

23. Schedule IV is revoked.

24. This Regulation comes into force on 18 December 2023.

106333

Gouvernement du Québec

O.C. 997-20230, 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)

Operation of industrial establishments — Amendment

Regulation to amend the Regulation respecting the
operation of industrial establishments

WHEREAS, under the first paragraph of section 31.10 of the Environment Quality Act (chapter Q-2), the operation of an industrial establishment belonging to any of the classes determined by government regulation is subject to the authorization of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks under subparagraph 1 of the first paragraph of section 22 of the Act;

WHEREAS, under paragraph 2 of section 31.29 of the Act, the Government may make regulations to set the annual duties payable by holders of authorizations to operate an industrial establishment, which may vary according to one or more of the factors provided for in that section;

WHEREAS, under paragraph 3 of section 31.29 of the Act, the Government may make regulations to determine the periods during which annual duties must be paid, and the terms of payment;

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 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 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 Regulation respecting the operation of industrial establishments 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 to amend the Regulation respecting the operation of industrial establishments 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 operation of industrial establishments, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the operation of industrial establishments

Environment Quality Act

(chapter Q-2, s. 31.10, 1st par., s. 31.29, pars. 2 and 3, and s. 95.1, 1st par., subpars. 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 the operation of industrial establishments (chapter Q-2, r. 26.1) is amended by replacing section 0.1 by the following:

“**0.1.** Division III of Chapter IV of Title I of the Environment Quality Act (chapter Q-2) and this Regulation apply to the following industrial establishments, on the basis of their primary activity and, where applicable, according to the North American Industry Classification System (NAICS) Canada 2022 Version 1.0:

(1) an establishment manufacturing pulp or a paper product within the meaning of section 1 of the Regulation respecting pulp and paper mills (chapter Q-2, r. 27), except an establishment of which the maximum annual production capacity is lower than 40,000 metric tons and whose process water is entirely discharged into system or recirculated;

(2) an establishment that operates a mine if the maximum annual ore mining capacity is equal to or greater than 2,000,000 metric tons;

(2.1) an establishment engaged in ore processing if the maximum annual processing capacity is equal to or greater than 50,000 metric tons;

(3) an establishment engaged in clay building material or refractory manufacturing (32712) if the maximum annual clay or refractory brick production capacity is equal to or greater than 20,000 metric tons;

(4) an establishment engaged in glass manufacturing (327214) if the maximum annual production capacity is equal to or greater than 50,000 metric tons;

(5) an establishment engaged in manufacturing Portland cement (32731);

(6) an establishment engaged in quicklime or hydrated lime manufacturing (32741);

(7) an establishment engaged in other non-metallic mineral products manufacturing if it manufactures silicon and if the maximum annual production capacity is equal to or greater than 20,000 metric tons of silicon;

(8) an establishment engaged in iron and steel mills and ferroalloy manufacturing (33111) if the maximum annual production capacity of one or more of the following materials is equal to or greater than 20,000 metric tons:

(a) pig iron;

(b) steel;

(c) stainless steel;

(d) ferroalloys;

(9) an establishment engaged in the primary production of alumina and aluminum (331313) if the maximum annual production capacity is equal to or greater than 20,000 metric tons;

(10) an establishment engaged in non-ferrous metal smelting and refining (33141) if the maximum annual production or refining capacity is equal to or greater than 20,000 metric tons.

For the purposes of subparagraph 2.1 of the first paragraph, “ore processing” means any activity for the beneficiation of an ore, a concentrate or mine tailings by a mineralurgical process that allows the separation of minerals. Agglomerate manufacturing operations are also included in ore processing activities.

For the purposes of this section, all activities carried on in the context of the operation of an industrial establishment are considered to form part of an industrial establishment referred to in the first paragraph.”.

2. Section 12 is amended

(1) by replacing the amount “\$1,000,000” wherever it appears by “\$2,000,000”;

(2) by adding the following after subparagraph 2 of the first paragraph:

“(3) for organic residual materials from pulp and paper mills disposed of in a landfill for pulp and paper mills, an amount corresponding, for each metric ton of materials,

(a) for the year 2025, to \$10;

(b) for the years 2026 and 2027, to \$20;

(c) for the years 2028 and 2029, to \$30;

(d) for the years 2030 and 2031, to\$40;

(e) for the year 2032, to\$48 and, for each following year, to the amount of the previous year increased by \$2.”;

(3) by replacing “and 2” in the second paragraph by “, 2 and 3”;

(4) by replacing “cheque or money order, made out to the Minister of Finance, prior to 1 April” in the third paragraph by “electronic means prior to 1 June”;

(5) by inserting the following after the third paragraph:

“Despite the third paragraph, the payment of the annual duties exigible for the year 2023 may also be made by cheque or money order, made out to the Minister of Finance, prior to 1 June 2024.”;

(6) by striking out the fourth paragraph.

3. Section 14 is amended by replacing “2” in the fourth paragraph by “5”.

4. Section 15 is amended

(1) by replacing “last holder of an authorization to operate an industrial establishment during a calendar year shall send to the Minister, prior to 1 April of the following year, an annual report updated to 31 December” in the portion before paragraph 1 by “holder of an authorization to operate an industrial establishment must send to the Minister, prior to 1 June of the following year, an annual report of the preceding calendar year, updated to 31 December.”;

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

“The report must also contain the detailed calculation of the annual duties exigible under section 12, including the method used to determine the annual tonnage, as the case may be,

(1) of contaminants discharged, from among those listed in Schedule I;

(2) of mine tailings deposited in an accumulation area;

(3) of organic residual materials from pulp and paper mills in a landfill for pulp and paper mills.”.

5. Section 20 is amended in the second paragraph

(1) by striking out the words “prerequisite” and “to be” in subparagraph 2;

(2) by inserting “has implemented and” after “holder” in subparagraph 3.

6. Section 20.1 is amended

(1) by striking out paragraph 2;

(2) by striking out paragraph 6.

7. Section 20.3 is amended by inserting “or fourth” after “third”.

8. The following is added after section 20.3:

“**20.3.1.** A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in the other cases may be imposed on every person who fails to comply with the time limit prescribed by the first paragraph of section 20 to give the Minister notice of the partial or total cessation of operation of the industrial establishment covered by the authorization or send the Minister a notice containing the information and documents prescribed by the second paragraph of that section.”.

9. Section 20.4 is amended

(1) by striking out the words “the fourth paragraph of section 12 or”;

(2) by replacing “, 15, 19 or 20” by“or 15”.

10. Section 20.6 is amended by inserting by inserting “or fourth” after “third”.

11. Section 20.7 is amended by replacing “, pursuant to this Regulation, makes a declaration, communicates information or files a document that is false or misleading” by “contravenes section 20”.

12. Schedule I is amended

(1) by replacing the amount“\$2.20”wherever it appears by“\$9.08”;

(2) by replacing the line starting with “Arsenic (As)” in Table II by the following:

	50,000 (year 2024)
Arsenic (As) and cadmium (Cd)	75,000 (year 2025)
	100,000 (as of 2026)
Chromium (Cr) and lead (Pb)	200

”.

13. The authorizations issued under subparagraph 1 of the first paragraph of section 0.1 of the Regulation respecting the operation of industrial establishments (chapter Q-2, r. 26.1) prior to 1 January 2024 for the operation of an establishment that will no longer be covered by that subparagraph as of that date for the purposes of this Regulation are deemed to be issued under the second paragraph of section 22 of the Environment Quality Act (chapter Q-2) and remain valid for an indeterminate term, and the conditions prescribed therein under section 31.12 of that Act are deemed to be prescribed under section 25 of that Act.

The holder of such an authorization is still required, for its activities in the year 2023, to pay the annual duties exigible under section 12 of the Regulation respecting the operation of industrial establishments, as it read prior to 1 January 2024, in accordance with that section, as well as to submit an annual report in accordance with section 15 of that Regulation, prior to 1 June 2024.

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

106334

M.O., 2023

Order 2023-1003 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated June 7, 2023

Approval of Éco Entreprises Québec's and RecycleMédias' schedule of contributions payable for 2023 for the "containers and packaging", "printed matter" and "newspapers" classes of materials

THE MINISTER OF THE ENVIRONMENT, THE FIGHT AGAINST CLIMATE CHANGE, WILDLIFE AND PARKS,

CONSIDERING section 53.31.1 of the Environment Quality Act (chapter Q-2), which provides that the persons referred to in subparagraph 6 of the first paragraph of section 53.30 of the Act are required, to the extent and on the conditions set out in subdivision 4.1 of Division VII of Chapter IV of the Act, to compensate the municipalities and the Aboriginal communities, represented by their band councils, for the services provided by the municipalities or Aboriginal communities to ensure that the materials designated by the Government under section 53.31.2 of the Act are recovered and reclaimed;

CONSIDERING that Éco Entreprises Québec and RecycleMédias are bodies certified by RECYC-QUÉBEC for the "containers and packaging", "printed matter" and "newspapers" classes of materials to represent the persons subject to an obligation of compensation under subdivision 4.1 of Division VII of Chapter IV of the Act;

CONSIDERING the first paragraph of section 53.31.12 of the Act, which provides that a certified body must remit to RECYC-QUÉBEC, in trust, the amount of the compensation owed to the municipalities and determined in accordance with the second paragraph of section 53.31.3 of the Environment Quality Act;

CONSIDERING the first paragraph of section 53.31.13 of the Act, which provides that a certified body may collect from its members and from persons who, without being members, carry on activities similar to those carried on by the members where the designated materials or classes of materials are concerned, the contributions necessary to remit the full amount of compensation, including any interest or other applicable penalties, and to indemnify the body for its management costs and other expenses incidental to the compensation regime;

CONSIDERING the first paragraph of section 53.31.14 of the Act, which provides that the contributions payable must be established on the basis of a schedule of contributions that has been the subject of a special consultation of the persons concerned;

CONSIDERING that Éco Entreprises Québec and RecycleMédias both conducted such a special consultation before establishing the schedule of contributions applicable for 2023 for the "containers and packaging", "printed matter" and "newspapers" classes of materials;

CONSIDERING the second paragraph of section 53.31.14 of the Act, which provides that, if there is more than one certified body, a single schedule must be established by all of the certified bodies not later than the date fixed by a government regulation;

CONSIDERING that Éco Entreprises Québec and RecycleMédias are the only two bodies certified by RECYC-QUÉBEC;

CONSIDERING the fourth paragraph of section 53.31.14 of the Act, which provides that the schedule of contributions may provide for exemptions or exclusions and specify the terms according to which the contributions are to be paid to the certified body;