

Regulations and other Acts

Gouvernement du Québec

O.C. 868-2020, 19 August 2020

Environment Quality Act
(chapter Q-2)

Landfilling and incineration of residual materials —Amendment

Clean Air —Amendment

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials and the Regulation to amend the Clean Air Regulation

WHEREAS, under paragraph *e* of section 53 of the Environment Quality Act (chapter Q-2), the Government may make regulations applicable to the whole or to any part of the territory of Québec, to determine the methods of incineration and their conditions of use;

WHEREAS, under section 64.1 of the Act, a regulation of the Government determines the residual materials elimination facilities that are subject to the provisions of sections 64.2 to 64.12 of the Act;

WHEREAS, under paragraph 2 of section 70 of the Act, the Government may make regulations that may prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination;

WHEREAS, under paragraph 4 of section 70 of the Act, the Government may make regulations that may prohibit the establishment, in any part of the territory of Québec, of residual materials elimination facilities or certain residual materials elimination facilities;

WHEREAS, under paragraph 5 of section 70 of the Act, the Government may make regulations that may 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 paragraph 6 of section 70 of the Act, the Government may make regulations that may prescribe the conditions or prohibitions applicable to residual materials elimination facilities after they are closed, including the conditions or prohibitions relating

to maintenance and supervision, prescribe the period of time during which the conditions or prohibitions are to be applied and determine who will be required to ensure that they are applied;

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 5 of the first paragraph of section 95.1 of the Act, the Government may make regulations to establish standards for the installation and use of any type of apparatus, device, equipment or process designed to control the release of contaminants into the environment;

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 subparagraph 14 of the first paragraph of section 95.1 of the Act, the Government may make regulations to require a person or municipality to provide, for the activities or classes of activities the Government determines or on the basis of an activity's potential impacts on the environment, a financial guarantee to enable the Minister of the Environment and the Fight Against Climate Change to meet any obligation imposed on the person or municipality by the Act or the regulations that the person or municipality has failed to meet and whose cost may be charged to the person or municipality, and to determine the nature and amount of the guarantee and the conditions governing its use by the Minister and its remittance; the amount of the guarantee may vary according to the class, nature and potential impacts on the environment of the activity for which the guarantee is required;

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 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 subparagraph 24 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the methods for collecting, preserving and analyzing water, air, soil or residual material samples for the purposes of any regulation made under the Act;

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

WHEREAS, under 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), a draft Regulation to amend the Regulation respecting the landfilling and incineration of residual materials and a draft Regulation to amend the Clean Air Regulation were published in Part 2 of the *Gazette officielle du Québec* of 19 February 2020 with a notice that they could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulations 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 landfilling and incineration of residual materials and the Regulation to amend the Clean Air Regulation, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials

Environment Quality Act
(chapter Q-2, ss. 64.1, 70, 95.1, 115.27 and 115.34)

1. The Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) is amended by replacing section 3 by the following:

“3. The purpose of this Regulation is to ensure the protection of the environment against pollution caused by the disposal of residual materials. For that purpose, it prescribes in particular which residual materials may be accepted at the facilities referred to in section 2, the conditions subject to which the facilities are to be sited and operated, and the conditions that apply to their closure and post-closure management.”.

2. Section 4 is amended by replacing paragraph 2 by the following:

“(2) hazardous materials within the meaning of section 1 of the Environment Quality Act (chapter Q-2), as well as any product resulting from the treatment of such materials by a stabilization, fixation or solidification process, other than the materials referred to in paragraph 8 of section 4 of the Regulation respecting hazardous materials (chapter Q-2, r. 32) treated using a stabilization process such that they are no longer leachable materials within the meaning of section 3 of that Regulation;”.

3. Section 6 is amended

(1) by replacing the first paragraph by the following:

“With the exception of the other landfills authorized by this Regulation or any other regulation, the engineered landfills governed by Division 2 are the only landfills in which residual materials to which Division VII of Chapter IV of Title I of the Environment Quality Act (chapter Q-2) applies may be landfilled, except the following:

(1) batches of branches, stumps or shrubs less than 60 m³;

(2) soil excavated from land that has not been contaminated by human activity;

(3) plant species the transportation of which is likely to result in the propagation of invasive exotic species;

(4) wood debris removed from the surroundings of dams.”;

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

“Despite the provisions of the first paragraph, animal carcasses to which the provisions of section 5 do not otherwise apply, as well as their ash, may be disposed of in an animal cemetery authorized by the Minister under section 22 of the Environment Quality Act.”.

4. Section 12 is amended by replacing “tariffs” in the first paragraph by “prices” and “certificate of authorization” by “authorization”.

5. Section 18 is amended by inserting “the stockpiling platform for contaminated soil or other residual materials intended to be used as cover material,” after “if present,” in the first paragraph.

6. Section 24 is amended by striking out “rock” and inserting “within the meaning of the Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1)” after “quarry” in the portion before paragraph 1.

7. The following is added after section 24:

“**24.1.** A stockpiling platform for contaminated soil or other residual materials intended to be used as cover material must be composed of one of the following materials:

(1) a homogenous natural soil layer with a constant hydraulic conductivity of 1×10^{-6} cm/s or less to a minimum depth of 3 m, the hydraulic conductivity to be established *in situ*;

(2) a layer of clayey materials with a constant hydraulic conductivity of 1×10^{-7} cm/s or less to a minimum depth of 1 m;

(3) a geomembrane at least 1.5 mm thick;

(4) a bentonite geocomposite;

(5) a layer of bituminous concrete over a bituminous membrane, or a layer of cement concrete, the operator being required, in either case, to verify the platform or have it verified at least once a year to detect fractures or fissures that might form and to repair any defects detected;

(6) any other liner system composed of materials at least as effective as one of the above-mentioned systems.

The platform must have a liquid collection system.”.

8. Section 28 is amended by adding the following paragraph at the end:

“Any liner system installed as of 17 September 2020 must be adequately protected from natural or man-made damage that might affect its effectiveness.”.

9. Section 32 is amended by replacing “accepted” in the second paragraph by “received”.

10. Section 39 is amended in the first paragraph

(1) by inserting “whether they are to be landfilled or used to cover the residual materials received in the disposal areas,” after “landfill,” in the portion before subparagraph 1;

(2) by replacing “land rehabilitation work,” in subparagraph 2 by “rehabilitation work on land, on a contaminated soil stockpiling site or on a contaminated soil processing site,”;

(3) by inserting “municipality that is the” between “the” and “source” in subparagraph 3;

(4) by adding “and broken down according to their source” after “weight” in subparagraph 4.

11. Section 40 is revoked.

12. Section 40.1 is amended by inserting the following paragraph after the second paragraph:

“Where the soil referred to in the first and second paragraphs is from a contaminated soil stockpiling site or contaminated soil treatment site authorized under the Environment Quality Act (chapter Q-2), the operator may have an independent expert take the samples referred to in this section from the stockpiling or treatment site. The samples must be separate from any other samples required to be taken pursuant to the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46).”.

13. The following is inserted after section 40.1:

“**40.2.** The soil referred to in subparagraph 2 of the first paragraph of section 39 may not be mixed with other residual materials at any place other than an engineered landfill in order to be used as cover material.”.

14. Section 42 is amended

(1) by replacing the fourth paragraph by the following:

“The operator must take or have taken, for each batch of 4,000 tons or less of the same material used for the purpose of covering residual materials, or once a year

where the quantity of that material used annually is less than 4,000 tons, and each time that a material of a different type is used, a sample of that material for it to be measured and analyzed in order to ensure compliance with the requirements of the first paragraph. If two or more materials of different types are mixed together to be used for such purposes, they must be mixed evenly and the result of the mixing must comply with the requirements of the first paragraph. The results of the measurements and analyses must appear in the log referred to in section 39.”;

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

“Contaminated soil or other residual materials intended to be used as cover material may be stockpiled at an engineered landfill only in areas that meet the containment requirements set out in this Regulation and that have not received a final cover prescribed by section 50, or on a stockpiling platform complying with the requirements of section 24.1.”.

15. The following is inserted after section 42:

“**42.1.** Any material used for the construction of access roads in residual materials disposal areas must comply with the same requirements as those applicable to materials used to cover residual materials.”.

16. Section 44 is amended by striking out “at the frequency specified in the authorization obtained pursuant to section 22 or 31.5 of the Environment Quality Act (chapter Q-2)”.

17. The following is inserted after section 48:

“**48.1.** Where the release of odours causes odour nuisances beyond the limits of the engineered landfill, the operator must, as soon as possible, produce a characterization of the landfill for the purpose of identifying and analyzing all odour sources.

As soon as it is completed, the operator must send to the Minister the results of the characterization, as well as a report detailing the remedial measures the operator has taken or intends to take to deal with those nuisances and the timetable for the work’s completion.”.

18. Section 50 is amended

(1) by replacing “and 3” in the third paragraph by “to 4”;

(2) by replacing “, the material meets where applicable the requirements of the third paragraph and the minimum thickness of the layers is as prescribed in those subparagraphs” in the fourth paragraph by “and the minimum thickness of the layers is as prescribed in those

subparagraphs. In addition, the material used must, for the layers referred to in subparagraphs 2 to 4 of the second paragraph, comply with the requirements of the third paragraph”.

19. Section 52 is amended

(1) by replacing “sections 39 and 40” in subparagraph 1 of the first paragraph by “section 39”;

(2) by replacing subparagraph 3 of the first paragraph by the following:

“(3) the results of the testing or measurements performed pursuant to sections 38, 63, 64, 66 and 68, other than the results sent to the Minister pursuant to section 71, and a summary of the results of the testing, analyses or measurements made pursuant to sections 38, 39, 40.1, 42, 63, 66, 67 and 68, along with their interpretation;”;

(3) by adding the following at the end of the first paragraph:

“(7) the prices for the operator’s services that are posted at the entrance to the landfill in accordance with section 64.11 of the Environment Quality Act (chapter Q-2);

(8) where applicable, the new tariff and the date fixed for the coming into force of that tariff, along with a summary of the actions taken by the operator in accordance with section 64.3 of the Environment Quality Act.”;

(4) by replacing the second paragraph by the following:

“The report must be signed by the operator, certify the accuracy of the information it contains and be sent to the Minister in a computer medium using the technology-based documents prescribed by the Minister, if applicable, within 90 days following the end of each year of operation. The report must include any other information the Minister may require under section 68.1 of the Environment Quality Act (chapter Q-2).

The information contained in the report is public.”.

20. Section 63 is amended by inserting “, other than fecal coliforms” after “section 53” in subparagraph 2 of the first paragraph.

21. Section 65 is amended

(1) by replacing “or a leachate or water treatment system are” in the first paragraph by “, a leachate or water treatment system or a stockpiling platform for contaminated soil or other residual materials intended to be used as cover material is”;

(2) by replacing “the treatment system location” in the second paragraph by “the location of the treatment system and the stockpiling platform, if applicable,”;

(3) by replacing “and the treatment system” in the portion of the third paragraph before subparagraph 1 by “; the treatment system and the stockpiling platform, if applicable”;

(4) by replacing subparagraph 2 of the third paragraph by the following:

“(2) the observation wells must be situated at a maximum distance of 150 m hydraulically downgradient from the disposal areas or the location of the treatment system or stockpiling platform, if applicable, so that the quality of the groundwater reaching that distance can be monitored. If all or part of a buffer zone has been established on an existing landfill, the monitoring perimeter may be extended to include the landfill, but without exceeding the distance of 150 m from the disposal areas or related treatment system or stockpiling platform;”;

(5) by replacing “or treatment system are” in subparagraph 4 of the third paragraph by “; treatment system or stockpiling platform, where applicable, is”.

22. Section 70 is amended by inserting the following after the first paragraph:

“Where there is no laboratory accredited for analyzing a substance referred to in this Regulation, the samples taken pursuant to this Regulation must, for the purpose of analyzing the substance concerned and despite the provisions of the first paragraph, be sent to a laboratory that meets ISO/CEI 17025, General requirements for the competence of testing and calibration laboratories, which is published jointly by the International Organization for Standardization and the International Electrotechnical Commission.”.

23. Section 71 is amended by inserting “, if applicable” after “prescribed by the Minister” in the first paragraph.

24. Section 77 is amended by replacing “certificates of authorization” in the second paragraph by “authorizations”.

25. Sections 80 and 81 are replaced by the following:

“**80.** The operator must begin the process of closing the engineered landfill on the day when it permanently ceases accepting residual materials for disposal, whether because the landfill has reached its maximum capacity

or because landfilling operations have otherwise been terminated. The operator must immediately notify the Minister in writing of that date.

The operator must, within a maximum period of 18 months from that date, permanently close the landfill by installing the final cover and any other siting feature or equipment required under this Regulation or pursuant to the authorization obtained under section 22 or 31.5 of the Environment Quality Act (chapter Q-2).

81. Within 6 months following the date indicated in the first paragraph of section 80, the operator must send to the Minister a closure report prepared by independent experts, attesting to

(1) the working order, effectiveness and reliability of the landfill liner system, the leachate or water collection and treatment systems, the biogas collection and evacuation or removal system and the network of groundwater observation wells installed at the landfill in accordance with this Regulation;

(2) compliance with the limit values that apply to discharges of leachate or water, to emissions of biogas and to groundwater; and

(3) compliance with the requirements of this Regulation or with the authorization as regards the final cover and the integration of the landfill into the surrounding landscape.

The closure report must specify any instances of non-compliance with the provisions of this Regulation or with the authorization and indicate the remedial measures to be taken. It must also specify any work remaining to be completed to permanently close the landfill, for which the operator must also include a timetable for the work’s completion.

The operator must notify the Minister in writing of the date on which the landfill is permanent closed.”.

26. Section 89 is amended in the first paragraph

(1) by striking out “40,”;

(2) by inserting “40.2,” after “40.1,”;

27. Section 91 is amended by striking out “With the exception of the layer of soil or other material suitable for vegetation,” at the beginning of the second paragraph.

28. Section 102 is amended by striking out the second paragraph.

29. Section 103 is amended

- (1) by striking out the first paragraph;
- (2) by replacing “landfill referred to in the first paragraph” in the second paragraph by “construction or demolition waste landfill”.

30. Section 105 is amended

- (1) by replacing “40.1” in the first paragraph by “40.2”;
- (2) by replacing the fourth paragraph by the following:

“The operator must take or have taken, for each batch of 4,000 tons or less of the same material used for the purpose of covering residual materials, or once a year where the quantity of that material used annually is less than 4,000 tons, and each time that a material of a different type is used, a sample of that material for it to be measured and analyzed to ensure compliance with the requirements of subparagraph 1 of the second paragraph. If two or more materials of different types are mixed together to be used for such a purpose, they must be mixed evenly and the result of the mixing must comply with the requirements of subparagraph 1 of the second paragraph. The results of the measurements and analyses must appear in the report referred to in section 52.”

31. Section 106 is amended by striking out “With the exception of the layer of soil or material suitable for vegetation,” at the beginning of the third paragraph.**32.** Section 117 is amended by adding the following paragraph at the end:

“The soil referred to in the first paragraph may contain contaminants in a concentration equal to or lower than the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) for volatile organic compounds and in Schedule II to that Regulation for other contaminants; those limit values do not apply to contaminants that do not originate from human activity.”

33. Section 119 is amended by inserting the following after the first paragraph:

“The soil used to cover residual materials may also contain contaminants in a concentration equal to or lower than the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37); those limit values do not apply to contaminants that do not originate from human activity.”

34. Section 121 is amended

(1) by replacing “collected by or for a municipality” in paragraph 1 by “, whether or not it has been subjected to physical treatment such as sorting, drying, compaction or pressurization, chemical treatment such as adding acid or liming agents, or biological treatment”;

(2) by inserting “, whether or not it has been subjected to biological treatment,” after “sludge” in paragraph 2;

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

“For the purposes of this section, the expression “incineration facility” has the meaning assigned by section 101 of the Clean Air Regulation (chapter Q-2, r. 4.1) to the term “incinerator”.”

35. Sections 126 and 127 are revoked.

36. Section 128 is amended in the French text by replacing “45 paragraphe 1” in the first paragraph by “du paragraphe 1 de l’article 45, des articles”.

37. Divisions 3, 4 and 5 of Chapter III are revoked.

38. Section 136 is amended

(1) by striking out “, except transfer stations that receive only construction or demolition waste within the meaning of section 101” in the first paragraph;

(2) by replacing “to be prepared for further transport to another place for disposal” in the second paragraph by “in order to be transported at a later time to another place for disposal”.

39. Section 137 is amended by inserting “, a construction or demolition waste landfill” after “landfill” in the first paragraph.

40. Section 139 is amended

(1) by replacing “paragraph 1 of section 45, sections 48, 49, subparagraph 1 of the first paragraph of section 52 and the second and third paragraphs of section 124” in the first paragraph by “paragraph 1 of section 45, sections 48 and 49, subparagraph 1 of the first and second paragraphs of section 52, and the second and third paragraphs of section 124”;

(2) by striking out the third paragraph.

41. Section 139.1 is amended by adding “, unless it is established for the transfer of 30 metric tons or less of residual materials every week and is not used in whole or in part for the transfer of household waste” at the end of the first paragraph.

42. Section 139.2 is amended by replacing the second paragraph by the following:

“The provisions of sections 37 and 39, subparagraph 1 of the first paragraph and second paragraphs of section 52, and the second and third paragraphs of section 124 do not apply to a low capacity transfer station where it is established for the transfer of 30 metric tons or less of residual materials every week.”

43. Section 141 is replaced by the following:

“**141.** The financial guarantee must be in one of the following forms:

(1) a bank draft or a certified cheque made out to the Minister of Finance;

(2) a debt security in Canadian dollars issued or guaranteed by the Gouvernement du Québec or any other government in Canada having a market value at least 10% greater than the amount of the financial guarantee established in accordance with section 140 and whose term is longer than the term of the guarantee by 12 months;

(3) a security with a waiver of the benefits of discussion and division issued by a legal person authorized to stand security under the Bank Act (S.C. 1991, c. 46), the Insurers Act (chapter A-32.1) or the Act respecting financial services cooperatives (chapter C-67.3);

(4) an irrevocable letter of credit issued by a legal person referred to in paragraph 3.”

44. Section 142 is amended

(1) by replacing “sums of money, orders” by “bank drafts”;

(2) by striking out “certificate of”.

45. Section 143 is amended

(1) by striking out “, a financial guarantee policy” in the first paragraph;

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

“Subject to the law applicable in Québec, a guarantee provided in the form of an irrevocable letter of credit must comply with the rules of the International Chamber of Commerce related to stand-by letters of credit as the rules read on the day the guarantee is issued.”

46. Section 144 is amended by inserting “or reimburse” after “pay”.

47. The title of Chapter VI is replaced by the following:

“OWNERSHIP OF LAND”.

48. Sections 146, 147 and 148 are revoked.

49. Section 149.1 is amended by inserting the following after paragraph 1:

“(1.1) to send to the Minister the results of the characterization provided for in section 48.1, as well as the report referred to in that section;”.

50. Section 149.2 is amended

(1) by replacing “the first or second paragraph of section 40 or the third paragraph of section 40.1” in paragraph 3 by “the fourth paragraph of section 40.1 or the second paragraph of section 139”;

(2) by replacing “6” in paragraph 7 by “8”;

(3) by replacing “second” in paragraph 8 by “third”;

(4) by replacing “of closure of” in paragraph 10 by “on which the person begins the process of closing”;

(5) by replacing paragraphs 12 to 15 by the following:

“(12) to notify the Minister in writing of the date on which the landfill is permanently closed, in accordance with the third paragraph of section 81;”.

51. Section 149.3 is amended

(1) by striking out paragraph 10;

(2) by replacing “provided for therein” in paragraph 11 by “provided for in that section”;

(3) by inserting the following after paragraph 14:

“(14.1) to comply with the conditions provided for in section 42.1 relating to the materials used for the construction of access roads in residual materials disposal areas;”.

(4) by replacing paragraph 27 by the following:

“(27) to send for the purpose of analysis, to a laboratory that is accredited by the Minister or meets the standard referred to in the second paragraph of section 70, the samples taken pursuant to this Regulation, in accordance with that section;”;

(5) by striking out paragraphs 48, 49, 50 and 51;

(6) by adding the following at the end:

“(58) to comply with the conditions provided for in the first and second paragraphs of section 164.1 relating to residual materials in a site referred to in that article.”.

52. Section 149.4 is amended

(1) by striking out “rock” in paragraph 5;

(2) by inserting the following after paragraph 5:

“(5.1) to comply with the conditions provided for in section 24.1 relating to the siting of a stockpiling platform for contaminated soil or other residual materials intended to be used as cover material;”;

(3) by inserting “and that the system is adequately protected” after “leakproof” in paragraph 9;

(4) by inserting “other” after “soils or” in paragraph 16;

(5) by inserting “and according to the conditions” after “in the cases” in paragraph 30;

(6) by striking out paragraph 37.

53. Section 149.5 is amended

(1) by inserting the following after paragraph 2:

“(2.1) mixes the soil referred to in section 40.2 at any place other than an engineered landfill;

(2.2) fails to produce a characterization of the engineered landfill in the case and on the conditions provided for in the first paragraph of section 48.1;”;

(2) by striking out paragraph 8.

54. Section 149.6 is amended

(1) by striking out “the first paragraph of” in paragraph 6;

(2) by striking out “the second paragraph of” in paragraph 7.

55. Section 149.7 is amended

(1) by inserting “or products resulting from the processing of such materials by a stabilization, fixation or solidification process” after “hazardous materials” in paragraph 1;

(2) by striking out paragraphs 9 and 10.

56. Section 150 is amended by inserting “the second paragraph of section 48.1,” after “section 45.”.

57. Section 151 is amended

(1) by striking out “the first paragraph of section 40,” in the first paragraph;

(2) by replacing “, section 81, the fourth paragraph of section 127, section 146 or the second paragraph of section 155” in the first paragraph by “or section 81”;

(3) by replacing “the first or second paragraph of section 40 or the third paragraph of section 40.1” in subparagraph 1 of the second paragraph by “the fourth paragraph of section 40.1 or the second paragraph of section 139”;

(4) by replacing “of closure of” in subparagraph 3 of the second paragraph by “on which the person begins the process of closing”;

(5) by striking out subparagraph 4 of the second paragraph.

58. Section 152 is amended

(1) by inserting “42.1,” between “section” and “43” in the first paragraph;

(2) by inserting “or second” between “first” and “paragraph of section 70” in the first paragraph;

(3) by replacing “or 126, the first, second or third paragraph of section 127, the second paragraph of section 134, section 138, 139.3, 140, 143 or the second paragraph of section 159” in the first paragraph by “, 138, 139.3, 140 or 143, the second paragraph of section 159 or section 164.1”;

(4) by striking out subparagraph 1 of the second paragraph.

59. Section 153 is amended

(1) by replacing “, 125 or 132” in the first paragraph by “or 125”;

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

“Every person who fails to permanently close an engineered landfill in the cases and according to the conditions provided for in section 80 also commits an offence and is liable to the same fines.”

60. Section 154 of the Regulation is amended by replacing paragraph 1 by the following:

“(1) contravenes the first paragraph of section 6, section 13, 14, 15, 16 or 40.2, the first paragraph of section 48.1, the second paragraph of section 71, the first paragraph of section 86, section 87 or 88, the first paragraph of section 94, 95 or 97, the second paragraph of section 104, the first paragraph of section 111, section 112, 113, 114 or 116, the first paragraph of section 139.1, the fourth paragraph of section 139.2, section 145 or the second, third or fifth paragraph of section 161.”

61. Section 154.1 is amended by replacing “the first paragraph of section 102, the second paragraph of section 103, section 115” by “section 102, 103 or 115”.

62. Section 154.2 is amended by replacing “the second paragraph of section 62, the first paragraph of section 129 or section 130” in the first paragraph by “or the second paragraph of section 62”.

63. Section 155 is revoked.

64. Section 155.1 is amended by replacing “tariffs” by “prices” and by adding “, except engineered landfills reserved exclusively for the use of an industrial, commercial or other establishment” at the end.

65. The following is inserted after section 164:

“**164.1.** The custodian of any land that was used as a residual materials disposal site, has been decommissioned and was subject to a cover requirement at the time it was closed is required to ensure that the residual materials remain completely covered with soil at all times.

If the custodian fails to do so, the custodian must

(1) collect any residual materials that have been scattered;

(2) grade the residual materials and cover them with a soil layer at least 60 cm thick;

(3) establish a vegetative layer of herbaceous plants on the soil layer.

This section applies to any residual materials disposal site where such materials are landfilled or deposited and that was subject to a cover requirement at the time it was closed or decommissioned, such as a dump closed pursuant to section 126 of the Regulation respecting solid waste (chapter Q-2, r. 13). This section does not apply to the facilities listed in section 2 of this Regulation.”

66. Schedules I and II are revoked.

67. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 47 and 48, paragraph 2 of section 57, and section 63, which come into force on 31 December 2020.

Regulation to amend the Clean Air Regulation

Environment Quality Act
(chapter Q-2, ss. 53 and 95.1)

1. The Clean Air Regulation (chapter Q-2, r. 4.1) is amended in section 15 by replacing “, to fugitive particle emissions to which Division III of Chapter II of this Title applies and to emissions from residual materials incineration facilities referred to in Chapter III of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19)” by “and to fugitive particle emissions to which Division III of Chapter II of this Title applies”.

2. Section 102 is amended by replacing “animal incinerators or residual materials incineration facilities referred to in Chapter III of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19)” by “or animal incinerators”.

3. Section 214 is revoked.

4. Schedule H is replaced by the following:

“SCHEDULE H

(ss. 75, 77, 87, 91, 92, 153, 156 and 197)

AIR DISPERSION MODEL

Dispersion models

The dispersion models that may be used are those in the latest edition of the US-EPA Guideline on Air Quality Models (Appendix W to Part 51). A recognized alternative may be used if the operator establishes that, in the case at hand, that model performs better than the models

indicated in the guideline. The choice of the alternative model must be motivated by theoretical considerations and be supported by a comparative statistical analysis of the results, following the prescriptions of the Guideline on Air Quality Models. The latest version of the model must be used.

Calculation of the concentration of a contaminant in the atmosphere

Using the model, the operator must calculate the concentration in the atmosphere of each contaminant emitted for which a limit value is prescribed by sections 75 and 153 and in Schedules G and K.

The concentration of a contaminant in the atmosphere for a single source must be calculated by modeling with one of the following methods:

- (1) a simple model, called a level 1 model, for a single source; or
- (2) a multi-source complex model, called a level 2 model, simulating a single source.

Modeling with a level 2 model is required if the concentration of contaminants calculated with a level 1 model is deemed significant according to the following formula:

$$C \geq 4 \times (LV-IC)/5$$

where LV and IC are, respectively, the limit value and the initial concentration provided for in Schedules G and K.

If the establishment has several emission sources, the concentrations of contaminants in the atmosphere must be calculated using a level 2 model.

Parameters

All the parameters required for the model must be presented, namely,

- (1) the model used and its version;
- (2) the non-default options;
- (3) the choice of environment (rural/urban);
- (4) the dimensions of the modeling domain;
- (5) the modeling scenario or scenarios;
- (6) the physical features of the emission sources; and
- (7) the calculations made to obtain the emission rates.

For level 2 modeling, the following parameters must also be presented:

- (1) a description of the calculation points table;
- (2) the origin and period of the meteorological data;
- (3) the surface characteristics required to prepare the meteorological data files.

Modeling scenarios

The modeling scenarios must make it possible to reproduce the highest projected concentrations of contaminants on the basis of the period of application of the limit value. However, those scenarios do not include contaminant emissions attributable to unplanned and unpredictable situations, such as the use of generators in an emergency.

By using the concentration obtained for the calculation with a level 1 model, the daily and annual concentrations are obtained in the following manner:

$$C_{\text{daily}} = C_{\text{MAX-H}} \times 0.24$$

$$C_{\text{AN}} = C_{\text{MAX-H}} \times 0.04$$

where C_{daily} is the daily concentration, C_{AN} is the annual concentration and $C_{\text{MAX-H}}$ is the highest hourly concentration calculated.

For a level 2 model, the operator must prepare meteorological data files on the basis of 5 years of complete meteorological data representative of the location of the establishment. When such files are made available by the Ministère du Développement durable, de l'Environnement et des Parcs, they must be used.

In the case of a contaminant referred to in Schedule K for which the limit value established in column 1 is over a period of less than 1 hour, the concentration is calculated using the following formula:

$$C(T) = C_{\text{MAX-H}} \times 0.97 T^{-0.25}$$

where T is the time in hours and $C_{\text{MAX-H}}$ is the maximum concentration for 1 hour.

The operator must take into account the topography and include calculation points on the property limits or the limits of the industrial zone.

The initial concentrations of contaminants in the atmosphere, without the contribution of the source or sources considered for the modeling, must be added to the

concentrations calculated. The resulting concentrations must be presented to enable comparison with the limit values prescribed by Schedules G and K.

Information to be retained

The operator must retain the following information and documents for a minimum of 5 years:

(1) one or more topographic maps showing the region for which the calculations have been made, indicating the pertinent geographical, physical and human elements. Each map must include a scale and the direction of geographical North;

(2) a top view and a sectional view indicating the dimensions of the establishment's buildings, as taken into account in the model, and the location of the sources;

(3) the physical features of each source and the operating characteristics;

(4) for each contaminant and each period for which a limit value is prescribed, a table showing the maximum annual concentrations calculated for all the calculation points and years and their locations, the initial concentrations, the sum of the maximum concentrations calculated and the initial concentrations, and the limit value. When preparing that table, the calculation points located within the property limits or the limits of the industrial zone are excluded;

(5) the input data required for the operation of the model in a form compatible with its use (model input file) for the modeling carried out;

(6) the data generated by the operation of the model in a form compatible with its use (model input file) for the modeling carried out.

For level 2 modeling, the operator must also retain the following information and documents for a minimum of 5 years:

(1) the map or maps provided for in subparagraph 1 of the first paragraph, which will show the calculation points table, the establishment, and the property limits or the limits of the industrial zone;

(2) a 16-direction wind rose obtained from the meteorological data used in the model and indicating the average wind speed, the calm wind frequency and the proportion of missing data;

(3) for the contaminant whose maximum concentration calculated is the highest for each period for which a limit value is prescribed and for each contaminant whose maximum concentration calculated is significant, maps showing the modeling calculation results in the form of isopleth curves for each calculation point, except for the points located within the property limits, and for the entire calculation period. For each map, the results presented must include the initial concentration;

(4) for each contaminant and each applicable period, maps showing the number of exceedances for each calculation point, except for the points located within the property limits, and for the entire calculation period. The number of exceedances is calculated taking into account the initial concentration;

(5) the table provided for in subparagraph 4 of the first paragraph, which will also show the maximum number of exceedances calculated at the worst calculation point for all the calculation points and years, and their locations. When preparing that table, the calculation points located within the property limits or the limits of the industrial zone are excluded.”

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

104589

Gouvernement du Québec

O.C. 869-2020, 19 August 2020

Environment Quality Act
(chapter Q-2)

Amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains

Amendments to the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains

WHEREAS, under section 2.1 of the Environment Quality Act (chapter Q-2), it is the responsibility of the Minister of the Environment and the Fight Against Climate Change to elaborate and propose to the Government a protection policy for lakeshores, riverbanks, littoral zones and floodplains, to implement such policy and to coordinate its application, and the policy adopted by the Government must be published in the *Gazette officielle du Québec*;