

Gouvernement du Québec

O.C. 1463-2022, 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)

Food Products Act
(chapter P-29)

Landfilling and incineration of residual materials

Hot mix asphalt plants

Food

— **Amendment**

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials, Regulation to amend the Regulation respecting hot mix asphalt plants and the Regulation to amend the Regulation respecting food

WHEREAS, under subparagraphs 1 and 5 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, classify recoverable and reclaimable residual materials and determine the conditions or prohibitions applicable to the use, sale, storage and processing of materials intended for or resulting from reclamation;

WHEREAS, under paragraphs 2 and 5 of section 70 of the Act, the Government may make regulations to regulate the elimination of residual materials in all or part of the territory of Québec and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of elimination and 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 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 4 of the first paragraph of section 95.1 of the Act, the Government may make regulations to determine, for any class of contaminants or of sources of contamination, a maximum quantity or concentration that may be released into the environment, 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 9 of the first paragraph of section 95.1 of the Act, the Government may make regulations to exempt any person or class of activity it determines from all or part of the Act and prescribe, in such cases, environmental protection and quality standards applicable to the exempted persons and activities, which may vary according to the type of activity, the territory concerned or the characteristics of the milieu;

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 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 (2022, chapter 8), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and the regulation may 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 enacted, the Government may in particular determine the

provisions of a regulation the Government has made in particular under the Environment Quality 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, under paragraph *c* of section 40 of the Food Products Act (chapter P-29), the Government may, by regulation, prohibit or regulate the sale, holding, transportation, salvaging, distribution, preparation, denaturation, packaging, labelling, use, destination, disposal or elimination of inedible products, the slaughtering of animals in an establishment where inedible products are prepared or stored or where operations relating to inedible products held by a salvager or by the operator of such an establishment are carried on;

WHEREAS, under paragraph *n* of section 40 of that Act, the Government may, by regulation, exempt any person, product, animal, establishment or activity it determines, or a class thereof, from the application of that Act or the regulations, or any provision thereof, on such conditions as it may determine;

WHEREAS the Government made the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) and the Regulation respecting food (chapter P-29, r. 1);

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, a draft Regulation to amend the Regulation respecting hot mix asphalt plants and a draft Regulation to amend the Regulation respecting food were published in Part 2 of the *Gazette officielle du Québec* of 27 April 2022 with a notice that they 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 landfilling and incineration of residual materials and the Regulation to amend the Regulation respecting hot mix asphalt plants with amendments;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting food without amendment;

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 and the Minister of Agriculture, Fisheries and Food:

THAT the Regulation to amend the Regulation respecting the landfilling and incineration of residual materials, the Regulation to amend the Regulation respecting hot mix asphalt plants and the Regulation to amend the Regulation respecting food, 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. 70 and 95.1)

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

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

“(5) “inedible meat” refers to inedible meat referred to in the Regulation respecting food (chapter P-29, r. 1).”

2. The following is inserted after section 3:

“**3.1.** Inedible meat must be disposed of only on the conditions prescribed by the Food Products Act (chapter P-29) and the regulations made under that Act.”

3. Section 5 is revoked.

4. Section 6 is amended by replacing the third paragraph by the following:

“Despite the first paragraph, animal carcasses that are not considered inedible meat and their ashes may be disposed of in an animal cemetery that may legally receive them under the Environment Quality Act.”

5. Section 10 is amended

(1) by inserting the following after paragraph 3:

“(3.1) in any territory if the materials are waste from a sorting facility for construction and demolition materials and no other engineered landfill accessible by a road open year-round is situated closer to that facility;”;

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

“Subparagraph 3.1 of the first paragraph applies to the operator of an engineered landfill despite the first paragraph of section 12 and any contrary provision in an authorization issued under the Environment Quality Act (chapter Q-2) before 1 September 2022.”

6. Section 123 is amended by striking out the second paragraph.

7. Section 149.5 is amended by replacing “deposits permanently” in paragraph 1 by “landfills”.

8. Section 154 is replaced by the following:

“**154.** Every person who 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 commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$15,000 to \$3,000,000.”

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

Regulation to amend the Regulation respecting hot mix asphalt plants

Environment Quality Act
(chapter Q-2, ss. 53.30 and 95.1)

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

1. The Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended in section 1 by inserting the following after paragraph g:

“(g.1) “post-consumer asphalt shingle fines” means residual materials composed essentially of gravel and bituminous asphalt from asphalt shingles at the end of their useful life;”

2. Division II is replaced by the following:

“DIVISION II USE OF POST-CONSUMER ASPHALT SHINGLE FINES

4. Post-consumer asphalt shingle fines may be used as raw material for the production of asphalt in a hot mix asphalt plant when

- (1) the plant was modified to use the material; and
- (2) the material is introduced in the recycled materials entry zone or the mixing zone.

5. Post-consumer asphalt shingle fines used by a hot mix asphalt plant for the production of asphalt must originate from a site that is authorized to treat post-consumer asphalt shingles, have previously been treated and be free from asbestos.

5.1. The quantity of post-consumer asphalt shingle fines used for the production of asphalt may not be greater than 5% of the total mass of the finished product.”

3. Section 15 is amended by adding the following paragraph at the end:

“Water that has been in contact with post-consumer asphalt shingle fines must be collected so that that water is not discharged into the environment.”

4. The heading of Division VI is amended by adding “AND STORAGE” after “SURFACES”.

5. The following is inserted after section 25:

“**25.0.1.** Post-consumer asphalt shingle fines must be stored in a way that protects them from the elements, on a concrete-covered or bituminous concrete-covered surface.”

6. Section 25.2 is amended by adding the following:

“(7) to comply with the storage conditions provided for in section 25.0.1.”

7. Section 25.4 is amended by inserting the following after paragraph 1:

“(1.1) fails to comply with the conditions for the use of post-consumer asphalt shingle fines prescribed by paragraph 1 of section 4;”

8. Section 25.6 is amended

(1) by inserting the following before paragraph 1:

“(0.1) fails to comply with the conditions for the use of post-consumer asphalt shingle fines prescribed by paragraph 2 of section 4;

(0.2) uses post-consumer asphalt shingle fines that do not meet the requirements prescribed by section 5;

(0.3) uses a quantity of post-consumer asphalt shingle fines that exceeds the quantity prescribed by section 5.1.”;

(2) by replacing “paragraph *a* or *b*” in paragraph 2 by “subparagraph *a* or *b* of the first paragraph”;

(3) by inserting the following after paragraph 2:

“(2.1) fails to collect water that has been in contact with post-consumer asphalt shingle fines as provided for in the second paragraph of section 15.”;

9. Section 25.8 is amended by replacing “or 24” by “, 24 or 25.0.1”.

10. Section 25.10 is amended

(1) by inserting “paragraph 1 of section 4,” after “contravenes” in paragraph 1;

(2) by striking out paragraph 3.

11. Section 25.12 is amended by replacing paragraph 1 by the following:

“(1) contravenes paragraph 2 of section 4, section 5, 5.1, the second paragraph of section 10 or section 15, 16, 19, 23 or 25.”;

12. This Regulation comes into force on 13 February 2023.

Regulation to amend the Regulation respecting food

Food Products Act
(chapter P-29, s. 40)

1. The Regulation respecting food (chapter P-29, r. 1) is amended in section 6.4.1.16 by replacing “the removal of waste” in the third paragraph by “the collection or removal of residual materials”.

2. Section 6.4.2.9 is amended

(1) by replacing “the removal of waste” in the second paragraph by “the collection or removal of residual materials”;

(2) by replacing “the removal of waste” in the third paragraph by “the collection or removal of residual materials”.

3. Section 7.1.8 is amended by replacing “the removal of waste” in the third paragraph by “the collection or removal of residual materials”.

4. Section 7.3.1 is amended by replacing “the removal of waste” in subparagraph 4 of the first paragraph by “the collection or removal of residual materials”.

5. Section 7.3.1.2 is replaced by the following:

“**7.3.1.2.** Where there is a surplus of inedible meat that cannot, either within 48 hours after the death of an animal of a farm producer’s livestock or at the end of the refrigeration or deep freezing period provided for in the second paragraph of section 7.3.1, be disposed of in accordance with the means provided for in subparagraphs 1 to 4 of the first paragraph of that section, the farm producer may dispose of the inedible meat by any other means of elimination or reclamation of residual materials compliant with the Environment Quality Act (chapter Q-2) and the regulations.

Where, despite sections 7.4.3 and 7.4.4, there is a surplus of inedible meat that exceeds the daily capacity of the operator of a dismembering plant, the operator may dispose of the inedible meat by any other means of elimination or reclamation of residual materials compliant with the Environment Quality Act and the regulations. The operator may also use any of those means where the operator cannot dispose of waste, garbage and refuse in accordance with section 7.4.14.

The following persons may also use the other means of elimination or reclamation:

(1) the operator of a dismembering plant who cannot dispose of inedible meat, garbage and refuse in accordance with the conditions set out in section 6.4.1.16;

(2) the operator of a slaughterhouse, delicatessen plant, or cannery of meat governed by section 6.4.2.9, who cannot, within a reasonable period, dispose of inedible meat in accordance with that section;

(3) a salvager who cannot, within a reasonable period, dispose of inedible meat that the salvager salvaged in accordance with section 7.3.3.

For the purposes of the first, second and third paragraphs, the disposal of inedible meat, waste, garbage and refuse must first be authorized by the Minister where the conditions set out in those paragraphs are met.

Except for a salvager and the operator of a dismembering plant, a person who collects or removes residual materials or delivers those materials to a site for the elimination or reclamation of residual materials compliant with the Environment Quality Act and the regulations and a person who operates the site are exempted, for the purposes of this section, from the requirement to hold the permits provided for in subparagraphs *c* and *d* of the first paragraph of section 9 of the Act. The persons are also exempted from the application of section 7.1.5, the sections of Division 7.2, sections 7.3.8 to 7.3.10 and the sections of Division 7.4.”

6. Section 7.3.2 is amended by replacing “the removal of waste” in the second paragraph by “the collection or removal of residual materials”.

7. Section 7.3.5 is amended by replacing “the removal of waste” in paragraph 4 by “the collection or removal of residual materials”.

8. Section 7.4.14 is amended by replacing “the removal of waste” in the third paragraph by “the collection or removal of residual materials”.

9. Section 9.3.1.14 is amended by replacing “engaged in garbage removal” at the end of subparagraph 4 of the second paragraph by “engaged in the collection or removal of residual materials”.

10. Section 10.3.1.18 is amended by replacing “engaged in garbage removal” at the end of subparagraph 4 of the first paragraph by “engaged in the collection or removal of residual materials”.

11. 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. 1464-2022, 3 August 2022

Educational Childcare Act
(chapter S-4.1.1)

Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development
(2022, chapter 9)

Educational Childcare —Amendment

Regulation to amend the Educational Childcare Regulation

WHEREAS, under subparagraphs 3.1 and 23.1 of the first paragraph of section 106 of the Educational Childcare Act (chapter S-4.1.1), as enacted by paragraphs 2 and 11 of section 58 of the Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development (2022, chapter 9), the Government may, by regulation, for part or all of Québec,

—prescribe standards aimed at ensuring the health of children that are applicable to educational childcare providers, their facilities or their residence, as applicable, and require educational childcare providers to send the Minister the results of any analysis that may be required by the Minister regarding such matters;

—establish the number, nature and terms of visits that a home educational childcare coordinating office is required to make to a home educational childcare provider;

WHEREAS, under subparagraphs 4, 11, 12, 13, 14.1, 21, 22, 23, 24, 27.1 and 29.2 of the first paragraph of section 106 of the Educational Childcare Act (chapter S-4.1.1), as amended by section 97 of the Act to amend the Educational Childcare Act to improve access to the educational childcare services network and complete its development, the Government may, by regulation, for part or all of Québec,

—establish the standards of hygiene, salubrity and safety to be met by childcare providers;

—identify the records that must be kept by a permit holder or a home educational childcare coordinating office as well as the information and documents these records must contain, and define rules for their preservation;