

Gouvernement du Québec

## O.C. 994-2023, 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)

### Liquid effluents of petroleum refineries

#### Pulp and paper mills

#### Hot mix asphalt plants

##### — Amendment

Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries, Regulation to amend the Regulation respecting pulp and paper mills and Regulation to amend the Regulation respecting hot mix asphalt plants

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 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 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 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 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 subparagraph 25 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the collection, analyses, calculations and verifications that must be done wholly or partly by a person accredited or certified by the Minister under the Environment Quality Act and specify the statements of analysis results that must be prepared and sent to the Minister;

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 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 that Act, 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 the liquid effluents of petroleum refineries, a draft Regulation to amend the Regulation respecting pulp and paper mills and a draft Regulation to amend the Regulation respecting hot mix asphalt plants were published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 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 liquid effluents of petroleum refineries and the Regulation to amend the Regulation respecting hot mix asphalt plants without amendment;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting pulp and paper mills 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 Regulation respecting the liquid effluents of petroleum refineries, the Regulation to amend the Regulation respecting pulp and paper mills and the Regulation to amend the Regulation respecting hot mix asphalt plants, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries

Environment Quality Act  
(chapter Q-2, s. 95.1, 1st. par, subpars. 3, 4, 20 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 Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16) is amended in section 4

(1) by replacing “oil and grease” in the portion before the table by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”;

(2) by replacing “Oil and grease” in the table by “Petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”.

**2.** Section 6 is amended

(1) by replacing “oil and grease” in the portion before the table by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”;

(2) by replacing “Oil and grease” in the table by “Petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”.

**3.** Section 7 is amended by replacing the words “oil and grease” wherever they appear by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”.

**4.** Section 9 is amended

(1) by replacing “oil and grease” in the portion before the table by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”;

(2) by replacing “Oil and grease” in the table by “Petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”.

**5.** Section 15 is amended

(1) by replacing “oil and grease” in the first paragraph by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”;

(2) by replacing “2” in the second paragraph by “at least 5”;

(3) in the third paragraph

(a) by replacing “oil and grease” by “petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>)”;

(b) by inserting “a” after “such”.

**6.** Section 23 is amended

(1) by striking out “as often as he wishes” after “capacity declaration”;

(2) by replacing “during 7 consecutive days” by “, over a period of 1 month, by 15% or more as compared to the refining capacity previously declared”;

(3) by striking out “The new daily refining capacity thus declared becomes effective on the first day of the month in which it has been declared.” at the end;

(4) by adding the following paragraph:

“This new daily refining capacity applies as of the first day of the following month.”.

**7.** Section 24 is replaced by the following:

“**24.** The person responsible for a petroleum refinery must change his or her refining capacity declaration in cases where a decrease of 15% or more has occurred in the average daily amount of crude oil actually refined, over a period of 1 month, as compared to the refining capacity previously declared, excluding the days where the decrease in refining is attributable to the maintenance of the petroleum refinery.

This new daily refining capacity applies as of the first day of the following month.”.

**8.** Section 25 is amended by replacing “2” in paragraph 1 by “5”.

**9.** Section 30 is amended by replacing “2” in paragraph 1 by “5”.

**10.** Section 33 is amended by striking out paragraph 2.

**II.** Schedule A is replaced by the following:

“

**SCHEDULE A**

(s. 17)

**MONTHLY REPORT ON THE WASTE WATER FROM A PETROLEUM REFINERY**

Petroleum refinery operated by \_\_\_\_\_

and located in \_\_\_\_\_

Month of \_\_\_\_\_ 20 \_\_\_\_\_

Declared refining capacity: \_\_\_\_\_ TB\*/day

Date of the declaration concerning the refining capacity: \_\_\_\_\_ 20 \_\_\_\_\_

Amount of crude oil refined:

Current month: \_\_\_\_\_ TB\*

Days of production: \_\_\_\_\_

Average for current month: \_\_\_\_\_ TB\*/dp\*\*

**TABLE OF ACTUAL DEPOSITS**

Date	Flow measurement (m <sup>3</sup> /day)		Suspended matter in water supply	Deposits measured (kg/day)					pH		
	Liquid effluent	Storm water		Petroleum hydrocarbons (C <sub>10</sub> -C <sub>50</sub> )	Phenols	Sulfides	NH <sub>3</sub> -N	Suspended matter	Measurement		Duration of overage (minutes)
									min	max	
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											
11											
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23											
24											
25											
26											
27											
28											
29											
30											
31											
Average											

**TABLE OF AUTHORIZED DEPOSITS PURSUANT TO THIS REGULATION**

	Petroleum hydrocarbons (C <sub>10</sub> -C <sub>50</sub> )	Phenols	Sulfides	NH <sub>3</sub> -N	Suspended matter	pH
Average monthly amount (kg)						≥6.0 and ≤9.5
One day amount (kg)						
Maximum daily amount (kg)						

**TABLE OF COMPLIANCE OF STORM WATER**

Date	Storm water Flow measurement (m <sup>3</sup> /day)	Petroleum hydrocarbons (C <sub>10</sub> -C <sub>50</sub> )		Phenols		Volatile suspended matter	
		(mg/l)	(kg/day)	(mg/l)	(kg/day)	(mg/l)	(kg/day)
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							

20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
Amount of monthly deposit (kg)							
Authorized total monthly amount (kg)							
Authorized daily concentration (mg/l)	10		1		30		

\*TB: thousand barrels

\*\*dp: days of production

I certify that this declaration is true and accurate.

\_\_\_\_\_  
(name of refinery)

Signature:

Title: \_\_\_\_\_

”.

**12.** This Regulation comes into force on 1 January 2024.

## Regulation to amend the Regulation respecting pulp and paper mills

Environment Quality Act  
(chapter Q-2, s. 95.1, 1st par., subpars. 3, 4, 20, 21, 24 and 25)

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 pulp and paper mills (chapter Q-2, r. 27) is amended in the first paragraph of section 1

(1) by replacing “owner” and “person” in the definition of “complex” by “operator”;

(2) by striking out “intended for sale” at the end of the definition of “mill”.

**2.** Sections 24 and 25 are replaced by the following:

“**24.** If a total production stoppage of 10 consecutive days or less occurs, the total daily TSS or BOD<sub>5</sub> loss may not exceed the daily discharge limit calculated under sections 29 and 31 or sections 37 and 39, as the case may be.

**25.** If a total production stoppage of more than 10 consecutive days occurs, the total daily TSS or BOD<sub>5</sub> loss may not exceed 25% of the daily discharge limit calculated under sections 29 and 31 or sections 37 and 39, as the case may be.”

**3.** Section 62 is amended

(1) by replacing “2” at the end of the fourth paragraph by “5”;

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

“The log provided for in the fourth paragraph must be provided to the Minister at the Minister’s request within the time indicated.”

**4.** Section 64 is amended

(1) by replacing “2” by “5”;

(2) by adding the following paragraph:

“The log provided for in the first paragraph must be provided to the Minister at the Minister’s request within the time indicated.”

**5.** Section 70 is amended in the first paragraph

(1) by replacing subparagraph 1 by the following:

“(1) TSS:

(a) on each production day if an effluent is discharged into the environment, into a storm sewer or into a sewer system if, in the latter case, an effluent is also discharged into the environment or into a storm sewer;

(b) 3 times a week, on non-consecutive production days, if effluents are discharged into a sewer system;

(c) on each day or 3 times a week, as the case may be, for the first 10 days following a total production stoppage and throughout the duration of equipment maintenance work performed during the total production stoppage if such work continues for more than 10 days; and

(d) once a week for the remainder of the stoppage if wastewater from a storage area, leachate, municipal or industrial wastewater or septic tank sludge is discharged into the process water collection or treatment system or if cooking liquor or chemicals are stored in tanks of more than 1,000 litres;

(1.1) BOD<sub>5</sub>:

(a) 3 times a week, on non-consecutive production days;

(b) 3 times a week for the first 10 days following a total production stoppage and throughout the duration of equipment maintenance work performed during the total production stoppage if such work continues for more than 10 days; and

(c) once a week for the remainder of the stoppage if wastewater from a storage area, leachate, municipal or industrial wastewater or septic tank sludge is discharged into the process water collection or treatment system or if cooking liquor or chemicals are stored in tanks of more than 1,000 litres;”;

(2) by striking out subparagraph 4;

(3) by inserting “except if an effluent is discharged into a sewer system,” at the beginning of subparagraph 6;

(4) by striking out subparagraph 7;

(5) by replacing the second paragraph by the following:

“In the case of a total production stoppage, the requirements of subparagraphs 2 and 3 of the first paragraph no longer apply from the 60th day that follows the day on which the stoppage occurs if the standard provided for in subparagraph 2 of the first paragraph is complied with. The requirements continue to apply in the cases referred to in subparagraph *d* of subparagraph 1 and subparagraph *c* of subparagraph 1.1 of the first paragraph.”

**6.** Section 71 is amended

(1) in the first paragraph

(a) by striking out subparagraph 2;

(b) by inserting “except if an effluent is discharged into a sewer system,” at the beginning of subparagraph 3;

(c) by striking out subparagraph 4;

(2) by replacing the second paragraph by the following:

“Subparagraph 3 of the first paragraph does not apply in respect of an effluent that has not undergone treatment.”;

(3) in the third paragraph

(a) by replacing “the requirements in subparagraphs 1 and 2 of the first paragraph no longer apply from the 60th day that follows the day on which the stoppage occurs if all the standards are complied with. The requirements continue” by “the requirement in subparagraph 1 of the first paragraph no longer applies from the 60th day that follows the day on which the stoppage occurs if the standard is complied with. The requirement continues”;

(b) by adding “and subparagraph *c* of paragraph 1.1” before “of the first paragraph”.

**7.** Section 72 is amended by replacing “the BOD<sub>5</sub> each day at the sampling stations referred to in section 48” by “the BOD<sub>5</sub> 3 times a week at the sampling stations referred to in section 48, on the same non-consecutive production days”.

**8.** Section 80 is amended

(1) by striking out “and polychlorinated biphenyl” in the first paragraph;

(2) by replacing “2” in the third paragraph by “5”.

**9.** Section 86 is amended by replacing “2” by “5”.

**10.** Section 98 is amended by replacing “2” in the third paragraph by “5”.

**11.** Section 102 is replaced by the following:

“**102.** If the hydrogeological conditions are such that the water from a landfill site flows on the surface or resurfaces before 2 years and does not comply with the standards prescribed in section 104, a collection system must be installed and maintained so that the water is treated so as to comply with the standards, unless it is treated with the mill’s process water or discharged into a sewer system.”

**12.** Section 105 is amended by replacing “2” in the sixth paragraph by “5”.

**13.** Section 112 is amended

(1) by replacing “In June and October” in the first paragraph by “In spring and fall”;

(2) by replacing “2” in the third paragraph by “5”.

**14.** Section 122 is amended

(1) by replacing “in June and October” in the second paragraph by “in spring and fall”;

(2) by replacing “in June and October” in the third paragraph by “in spring and fall”.

**15.** Section 137.3 is amended

(1) by inserting “, log” after “report” in subparagraph *d* of paragraph 1;

(2) by striking out “or second” in paragraph 6;

(3) by striking out paragraphs 8 and 9.

**16.** Section 137.4 is amended

(1) by inserting the following after paragraph 8:

“(8.1) to install, calibrate or maintain in working order a system or device referred to in section 81, in the cases and on the conditions provided for in that section;”;

(2) by inserting the following after paragraph 9:

“(9.1) to install, maintain in working order, inspect or test a measurement and recording system in accordance with the second paragraph of section 105;”;

(3) by inserting “the second paragraph of” after “provided for in” in paragraph 13;

(4) by inserting the following after paragraph 14:

“(14.1) to install biogas measurement stations in accordance with the third paragraph of section 122, within the time and on the conditions provided for in that section;”.

**17.** Section 140 is replaced by the following:

“**140.** Every person who

(1) contravenes section 2 or 3, the second paragraph of section 7, section 9 or 11, the third or fifth paragraph of section 62, section 63, the second paragraph of section 64, section 66, any of sections 68 to 79, the first or second paragraph of section 80, any of sections 82 to 85, section 87, the first or second paragraph of section 98, the first, third, fourth or fifth paragraph of section 105, the first or second paragraph of section 112, the second paragraph of section 113 or the fourth or fifth paragraph of section 122;

(2) fails to inspect a flow measurement system in accordance with the first paragraph of section 64; or

(3) fails to continuously measure and record the flow of the leachate in accordance with the second paragraph of section 105 or to provide the Minister with the information referred to in that section, on the conditions provided for in that section;

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

**18.** Section 141 is amended

(1) by inserting “, 81” after “section 67” in paragraph 1;

(2) by adding the following paragraph:

“(3) fails to install and maintain in working order a continuous measurement and recording system, to inspect that system on a monthly basis or to test its accuracy on an annual basis in accordance with the second paragraph of section 105;”.

**19.** Section 141.1 is amended by striking out paragraph 2.

**20.** Schedule VI is replaced by the following:

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**SCHEDULE VI**

(s. 70, 1st par., subpars. 2, 3 and 6, s. 71 and s. 80, 2nd par.)

**MONTHLY REPORT ON EFFLUENT CHARACTERISTICS**

NAME OF OPERATOR: \_\_\_\_\_

LOCATION OF MILL: \_\_\_\_\_


IDENTIFICATION OF EFFLUENT: \_\_\_\_\_

MONTH: \_\_\_\_\_ YEAR: \_\_\_\_\_

Parameters	Date of sampling or date of flow measurement	(A)	(B)	(C)
		Treated effluent (2)(4)	Untreated effluent (3)(4)	Final effluent (5)
Flow (m <sup>3</sup> /day) (1)				
Chemical oxygen demand (mg/l)				
Aluminium (mg/l)				
Copper (mg/l)				
Nickel (mg/l)				
Lead (mg/l)				
Zinc (mg/l)				



Toxicity (T.U.a) (rainbow trout)				
Chlorinated dioxins and furans (pg <sub>eq</sub> /s)				

 Do not write in this space.

- (1) For each day on which an effluent is sampled, there must be a corresponding flow measurement for that effluent on that date.
- (2) This may refer to an effluent treated by primary treatment only, by biological treatment or by treatment of another type.
- (3) This refers to untreated effluent that is added to treated effluent.
- (4) If there is only 1 effluent, the data prescribed for columns A and B must be entered in Column C.
- (5) This refers to effluent discharged into the environment, into a storm sewer or into a sewer system.

Reasons for not sending:

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**21.** Schedule IX is replaced by the following:

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**SCHEDULE IX****(s. 80, 2nd par.)****MONTHLY REPORT ON COMPLIANCE OF EFFLUENTS**

NAME OF OPERATOR: \_\_\_\_\_

LOCATION OF MILL: \_\_\_\_\_

IDENTIFICATION OF EFFLUENT: \_\_\_\_\_

MONTH: \_\_\_\_\_ YEAR: \_\_\_\_\_

Parameters	Effluent treated biologically	Untreated effluent	Final effluent	Effluent treated other than biologically	Standards
Toxicity (rainbow trout)					<= 1 T.U.a or < 3 T.U.a
					<= 1 T.U.a
Chlorinated dioxins and furans					15 pg/l eq



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Reasons for excess or for not sending: \_\_\_\_\_

\_\_\_\_\_

Remedial measures implemented or planned: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**22.** Schedule XVII is amended by replacing “in June and October” in the first note under the Table by “in spring and fall”.**23.** This Regulation comes into force on 1 January 2024.

## Regulation to amend the Regulation respecting hot mix asphalt plants

Environment Quality Act  
(chapter Q-2, s. 95.1, 1st. par., subpar. 4)

**1.** The Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended in section 15

(1) by replacing paragraph *a* by the following:

“(a) 2 mg/L of petroleum hydrocarbons (C<sub>10</sub>-C<sub>50</sub>);”;

(2) by replacing “25” in paragraph *b* by “50”.

**2.** Section 16 is amended by replacing “5.5” by “6”.

**3.** This Regulation comes into force on 18 December 2023.

106331

Gouvernement du Québec

### O.C. 995-2023, 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)

#### Sand pits and quarries — Amendment

Regulation to amend the Regulation respecting sand pits and quarries

WHEREAS, under subparagraph 2 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, prescribe or prohibit, in respect of one or more classes of residual materials mentioned in subparagraph 1 of the first paragraph of section 53.30 of the Act, any mode of recovery or reclamation;

WHEREAS, under subparagraph 2 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;

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 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 28 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe, for specified activities or classes of activities, the measures to be implemented on their cessation, as well as monitoring and post-closure management measures;

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 it 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 that Act, 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 Regulation respecting sand pits and quarries 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: