recovered for reclamation, after having been sorted or incinerated, must be weighed in accordance with the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) before being transported off-site.

8. In addition to the particulars that must be entered by the operator in a log in accordance with section 39, 105, 128, 157 or 163 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), the following particulars must also be entered in the log:

(1) the quantity of recovered materials for reclamation, expressed in metric tons;

(2) the quantity of those materials shipped off-site, expressed in metric tons;

(3) the contact information of the carrier of those materials;

(4) the contact information of the consignee of those materials;

(5) the shipping date.

9. Within 90 days after the end of each year, the operator of a disposal facility referred to in section 2 must send to the Minister of Sustainable Development, Environment and Parks, on the form provided by the Minister for that purpose, an assessment of the quantity, expressed in metric tons, of the residual materials received at the disposal facility during that year and for which charges are payable. The assessment must be certified by a member of the Ordre des comptables professionnels agréés du Québec, according to the Canadian Standard on Assurance Engagements 3000 (CSAE 3000) of the Auditing and Assurance Standards Board (AASB)."

8. Section 10.1 is amended

(1) by replacing paragraph 4 by the following:

"(4) to enter in a log the particulars provided for in section 8;"

(2) by striking out paragraph 5;

(3) by replacing "disposed of" in paragraph 6 by "received at the disposal facility and for which charges are payable".

9. Section 10.2 is amended

(1) by striking out paragraphs 2 and 3;

(2) by replacing paragraph 4 by the following:

"(4) in the case of materials received that are recovered for reclamation, after having been sorted or incinerated, to weigh them being transported off-site as prescribed in section 7."

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 1 of section 3, which comes into force on 1 January 2021.

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Gouvernement du Québec

O.C. 446-2020, 8 April 2020

CONCERNING the Regulation to amend the Regulation respecting the application of the Health Insurance Act

WHEREAS, under subparagraph *b* of the first paragraph and the second paragraph of section 3 of the Health Insurance Act (chapter A-29), the Régie de l'assurance maladie du Québec shall assume, in accordance with the provisions of that Act, including where services are required by dentistry and determined by regulation, the cost of oral surgery services rendered by a dentist, for any insured person, in a centre operated by a university establishment or in a facility maintained by an institution operating a hospital centre, provided, however, that, if rendered in Québec, they are rendered in a centre operated by a university establishment determined by regulation or in a facility maintained by an institution operating a hospital centre by a dentist authorized to practise in that centre, as well as the cost of services rendered by a dentist for any insured person according to his or her age and whether or not he or she holds a valid claim booklet issued pursuant to section 71.1;

WHEREAS, under subparagraphs *c*, *d*, *e* and *i* of the first paragraph of section 69 of the Health Insurance Act, the Government may, after consultation with the Régie de l'assurance maladie du Québec or upon its recommendation, make regulations to determine the oral surgery services that must be considered insured services and what constitutes a hospital centre outside Québec or a university establishment for the purposes of subparagraph *b* of section 3 of that Act, determine the services that dentists render and that must be considered insured services for the purposes of the second paragraph of section 3 of that Act with respect to each of the categories of insured persons referred to therein, and determine the age at which a person is entitled to insured services under that paragraph;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the application of the Health Insurance Act was published in Part 2 of the *Gazette officielle du Québec* on 17 July 2019, with notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the Régie de l'assurance maladie du Québec has been consulted with respect to the draft regulation;

WHEREAS it is expedient to make that Regulation without any amendment;