

Draft Regulation

Environment Quality Act
(chapter Q-2)

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

Reclamation of residual materials — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the reclamation of residual materials, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation makes consequential amendments to the Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49) to take into account certain amendments proposed by the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, published as a draft Regulation in the current *Gazette officielle du Québec*, as regards in particular the reclamation of street-cleaning residue, the shredding of tires and the reclamation of residual crushed stone to make certain distance standards applicable to the carrying out of the activities eligible for a declaration of compliance or exempted from authorization, noise standards, the keeping of registers and rules for the characterization of residual materials.

It also proposes clarifications respecting laboratories that may analyze samples taken for the characterization of residual granular materials. It sets out rules applicable to the characterization of certain residual granular materials, in particular to reclassify contaminated residual crushed stone and new uses to which residual granular materials may be subject. Lastly, it proposes amendments to the maximum concentrations of certain parameters to be analyzed and the removal of the method for determining impurities content.

The amendments proposed to the Regulation respecting the reclamation of residual materials for residual granular materials producers, such as the increase in the maximum volumes eligible for the declaration of compliance and the exemption would make it possible to save a maximum of 13.3 million dollars in elimination costs and costs for the purchase of virgin materials. The inclusion of street-cleaning residue to the materials covered by the Regulation would result in a maximum gain of 10.7 million dollars for

street cleaning enterprises and municipalities by diverting about 72,000 tonnes from elimination. The extension of the exemption from characterization of residual granular materials from road infrastructures, even in the presence of certain contaminated soils would result in annual savings of about \$34,100 for construction enterprises. Along with the amendments proposed by the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, published as a draft Regulation in the current *Gazette officielle du Québec*, the draft Regulation would result in a total net saving of 24.0 million dollars.

Further information on the draft Regulation may be obtained by contacting Maude Durand, Director, Bureau de stratégie législative et réglementaire, Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs, 675, boulevard René-Lévesque Est, 29^e étage, boîte 14, Québec (Québec) G1R 5V7; email: question.bslr@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Maude Durand at the above contact information.

BENOIT CHARETTE

Acting Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation to amend the Regulation respecting the reclamation of residual materials

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 4 and 5, and s. 95.1, 1st par., subpars. 3 and 20).

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 reclamation of residual materials (chapter Q-2, r. 49) is amended in the portion before subparagraph 1 of the first paragraph of section 5

(1) by striking out “254.1.”;

(2) by inserting “270.1, made by section 97 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, published as a draft Regulation in the current *Gazette officielle du Québec*,” after “269.”;

(3) by inserting “281.1, made by section 105 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, published as a draft Regulation in the current *Gazette officielle du Québec*,” after “281.”

2. Section 6 is amended

(1) by inserting “or the second paragraph of section 291, amended by section 120 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, published as a draft Regulation in the current *Gazette officielle du Québec*,” after “283” in the portion before subparagraph 1 of the first paragraph,

(2) by inserting “or the second paragraph of section 291,” after “283” in the second paragraph;

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

“The first paragraph does not apply when the activity is carried out in a sand pit or quarry covered by the Regulation respecting sand pits and quarries (chapter Q-2, r. 7.1).”

3. Section 8 is amended in the portion before subparagraph 1 of the first paragraph

(1) by replacing “276 or 277 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1)” by “268.1, 276, 277, 282, 285 or 287 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), amended by the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, published as a draft Regulation in the current *Gazette officielle du Québec*,”;

(2) by inserting “cutting, shredding,” after “screening,”;

(3) by inserting “or 270.1, made by section 98 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, published as a draft Regulation in the current *Gazette officielle du Québec*,” after “269”.

4. Section 9 is amended

(1) by inserting “, 270.1, made by section 98 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their

environmental impact, published as a draft Regulation in the current *Gazette officielle du Québec*,” after “269” in the portion before subparagraph 1 of the first paragraph;

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

“Every person who carries out a category 4 crushed stone reclamation activity under section 284 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, amended by section 108 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, published as a draft Regulation in the current *Gazette officielle du Québec*, elsewhere than on land where it was excavated and for the use referred to in subparagraph *a* of paragraph 3 of category 4 in the table in section 26 of this Regulation, must keep a daily log containing the following information:

(1) the nature and contaminant concentration in the crushed stone;

(2) the site where the crushed stone is reclaimed;

(3) the nature and contaminant concentration present in the receiving land at the reclamation site.”

5. Section 13 is amended by inserting “or 279.2” after “279” in the portion before subparagraph 1 of the first paragraph.

6. The heading of Chapter III is amended by replacing “FROM CONSTRUCTION OR DEMOLITION WORK” by “AS RESIDUAL GRANULAR MATERIALS”.

7. Section 14 is amended

(1) by striking out the first paragraph;

(2) in the second paragraph,

(a) by replacing the portion before subparagraph 1 by the following:

“This Chapter prescribes the standards applicable to the reclamation, as residual granular materials, in accordance with the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), of the following residual materials:”;

(b) by adding the following at the end of the second paragraph:

“(8) street-cleaning residue from spring-time cleaning operations.”.

8. Section 18 is amended by replacing “112” in paragraph 2 by “125”.

9. Section 19, amended by section 3 of the Regulation to amend the Regulation respecting the reclamation of residual materials, published as a draft Regulation in the *Gazette officielle du Québec* of 25 February 2026, is further amended in the second paragraph

(1) by replacing subparagraph *a* of subparagraph 4 by the following:

“(a) the area of the land where the work relating to the infrastructures is carried out contains no contaminated soils whose concentration is greater than the limit values in Schedule II to the Land Protection and Rehabilitation Regulation, or contaminated materials;”;

(2) by adding the following at the end:

“(5) the materials are street-cleaning residue of a municipality of less than 5,000 inhabitants and are intended to be reused as road abrasives.”.

10. Section 21 is amended by adding the following at the end of the first paragraph:

“(3) the residual materials are street-cleaning residue.”.

11. Section 22 is amended

(1) by inserting “or are street-cleaning residue” after “visible impurities”;

(2) by striking out “in accordance with the method prescribed by Schedule II”.

12. Section 25 is amended

(1) by replacing the first paragraph by the following:

“The samples taken under this Regulation must be analyzed by one of the following laboratories, in the order indicated, according to whether they are present in Québec or not:

(1) a laboratory accredited by the Minister under section 118.6 of the Act;

(2) a laboratory accredited according to ISO/IEC 17025, General requirements for the competence of testing and calibration laboratories, which is

published jointly by the International Organization for Standardization and the International Electrotechnical Commission;

(3) a laboratory accredited by the Minister under section 118.6 of the Act for the analysis of similar parameters.”;

(2) by replacing “substances” in the second paragraph by “parameters”.

13. Section 26 is amended in the Table

(1) by adding “, except asphalt” at the end of the second and third columns of the second line of case 2 of category 2;

(2) by adding “in the case of the residual granular material reclaimed on the land where it was excavated,” at the beginning of paragraph 2 of category 4;

(3) by adding the following after paragraph 2 of category 4:

“(3) in the case of the residual granular material reclaimed elsewhere than on the land where it was excavated by the same operator on land owned by the operator, the material is exclusively residual crushed stone and, as the case may be,

(a) for the type of use “Construction on institutional, commercial or industrial land, including municipal land” in the table in section 27, it has a contaminant concentration lower than or equal to the limit values in Schedule I to the Land Protection and Rehabilitation Regulation for land on which, under a municipal zoning by-law, industrial, commercial or institutional uses are authorized, except

i. land where totally or partially residential buildings are built; and

ii. land where elementary-level or secondary-level educational institutions, childcare centres, day care centres, hospital centres, residential and long-term care centres, rehabilitation centres, child and youth protection centres, or correctional facilities are built;

(b) for the types of use “Construction or repair of highways and streets, including those in residential, municipal and agricultural sectors” in the table in section 27 that are authorized for category 4, it has a contaminant concentration lower than or equal to the limit values in Schedule II to the Land Protection and Rehabilitation Regulation for land constituting, or intended to constitute, the site of a roadway within the meaning of the Highway Safety Code.”.

14. The following is inserted after section 26:

“**26.1.** A reclassification may be carried out for residual crushed stone that does not meet the conditions to be classified in accordance with section 26 and that is therefore out of category within the meaning of this Regulation for one of the following reasons:

(1) the level of metals, metalloids and other inorganic parameters listed in Table 1 of Schedule I is greater than the maximum level in the third column of the table;

(2) when the residual crushed stone is submitted to leaching tests in accordance with section 24, the level of metals, metalloids and other inorganic parameters in the leachate is greater than the maximum level in the fourth column of Table 1 of Schedule I;

(3) the level of petroleum hydrocarbons C_{10} - C_{50} is greater than the maximum level allowed, by reason of the use of a synthetic dust control product compliant with BNQ 2410-300, when the synthetic dust control product is used according to the manufacturer’s instructions.

To be reclassified, the residual crushed stone must be submitted to the following toxicity tests:

- (1) a terrestrial toxicity test on the vegetation;
- (2) an acute aquatic toxicity test on *Daphnia magna*.

Depending on the results of the tests performed in accordance with the second paragraph, the residual crushed stone may be reclassified in the following manner:

(1) to be reclassified category 1, the results of the terrestrial and aquatic toxicity tests on the undiluted sample must be lower than 20%;

(2) to be reclassified category 2, the results of the terrestrial and aquatic toxicity tests on the undiluted sample must be lower than 40%;

(3) to be reclassified category 3, the results of the terrestrial and aquatic toxicity tests on the undiluted sample must be lower than or equal to 50%.

26.2. A reclassification may be carried out for the asphalt that does not meet the conditions to be classified in accordance with section 26 and is therefore out of category within the meaning of this Regulation for one of the following reasons:

(1) the level of metals, metalloids and other inorganic parameters listed in Table 1 of Schedule I is greater than the maximum level in the third column of the table;

(2) when the asphalt is submitted to leaching tests in accordance with section 24, the level of metals, metalloids and other inorganic parameters in the leachate is greater than the maximum level in the fourth column of Table 1 of Schedule I.

To be reclassified, the asphalt must be submitted to the following aquatic toxicity tests:

- (1) an acute toxicity test on *Daphnia magna*;
- (2) a test for determining the toxicity and growth inhibition using *Pseudokirchneriella subcapitata* algae.

Depending on the results of the tests performed in accordance with the second paragraph, the asphalt may be reclassified Category 3 when the toxicity of the leachate produced by the asphalt does not exceed 1 acute toxic unit (TUa) for daphnia, which is equal to 50% or less mortality rate. In addition, the algal growth inhibition must not exceed 25%.”

15. Section 27 is amended in the table

(1) by adding “and street-cleaning residue” after “only” in the type of use “Road abrasives – crushed stone and cuttings and tailings from the dimension stone sector only” of the section “Miscellaneous activities”;

(2) by inserting the following line after the type of use “Road abrasives – crushed stone and cuttings and tailings from the dimension stone sector only” of the section “Miscellaneous activities”:

“	
Manufacturing of granular materials compliant with BNQ 2560-114 – crushed stone and cuttings and tailings from the dimension stone sector only	X
”;	

(3) by inserting “non-asphalted” before “bicycle path” in the type of use “Recreation and tourism facilities (bicycle path, park, etc.)” of the section “Miscellaneous activities”;

(4) by inserting the following line after the type of use “Recreation and tourism facilities (bicycle path, park, etc.)” of the section “Miscellaneous activities”:

“

Asphalted bicycle path	X	X	X	X
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”;

(5) by adding “X” in the column of category 3 of the types of use “Noise-abatement embankment and visual screen” and “Construction and rehabilitation of a snow disposal site” of the section “Miscellaneous activities”;

(6) by adding “manufacturing” at the end in the type of use “Hot-mix or cold-mix asphalt” of the section “Miscellaneous activities”;

(7) by adding the following at the end:

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Improved infrastructure within the meaning of BNQ 2560-114	X	X	X	X
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Backfill closure within the meaning of BNQ 2560-114	X	X	X	X
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Construction or repairing infrastructures of the energy sector				
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Storage area, transformation station yard structure and temporary work area on residential or agricultural land, on the land of an elementary-level or secondary-level educational institution, a childcare centre or a day care centre	X			X
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Storage area, transformation station yard structure and temporary work area on industrial land	X	X	X	X
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Storage area, transformation station yard structure and temporary work area on institutional, commercial or industrial land, including municipal land	X	X		X
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Bedding, surrounding soil and backfilling of cable trenches on residential or agricultural land, an elementary-level or secondary-level educational institution, a childcare centre or a day care centre	X			
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Bedding, surrounding soil and backfilling of cable trenches on institutional, commercial or industrial land, including municipal land	X	X	X	X
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16. Section 28 is amended

(1) by replacing “the second paragraph of section 9, 11, 12 or 13” and “that paragraph” in paragraph 4 by, respectively, “the third paragraph of section 9 or the second paragraph of section 11, 12 or 13” and “those paragraphs”;

(2) by inserting the following after paragraph 4:

“(4.1) to have the samples taken under this Regulation analyzed by an accredited laboratory in accordance with section 25”.

17. Section 31 is amended by replacing “the second paragraph of section 9, section 10, the second paragraph of any of sections 11 to 13.1 or section 25.1” by “any of sections 9 to 13.1 or section 25 or 25.1”.

18. Schedule I is amended

(1) in Table 1,

(a) by replacing “0.05” in the fourth column in the line of parameter “Manganese (Mn)” by “0.05⁴”;

(b) by adding the following footnote:

“4. Leaching to simulate acid rain and water leaching only for the parameter.”;

(2) in Table 2 by replacing

(a) “0.1” wherever appearing in the lines respecting parameters “Butylbenzylphthalate”, “Dimethylphthalate” and “Di-n-octylphthalate” by “0.2”;

(b) “0.1” wherever appearing in the lines respecting parameters “Bis (2-Ethylhexyl) phthalate”, “Diethylphthalate” and “Di-n-butylphthalate” by “0.5”.

19. Schedule II is revoked.

20. This Regulation comes into force on (*insert the date that is 15 days after the date of publication of this Regulation in the Gazette officielle du Québec*), except section 1 and paragraph 1 of section 3, which come into force on (*insert the date that is 180 days after the date of publication of this Regulation in the Gazette officielle du Québec*).

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