

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

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 section 124.1 of the Environment Quality Act, no provision of a regulation, the coming into force of which is later than 9 November 1978, likely to affect the immovables comprised in a reserved area or in an agricultural zone established in accordance with the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) applies to that area or zone unless the regulation provides it expressly;

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 respecting charges to promote the treatment and reclamation of excavated contaminated soils was published in Part 2 of the *Gazette officielle du Québec* of 11 May 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:

the Regulation respecting charges to promote the treatment and reclamation of excavated contaminated soils, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

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

Environment Quality Act
(chapter Q-2, s. 95.1, 1st par., subpars. 11, 12 and 21, and s. 124.1; 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.))

CHAPTER I GENERAL

1. The object of this Regulation is to prescribe the charges payable for the management of excavated contaminated soils in order to promote their treatment and reclamation.

2. This Regulation applies in particular in a reserved area or in an agricultural zone established in accordance with the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

3. The soils to which this Regulation applies are the soils to which the Regulation respecting the traceability of excavated contaminated soils (chapter Q-2, r. 47.01) applies.

4. In this Regulation, “linear infrastructure”, “receiving site”, “project owner”, “receiving site manager” and “site of origin” have the meaning assigned in the Regulation respecting the traceability of excavated contaminated soils (chapter Q-2, r. 47.01).

CHAPTER II CHARGES

5. For soils transported from their site of origin, except those referred to in section 3 of the Regulation respecting the traceability of excavated contaminated soils (chapter Q-2, r. 47.01), charges of one third of the charges referred to in the first paragraph of section 3 of the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) are payable, for each metric ton, by the owner of the soils, by the project owner if the

soils are excavated during work on a linear infrastructure, or by the party responsible for the accidental release of hazardous materials if the soils are excavated following such a release,

(1) when the soils contain contaminants whose concentration exceeds the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37), except if the concentration is equal to or lesser than the limit values set out in Schedule II to that Regulation and if the soils are intended as a drainage layer in an engineered landfill or as a cover material in a trench landfill or a northern landfill, within the meaning of the third paragraph of section 94 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), or are intended to be reclaimed on another site referred to in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

(2) when the soils contain contaminants whose concentration is equal to or lesser than the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation and are disposed of in a contaminated soil burial site or mine tailings site, sent to a contaminated soil stockpiling site, used for daily covering in an engineered landfill in accordance with section 41 of the Regulation respecting the landfilling and incineration of residual materials, 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 the construction of access roads in residual materials disposal areas in either type of landfill, or sent outside Québec.

When the soils are intended for a contaminated soil processing site or contaminated soil transfer station referred to in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations, the charges payable are one half of the charges provided for in the first paragraph.

6. For soils referred to in section 3 of the Regulation respecting the traceability of excavated contaminated soils (chapter Q-2, r. 47.01) that are transported from a receiving site, charges of one third of the charges referred to in the first paragraph of section 3 of the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) are payable, for each metric ton, by the manager of that site

(1) when the soils contain contaminants whose concentration exceeds the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37), except if the concentration is equal to or lesser than the limit values set out in Schedule II to that

Regulation and if the soils are intended as a drainage layer in an engineered landfill or as a cover material in a trench landfill or a northern landfill, within the meaning of the third paragraph of section 94 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), or are intended to be reclaimed on another site referred to in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

(2) when the soils contain contaminants whose concentration is equal to or lesser than the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation and are disposed of in a contaminated soil burial site or mine tailings site, sent to a contaminated soil stockpiling site, used for daily covering in an engineered landfill in accordance with section 41 of the Regulation respecting the landfilling and incineration of residual materials, 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 the construction of access roads in residual materials disposal areas in either type of landfill, or sent outside Québec.

When the soils are intended for a contaminated soil treatment site or contaminated soil transfer station referred to in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations, the charges payable are one half of the charges provided for in the first paragraph.

7. For soils buried in a contaminated soil burial site situated on their site of origin, charges of one third of the charges referred to in the first paragraph of section 3 of the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) are payable, for each metric ton, by the owner of the soils.

Each year, not later than 31 January, for the preceding period from 1 July to 31 December, and not later than 31 July, for the preceding period from 1 January to 30 June, the owner of the soils must send the following information to the Minister, using the form supplied by the Minister:

- (1) the owner's name and contact information;
- (2) the nature of the substances present in the soils and their concentration value;
- (3) the quantity of soils buried, in metric tons.

8. The soils must be weighed on arrival at the receiving site by the manager to determine the quantity to which charges apply.

For soils buried at a place on the site of origin, the owner of the soils must weigh them before burial.

The devices used to weigh the soils must be used and maintained so as to provide reliable data and be calibrated at least once a year.

This section does not apply when the receiving site is a landfill site reserved for the exclusive use of an industrial, commercial or other establishment, if data on the quantity of soils buried there may be obtained otherwise.

9. The increase provided for in section 4 of the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) must be included in the calculation of the charges prescribed by this Regulation, except if that charge is payable for soils intended for a contaminated soil processing site or contaminated soil transfer station referred to in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46).

The Minister must publish, on 1 January of each year, the results of the calculation by any means the Minister considers appropriate.

10. Charges payable under this Regulation must be paid in full within 30 days after the Minister notifies a notice of claim stating the amount owed.

The charges are payable in cash, by cheque or postal order made out to the Minister of Finance, or by electronic means.

CHAPTER III PENALTIES

11. A monetary administrative penalty of \$350 in the case of a natural person or \$1,500 in other cases may be imposed on any person who fails to send the information listed in the second paragraph of section 7 to the Minister, within the time and on the conditions set out in that paragraph.

12. A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who fails

(1) to pay the charges prescribed in section 5 or 6 or in the first paragraph of section 7 or to pay them on the conditions set out in section 10;

(2) to weigh soils as prescribed in the first and second paragraphs of section 8;

(3) to comply with the conditions for using or maintaining devices referred to in the third paragraph of section 8.

13. Every person who contravenes the second paragraph of section 7 commits an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 and, in other cases, to a fine of \$6,000 to \$600,000.

14. Every person who fails

(1) to pay the charges prescribed in section 5 or 6 or in the first paragraph of section 7 or to pay them on the conditions set out in section 10,

(2) to weigh soils as prescribed in the first and second paragraphs of section 8,

(3) to comply with the conditions for using or maintaining devices referred to in the third paragraph of section 8,

commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 and, in other cases, to a fine of \$7,500 to \$1,500,000.

CHAPTER IV FINAL

15. This Regulation comes into force on 1 January 2024.

105940

Gouvernement du Québec

O.C. 1460-2022, 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)

Agricultural Operations —Amendment

Regulation to amend the Agricultural
Operations Regulation

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Environment Quality Act (chapter Q-2), the Government may make regulations to prohibit,