

“(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*.

106323

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

Regulation to amend the Clean Air Regulation

Environment Quality Act
(chapter Q-2, s. 95.1, 1st par., subpars. 3, 20, 21 and 24)

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 Clean Air Regulation (chapter Q-2, r. 4.1) is amended in paragraph 1 of section 3

(1) by inserting the following definition after the definition of “particle”:

““public institution” means any of the following institutions, facilities or establishments:

(1) “educational institution”: any institution providing preschool, elementary or secondary education and governed by the Education Act (chapter I-13.3) or by the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), a private educational institution governed by the Act respecting private education (chapter E-9.1), an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1), a general and vocational college, a university, a research institute, a superior school or an educational institution of which more than one-half of the operating expenditures are paid out of the appropriations voted by the National Assembly, and for the purposes of this Regulation, includes childcare centres and day care centres governed by the Educational Childcare Act (chapter S-4.1.1);

(2) “correctional facility”: any facility used for the detention of persons and governed by the Act respecting the Québec correctional system (chapter S-40.1);

(3) “health and social services institution”: any health and social services institution governed by the Act respecting health services and social services (chapter S-4.2) or by the Act respecting health services and social services for Cree Native persons (chapter S-5) and, for the purposes of this Regulation, any other place where lodging services are provided for senior citizens or for any users entrusted by a public institution governed by any of the aforementioned Acts;

(4) “tourist establishment”: an establishment which offers to the public restaurant services or sleeping accommodations, including the rental of camping spaces and,

for the purposes of this Regulation, tourist information offices, museums, ski stations, holiday camps, outdoor recreation areas, public beaches, rest areas, golf courses, marinas and sites with guided tourist visits; (*établissement public*);

(2) by inserting the following definition before the definition of “emission limit”:

““dwelling” means any construction intended for human habitation that is connected to individual or collective systems for the supply of drinking water and the treatment of wastewater; (*habitation*)”.

2. Section 5 is amended by adding “and must be sent to the Minister at the Minister’s request, within the time indicated by the Minister” at the end.

3. The following is inserted after section 12:

“**12.1.** Section 12 does not apply to the harvesting of horticultural peat where a producer has submitted a particle emission management plan to the Minister and complies with the following requirements:

(1) the producer uses equipment designed or certified to measure wind speed and direction on the site where the harvesting is carried out or has access to data from such equipment installed on the site in conditions comparable to the harvesting site and, where applicable, a device designed and certified to measure peat moisture content;

(2) while harvesting peat, the speed and direction of the wind are measured at least

(a) every 2 hours where wind speed is less than 25 km/h; and

(b) every 30 minutes where wind speed is equal to or greater than 25 km/h but less than 50 km/h;

(3) where wind speed equal to or greater than 45 km/h is measured, all vacuum harvesting operations are suspended until wind speed is less than 35 km/h and harrowing operations are suspended where peat moisture content is less than 50%;

(4) where wind speed equal to or greater than 50 km/h is measured, loading and transportation operations are also suspended until wind speed is less than 35 km/h.

The producer must maintain in a record

(1) the dates and times of the beginning and end of the horticultural peat harvesting activities on the site;

(2) wind speeds and directions measured during harvesting and the date and time of each measurement; and

(3) the dates and times of the suspension of activities due to wind speed reaching or exceeding the speeds referred to in subparagraphs 3 and 4 of the first paragraph;

(4) peat moisture content where harrowing operations take place despite wind speed equal to or greater than 45 km/h.

Where dwellings or public institutions are present less than 1 km from the site where horticultural peat is harvested, the producer must, each year, first inform the persons concerned of the period of the harvesting and the procedure established to collect and process complaints in case of nuisance. The procedure must provide for the keeping of a complaints register including in particular the information concerning the complainant, the reasons of the complaint, the date of the event covered by the complaint if available and the corrective measures put in place.”

4. Section 101 is amended by inserting “in order to eliminate all or part of the residual materials” after “residual materials” in the definition of “incinerator”.

5. Section 197 is amended by striking out “stationary” after “alteration of a” in the first paragraph.

6. Section 202 is replaced by the following:

“**202.** For the purposes of sections 75, 77, 91, 92, 97, 153 and 197, the concentration of contaminants must be calculated for all the sources of contamination for a point off the limits of the property occupied by those sources and off a sector zoned for industrial purposes, as established by the competent municipal authorities. If the limits of the property occupied by the sources of contamination or the territory thus zoned includes a dwelling or a public institution, the concentration of contaminants must also be calculated for a point within the limits of each of the locations.

A contaminant concentration in the atmosphere includes its initial concentration, the latter being calculated on the basis of the results of sampling carried out or validated for all or part of the 3 preceding years and taken on the sites of all the sources of contamination or in a comparable environment, and that corresponds to the following, according to the period applicable for the limit value concerned:

(1) for a period less than or equal to 1 hour, the 99th percentile of the data measured during that period;

(2) for a period greater than 1 hour but less than or equal to 24 hours, the 98th percentile of the data measured during that period;

(3) for a period greater than 24 hours but less than or equal to 1 year, the average of the hourly or daily data.

If sampling results are not available for the 3 preceding years, the initial concentration is the concentration referred to for that contaminant appearing in column 2 of Schedule G or K, as the case may be.”

7. Section 202.1 is amended by adding “or to send the data to the Minister at the Minister’s request, within the time indicated by the Minister” at the end.

8. Section 202.2 is amended by inserting the following after paragraph 1:

“(1.1) to submit to the Minister a particle emission management plan in accordance with the portion before subparagraph 1 of the first paragraph of section 12.1;

(1.2) to enter in a register the information prescribed by the second paragraph of section 12.1;”

9. Section 202.3 is amended in the first paragraph

(1) by inserting the following before subparagraph 1:

“(0.1) to inform the persons concerned of a horticultural peat harvesting period and the procedure put in place to collect and process complaints in case of nuisance, in accordance with the third paragraph of section 12.1;”

(2) by replacing “to ensure that emissions from a kiln or facility referred to in the first paragraph of section 155 are” at the beginning of subparagraph 9 by “to use a kiln referred to in the first paragraph of section 155 the emissions of which are”;

(3) by replacing “section 201” at the end of subparagraph 10 by “the first paragraph of section 201 or, if there is no such laboratory, by a laboratory that meets the standard provided for in the second paragraph of that section”.

10. Section 202.4 is amended

(1) in the first paragraph

(a) by inserting the following after subparagraph 1:

“(1.1) to use equipment designed or certified to measure wind speed and direction on the site where the horticultural peat harvesting is carried out or have access to data from such equipment installed on the site

in conditions comparable to the harvesting site and, where applicable, to use a device designed and certified to measure peat moisture content, in accordance with subparagraph 1 of the first paragraph of section 12.1;

(1.2) to measure wind speed and direction in accordance with subparagraph 2 of the first paragraph of section 12.1;”;

(b) by inserting the following after subparagraph 5:

“(5.1) to comply with the rated heat capacity required for fuel burning equipment or an industrial furnace referred to in section 81, in the cases and on the conditions provided for therein;”;

(c) by inserting “an industrial furnace,” after “fuel burning equipment,” in subparagraph 8;

(d) by inserting the following after subparagraph 11:

“(11.1) to measure the contaminants emitted into the atmosphere by potlines, in the cases and at the frequencies provided for in section 141.1;”;

(2) by inserting “or third” after “second” in subparagraph 2 of the second paragraph.

11. Section 202.6 is amended

(1) by inserting the following after paragraph 1:

“(1.1) fails to suspend an operation referred to in subparagraph 3 or 4 of the first paragraph of section 12.1, in the cases provided for therein;”;

(2) by striking out “stationary” in paragraph 12.

12. Section 202.7 is amended

(1) in paragraph 1

(a) by replacing “, fourth or fifth” in subparagraph *a* by “or fourth”;

(b) by replacing “the first paragraph of section 80 or” in subparagraph *a* by “section 80, the first paragraph of section”;

(c) by replacing “, 189 or 190” in subparagraph *c* by “or 189 or paragraph 1 of section 190”;

(d) by inserting “, the second paragraph of section 148” after “section 103” in subparagraph *e*;

(e) by inserting “the fifth paragraph of section 75 or” after “in accordance with” in subparagraph *l*;

(2) by replacing paragraphs 2 and 3 by the following:

“(2) emits particles that are visible at more than 2 m from the emission point, in contravention of section 12 or 14;

(3) fails to comply with the opacity standards of grey or black emissions from a source of contamination prescribed by section 16;”;

(3) by replacing paragraph 6 by the following:

“(6) fails to use fuel burning equipment or an industrial furnace having a destruction and removal efficiency complying with section 81 where it uses fuels referred to in that section;”;

(4) by replacing “emission limits or standards” in paragraph 7 by “emission limit values or other standards”;

(5) by replacing “to ensure that an incinerator has” in paragraph 8 by “to use an incinerator having”;

(6) by adding “or paragraph 2 of section 190” at the end of paragraph 10.

13. Section 204 is amended

(1) by inserting “the portion before subparagraph 1 of the first paragraph or the second paragraph of section 12.1, section” after “section 4, ”;

(2) by replacing “or 121, the second paragraph of section” by “, 121 or”.

14. Section 205 is amended by inserting “the third paragraph of section 12.1,” after “contravenes”.

15. Section 206 is amended

(1) in paragraph 1

(a) by inserting “subparagraph 1 or 2 of the first paragraph of section 12.1,” after “section 6, ”;

(b) by replacing “or second paragraph of section 57, the fourth paragraph of section 75, paragraph 1 or 3 of section 90” by “, second or third paragraph of section 57”;

(c) by replacing “141” by “141.1”;

(2) by inserting the following after paragraph 2:

“(2.1) uses fuels containing total halogens that do not meet the limit provided for in the fourth paragraph of section 75;”;

(3) by inserting the following after paragraph 4:

“(4.1) fails to comply with the rated heat capacity required for fuel burning equipment or an industrial furnace referred to in section 81, in the cases and on the conditions provided for therein;

(4.2) fails to comply with the standards for fuel burning equipment provided for in subparagraph 1 or 3 of the first paragraph of section 90;”.

16. Section 206.1 is amended by striking out paragraph 2.

17. Section 206.2 is amended by replacing “or 85” by “, subparagraph 3 or 4 of the first paragraph of section 12.1, section 85”.

18. Section 206.3 is amended

(1) in paragraph 1

(a) by replacing “70, the first, fourth” by “70, the first”;

(b) by striking out “or 77”;

(c) by replacing “81, any of sections 88 to 90” by “88 or 89”;

(d) by replacing “to 150” by “and 149”;

(2) by inserting “or fourth” after “second” in subparagraph 2;

(3) by inserting the following after paragraph 2:

“(2.1) fails to comply with the emission limit values prescribed by paragraph 1 or 2 of section 75;

(2.2) fails to use a unit having a destruction and removal efficiency compliant with section 81;

(2.3) fails to comply with the emission limit values or other standards prescribed by subparagraph 2, 4 or 5 of the first paragraph of section 90;”.

19. Section 209.1 is amended by inserting “in the territory of Municipalité de l’Île-d’Anticosti,” after “above-ground tanks”.

20. 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. 988-2023, 14 June 2023

Act respecting threatened or vulnerable species
(chapter E-12.01)

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

Threatened or vulnerable plant species and their habitats —Amendment

Regulation to amend the Regulation respecting
threatened or vulnerable plant species and their habitats

WHEREAS, under paragraph 2 of section 10 of the Act respecting threatened or vulnerable species (chapter E-12.01), on the recommendation of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks, and after consultation with the other ministers mentioned in the third paragraph of section 6 of the Act, the Government may, by regulation, determine the features or conditions by which the habitats of threatened or vulnerable species may be identified, according to their biological features, such as sex or age, or according to their number, density or location, the time of year or environmental features, and, as the case may be, determine which habitats of threatened or vulnerable species must be demarcated on a chart prepared according to sections 11 to 15 of the Act;

WHEREAS, in accordance with the third paragraph of section 6 of the Act, the other ministers were consulted;

WHEREAS, under subparagraphs 1 and 2 of the second paragraph of section 16 of the Act, the prohibition to have any specimen of a threatened or vulnerable plant species or any of its parts, including its progeny, in one’s possession outside its natural environment, or harvest, exploit, mutilate, destroy, acquire, transfer, offer to transfer or genetically manipulate it, does not apply to an activity exempted by regulation or an activity carried on in accordance with the standards or conditions of management prescribed by regulation;