

“(5) engage in those activities

(a) according to an individual prescription;

(b) under the supervision of a respiratory therapist who, in order to intervene rapidly, is present in the centre or, when the respiratory therapy extern engages in those activities in the emergency service or department, is present in the emergency service or department; and

(c) with a patient whose state of health is not in a critical phase or does not require frequent adjustments.”;

(2) by striking out “an emergency service or department,” in the second paragraph.

**4.** 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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Gouvernement du Québec

### **O.C. 1458-2022, 3 August 2022**

Environment Quality Act  
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8)

#### **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, including tradeable permits, emission, effluent and waste-disposal fees or charges, advance elimination fees or charges, and fees or charges related to the production of hazardous residual materials or the use, management or purification of water, 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, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), the Government may make regulations to establish any rule that is necessary for or relevant to carrying out measures referred to in subparagraph 11 of the first paragraph of the section and that pertains, in particular, to the determination of persons 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 subparagraphs 20 and 21 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period, and 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 carrying on an activity governed by the Environment Quality Act or the regulations, and determine the terms and conditions governing their sending;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, made by section 1 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the

responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may, in a regulation made under the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation or the Acts concerned, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty, set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, as made, the Government may in particular determine the provisions of a regulation the Government has made under that Act or the Acts concerned 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 charges payable for the disposal of residual materials was published in Part 2 of the *Gazette officielle du Québec* of 27 April 2022 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 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, s. 70, pars. 1 and 5, and s. 95.1, 1st par., subpars. 11, 12, 20 and 21; 2022, chapter 8, s. 108)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(2022, chapter 8, s. 1 (s. 30, 1st par., and s. 45, 1st par.))

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

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

“**2.** This Regulation applies to the following disposal facilities referred to in the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19):

- (1) engineered landfills;
- (2) construction or demolition waste landfills;
- (3) residual materials incineration facilities.

It also applies to the residual materials transfer stations referred to in the Regulation respecting the landfilling and incineration of residual materials, except the low capacity transfer stations covered by Division 2 of Chapter IV of that Regulation.”

**3.** Section 3 is replaced by the following:

“**3.** Every operator of a disposal facility referred to in the first paragraph of section 2 must, for each metric ton of residual materials received for disposal, pay charges of \$30.00.

Despite the first paragraph, the charges payable are one third of the charges prescribed by the first paragraph if the residual materials are intended for

(1) daily covering in an engineered landfill in accordance with section 41 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19);

(2) monthly covering in a construction or demolition waste landfill in accordance with section 105 of the Regulation respecting the landfilling and incineration of residual materials; or

(3) the construction of access roads in residual materials disposal areas of a landfill referred to in subparagraph 1 or 2.

No charge is however payable for the following residual materials when they are intended for the purposes set out in the second paragraph:

(1) contaminated soils;

(2) fine construction, renovation and demolition waste from screening or sifting carried out by the sorting stations for residual materials from construction or demolition work.

**3.1.** Every operator of a transfer station referred to in the second paragraph of section 2 must also pay the charges prescribed by the first paragraph of section 3 for each metric ton of residual materials transferred and intended for a disposal facility.

**3.2.** Despite sections 3 and 3.1, no charge is payable for

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

(2) mine tailings or residue generated by a mine tailings reclamation process; and

(3) residual materials for which charges payable under this Regulation were already paid.

**3.3.** Despite paragraph 3 of section 3.2, every operator of an incineration facility referred to in subparagraph 3 of the first paragraph of section 2 may deduct from the quantity of residual materials covered by the charges prescribed by the first paragraph of section 3 the quantity of incineration residue recovered.”

**4.** Section 4 is amended

(1) in the first paragraph

(a) by replacing “by section 3 are adjusted” by “by the first paragraph of section 3 are increased by \$2”;

(b) by striking out “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)” at the end;

(2) by replacing “adjustment in a notice in the *Gazette officielle du Québec* or by any other” in the second paragraph by “increase by any”.

**5.** Section 5 is amended

(1) by replacing “prescribed by section 3 are payable” in the first paragraph by “payable under sections 3 and 3.1 are payable by means of an electronic method of payment”;

(2) in the second paragraph

(a) by replacing “the following information must be received by those dates to the” in the portion before subparagraph 1 by “the following information for the same period must be received by those dates by the”;

(b) by replacing subparagraphs 2 and 3 by the following:

“(2) the quantity of residual materials, expressed in metric tons, that, as the case may be, are

(a) received for disposal and covered by the charge payable under the first paragraph of section 3;

(b) intended for the purposes set out in the second paragraph of section 3 and covered by the charge payable under that paragraph;

(c) intended for the purposes set out in the second paragraph of section 3 and covered by the third paragraph of section 3;

(d) transferred, intended for a disposal facility and covered by the charge payable under section 3.1; or

(e) referred to in section 3.2;

(3) the quantity of incineration residue, expressed in metric tons, that is deducted in accordance with section 3.3, as the case may be;

(4) the amount of the charges paid broken down into the applicable categories provided for in subparagraph 2.”

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

“If the amount of the charges, interest and amounts referred to in the second paragraph paid exceeds by more than \$5 the actual amount outstanding, then the operator is entitled to a credit for a future period equivalent to that difference. Where the operator ceases activities, the operator may ask for the reimbursement of that amount.”

**7.** Section 7 is amended

(1) by replacing “site referred” by “facility or transfer station referred”;

(2) by inserting “reclaimed on the premises or” after “being”;

(3) by replacing “off-site” by “from the disposal facility or transfer station”.

**8.** Section 8 is amended by inserting “139,” after “128,” in the portion before paragraph 1.

**9.** Section 9 is amended

(1) by replacing “referred” by “or transfer station referred”;

(2) by replacing “at the disposal facility” by “or transferred, as the case may be,”;

(3) by adding “, unless no charge is payable for a given year” at the end.

**10.** Section 10.1 is amended in paragraph 6

(1) by inserting “or transferred, as the case may be,” after “received”;

(2) by inserting “or transfer station” after “facility”.

**11.** Section 10.2 is amended

(1) by replacing “disposal charges and additional charges in the amounts fixed in section 3” in paragraph 1 by “charges prescribed by section 3 or 3.1”;

(2) in paragraph 4

(a) by inserting “or transferred, as the case may be,” after “received”;

(b) by replacing “being” by “before being reclaimed on the premises or”;

(c) by replacing “off-site” by “from the disposal facility or transfer station”.

**12.** This Regulation comes into force on 1 January 2023.

Subparagraph 2 of the third paragraph of section 3 of the Regulation respecting the charges payable for the disposal of residual materials, introduced by section 3 of this Regulation, ceases to have effect on 31 December 2025.

Gouvernement du Québec

**O.C. 1459-2022, 3 August 2022**

Environment Quality Act  
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation  
(2022, chapter 8, s. 1 (s. 30, 1st par., and s. 45, 1st par.))

**Charges to promote the treatment and reclamation of excavated contaminated soils**

Regulation respecting charges to promote the treatment and reclamation of excavated contaminated soils

WHEREAS, under subparagraph 11 of the first paragraph of section 95.1 of the Environment Quality Act (chapter Q-2), the Government may make regulations to establish measures providing for the use of economic instruments, including tradeable permits, emission, effluent and waste-disposal fees or charges, advance elimination fees or charges, and fees or charges related to the production of hazardous residual materials or the use, management or purification of water, 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, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), 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 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 21 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, 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