

Gouvernement du Québec

O.C. 986-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(chapter M-11.6)

Halocarbons — Amendment

Regulation to amend the Regulation respecting
halocarbons

WHEREAS, under subparagraph 3 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, require any municipality or any person to recover and reclaim or to see to the recovery and reclamation of the designated classes of residual materials in accordance with the terms and conditions fixed by regulation;

WHEREAS, under subparagraph 6 of the first paragraph of section 70.19 of the Act, the Government may, by regulation, determine the information that must appear in a register, an annual management report and the rules relating to the contents of a management plan;

WHEREAS, under subparagraph 16 of the first paragraph of section 70.19 of the Act, the Government may, by regulation, control, restrict or prohibit the storage, handling, use, manufacturing, sale, treatment and elimination of hazardous materials;

WHEREAS, under subparagraph 18 of the first paragraph of section 70.19 of the Act, the Government may, by regulation, control, restrict or prohibit the presence of a hazardous material in a product that is manufactured, sold, distributed or used in Québec;

WHEREAS, under subparagraph 19 of the first paragraph of section 70.19 of the Act, the Government may, by regulation, exempt, on the conditions that it may determine, any hazardous materials, activities or classes of persons from the application of all or some of the provisions of the Environment Quality Act and the regulations under that section;

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 6 of the first paragraph of section 95.1 of the Act, the Government may make regulations to regulate or prohibit the use of any contaminant and the presence of any contaminant in products sold, distributed or utilized in Québec;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved in particular 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;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks by any person carrying on an activity governed by the Environment Quality Act or the regulations, 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 (chapter M-11.6), 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, the regulation may set out the conditions for applying the penalty

and determine the amounts or the methods for calculating them and the amounts 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, the Government may 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, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting halocarbons was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 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 without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting halocarbons, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting halocarbons

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpar. 3, s. 70.19, 1st par., subpars. 6, 16, 18 and 19, and s. 95.1, 1st par., subpars. 3, 4, 5, 6, 20 and 21)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, s. 30, 1st par. and s. 45, 1st par.)

1. The Regulation respecting halocarbons (chapter Q-2, r. 29) is amended in section 1 by striking out “15,” in the fourth paragraph.

2. Section 3 is amended

(1) in the first paragraph

(a) by striking out “and, unless the context indicates otherwise, the compressor, pipes, tubes, hoses, valves or other components necessary for their operation” in the definition of “refrigeration or air conditioning unit”;

(b) by replacing the definition of “power rating” by the following:

““power rating” means the maximum useful power of a unit as specified by the manufacturer;”;

(2) by replacing “For the purposes of the” in the second paragraph by “For the purposes of section 4.”

3. Section 5 is amended in the third paragraph

(1) by inserting the following after subparagraph 3:

“(3.1) the use of a process to produce magnesium alloys, subject to sulphur hexafluoride (SF₆) emissions which are prohibited as of 6 July 2024;”;

(2) by inserting the following after subparagraph 7:

“(8) the calibration of leak detectors where it is conducted using equipment specially designed for that purpose and in accordance with the manufacturer’s instructions;

(9) the connection or disconnection of pipes less than 1 m long used to recover a halocarbon from a unit, equipment or system or to fill them with a halocarbon.”

4. Section 11 is amended

(1) by striking out “having a power rating equal to or greater than 20 kW” in the portion before subparagraph 1 of the first paragraph;

(2) by replacing “The owner” in the second paragraph by “Where the unit has a power rating equal to or greater than 20 kW, the owner”.

5. Section 14 is amended

(1) in the first paragraph

(a) by replacing “or municipality that picks up a refrigeration or air conditioning unit in connection with a residual materials collection service must” by “who is in possession of a refrigeration or air conditioning unit to reclaim it or dispose of all or part of it must”;

(b) by inserting “or in its components” after “of the unit” in the first sentence;

(2) by adding “or each of its components” before “so emptied” in the second paragraph;

(3) by adding “or, in the case of a vehicle’s air conditioning unit, one of the standards referred to in section 31” at the end of the third paragraph.

6. Section 15 is revoked.

7. Section 16 is amended by replacing “15, 31, 32” by “31”.

8. Section 17.1 is amended by replacing “on which the information is up-to-date” at the end of subparagraph 3 of the first paragraph by “of the last modification made as regards the content in halocarbon”.

9. Section 19 is amended by replacing the second paragraph by the following:

“No person may transform or modify such a unit to enable it to operate with a CFC or an HCFC.”

10. Section 20 is amended by striking out the second paragraph.

11. Section 21.1 is amended by adding the following paragraphs at the end:

“No person may transform or modify a unit referred to in the first paragraph to enable it to operate with a halocarbon having a global warming potential (GWP) of more than 150.

This section does not apply to a unit used as part of a food transformation process.”

12. Section 21.2 is amended

(1) by inserting the following paragraph after the first paragraph:

“No person may transform or modify a unit referred to in the first paragraph to enable it to operate with a halocarbon having a global warming potential (GWP) greater than those indicated in subparagraphs 1 to 3 of the first paragraph.”;

(2) by replacing “The prohibition in the first paragraph does not apply” in the portion before subparagraph 1 of the second paragraph by “The prohibitions in the first and second paragraphs do not apply”.

13. Section 22 is amended

(1) by replacing “leak tested once a year” at the end of the first paragraph by “leak tested at least once a year, with not more than 15 months between each leak test”;

(2) in the third paragraph

(a) by inserting “referred to in the first paragraph” before “that has been repaired”;

(b) by replacing “one month” by “between the 30th and 60th day”.

14. Section 31 is amended by replacing “J2788 HFC-134a (R-134a) Recovery/Recycling Equipment and Recovery/Recycling/Recharging for Mobile Air-Conditioning Systems, published” in paragraph 3 by “J2210 or J2788 HFC-134a (R-134a) Recovery/Recycling Equipment and Recovery/Recycling/Recharging for Mobile Air-Conditioning Systems, published”.

15. Section 32 is revoked.

16. Section 37 is revoked.

17. Section 49 is amended by replacing “3” in the second paragraph by “5”.

18. Section 59 is amended by replacing “added” in subparagraph 3 of the first paragraph by “loaded”.

19. Section 61 is amended in the first paragraph

(1) by replacing “a supplier or enterprise that takes back used halocarbons, or any other person who recovers such halocarbons to be treated or eliminated by it or by another person” in the portion before subparagraph 1 by “a person who recovers used halocarbons to be treated or eliminated by it or by another person outside Québec”;

(2) by striking out “taken back by the supplier or enterprise or, as applicable,” in the portion before subparagraph 1;

(3) by striking out “enterprise, supplier or any other” in subparagraph 3.

20. Section 61.1 is amended

(1) by adding “, the second or third paragraph of section 13 or section 57, 57.1 or 61” at the end of paragraph 0.1;

(2) by striking out “, 15 or 32” in paragraph 1;

(3) by striking out paragraph 3.

21. Section 61.2 is amended

(1) by replacing “in accordance with the conditions set out in that paragraph” in paragraph 1 by “the second or third paragraph of section 13 or section 57, 57.1 or 61, in accordance with the conditions set out therein”;

(2) by adding the following at the end:

“(3) to keep a log containing the information prescribed by section 59 or to give a copy of the information to the owner, in accordance with the second paragraph of that section.”

22. Section 61.4 is amended in the first paragraph,

(1) in subparagraph 1,

(a) by striking out “or 15”;

(b) by striking out “32 or”;

(2) by replacing “15, 31, 32” in subparagraph 2 by “31”.

23. Section 61.5 is amended

(1) by inserting the following before paragraph 1:

“(0.1) fails to notify the Minister of a halocarbon leak in accordance with the first paragraph of section 12.”;

(2) by striking out paragraph 2.

24. Section 61.6 is amended in the first paragraph

(1) by replacing “section 19 or 21.2” in subparagraph 3 by “the first paragraph of section 19”;

(2) by inserting the following after subparagraph 3:

“(3.1) transforms or modifies a unit referred to in section 18, in contravention of the second paragraph of section 19.”;

(3) by striking out “the first paragraph of” in subparagraph 4;

(4) by inserting the following after subparagraph 4:

“(4.0.1) installs, transforms or modifies a unit referred to in the first paragraph of section 21.1, in contravention of that section;

(4.0.2) sells, distributes, installs, transforms or modifies a unit referred to in the first paragraph of section 21.2, in contravention of that section.”;

(5) by striking out “the second paragraph of section 20 or” in subparagraph 4.1.

25. Section 61.7 is amended by replacing “sections 15, 31, 32” in paragraph 2 by “section 31”.

26. Section 62 is amended by striking out “, 15 or 32” and “59 or”.

27. Section 63 is amended

(1) by inserting “or third” after “the second”;

(2) by striking out “37.”;

(3) by inserting “, 59” after “57.1”.

28. Section 65 is amended

(1) by replacing “or 15, or the first paragraph of section 32” in paragraph 1 by “, the first paragraph of section 31”;

(2) by inserting the following after paragraph 1:

“(1.1) fails to identify the nature of a halocarbon in accordance with the first paragraph of section 31, in the case that is provided for therein.”;

(3) by striking out “31 or” in paragraph 2.

29. Section 66 is amended

(1) by inserting the following before paragraph 1:

“(0.1) fails to notify the Minister in the case of a halocarbon leak in accordance with the first paragraph of section 12.”;

(2) by striking out “or section 21.1” in paragraph 1;

(3) by striking out paragraph 2.

30. Section 67 is amended by inserting “21.1,” after “20.”.

31. Section 67.1 is amended by replacing paragraphs 1 and 2 by the following:

“(1) fails to recover halocarbons in the situations referred to in the first or second paragraph of section 10, subparagraph 2 of the first paragraph or the second paragraph of section 11, the first paragraph of section 14 or section 31 or 36;

(2) fails to stop a leak in the case provided for in subparagraph 1 of the first paragraph of section 11;

(3) contravenes the second paragraph of section 12 or 27.”.

32. 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. 987-2023, 14 June 2023

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(chapter M-11.6)

Clean Air — Amendment

Regulation to amend the Clean Air 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, 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 20 of the first paragraph of section 95.1 of the Act, 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 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;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister of the

Environment, the Fight Against Climate Change, Wildlife and Parks by any person carrying on an activity governed by the Act or the regulations and determine the terms and conditions governing their 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 Environment Quality Act;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), 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 that the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which amounts 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, 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, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Clean Air Regulation was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 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, the Fight Against Climate Change, Wildlife and Parks:

THAT the Regulation to amend the Clean Air Regulation, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif
