

Regulation to amend the Regulation respecting industrial depollution attestations

Environment Quality Act

(chapter Q-2, ss.31.0.6, 31.10, 31.28, 95.1, 115.27 and 115.34; 2017, chapter 4)

1. The Regulation respecting industrial depollution attestations (chapter Q-2, r. 5) is amended by replacing the title by the following:

"Regulation respecting the operation of industrial establishments".

2. Section 0.1 is replaced 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, defined in particular under the North American Industry Classification System (NAICS 2017):

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

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

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

(4) an establishment manufacturing clay building material or refractory products (32712) if the maximum annual production capacity of clay or refractory bricks is equal to or greater than 20,000 metric tons;

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

(6) an establishment manufacturing Portland cement (32731);

(7) an establishment manufacturing quicklime or hydrated lime (32741);

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

(9) a smelting establishment (33111) if the maximum annual production capacity is equal to or greater than 20,000 metric tons of one or more of the following:

(a) pig iron;

(b) steel;

(c) stainless steel;

(d) ferro-alloys;

(10) 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;

(11) an establishment smelting and refining non-ferrous metals (33141) if the maximum annual production or refining capacity is equal to or greater than 20,000 metric tons;

(12) a petroleum refining establishment;

(13) an establishment manufacturing petrochemicals if the maximum annual production capacity is equal to or greater than 50,000 metric tons;

(14) an establishment manufacturing organic chemicals if the total maximum annual production capacity is equal to or greater than 50,000 metric tons of one or more of the following:

(a) terephthalic acid;

(b) linear alkylbenzene;

(c) ethanol;

(d) methanol;

(15) an establishment manufacturing inorganic chemicals if the total maximum annual production capacity of chemicals is equal to or greater than 50,000 metric tons of one or more of the following:

(a) alkali or chlorine (325181);

(b) hydrogen peroxide;

(c) sodium chlorite and sodium chlorate;

(d) titanium dioxide based pigments;

(16) an establishment manufacturing chemical fertilizer if granular urea is manufactured and the total maximum annual production capacity is equal to or greater than 50,000 metric tons;

(17) an establishment processing oilseed (311224) by chemical extraction if the maximum annual production capacity is equal to or greater than 50,000 metric tons;

(18) an establishment manufacturing tires (326210) if the maximum annual production capacity is equal to or greater than 20,000 metric tons, other than an establishment primarily engaged in retreading or rebuilding tires;

(19) an establishment manufacturing explosive preparations, detonators for explosives, or explosive devices, except ammunition (325920);

(20) an establishment producing or processing a chemical element, metal compounds or chemicals from rare earth concentrate or radioactive elements;

(21) an establishment producing or processing a chemical element, metal compounds or chemicals from a lithium concentrate if the maximum annual production capacity is equal to or greater than 20,000 metric tons.

For the purposes of this section, related activities carried out in connection with the operation of an industrial establishment described in the first paragraph are considered to be part of that establishment.

In addition, the expression "maximum capacity", as qualified in this section, means the type of capacity associated with an activity referred to in this section, corresponding,

(1) for a new establishment, to the theoretical maximum capacity attainable in optimal operating conditions with full utilization of material and technical resources; and

(2) for an existing establishment, to the maximum capacity authorized under the Act or, if applicable, to the actual capacity if construction of the establishment, its operation and, if applicable, any addition to it, did not require prior authorization under the Act.

For the purposes of subparagraph 3 of the first paragraph, "ore dressing" means all activity beneficiating ore, a concentrate or mine tailings using a mineralogical process enabling the minerals to be separated from the ore. In addition, agglomerate manufacturing operations are included in ore dressing operations."

3. Chapters I and II are revoked.

4. The Regulation is amended by replacing all that portion in Chapter III before section 11 by the following:

**"CHAPTER III
"ANNUAL DUTIES".**

5. Section 12 is amended

(1) by replacing "a depollution attestation include a fixed amount of \$2,976" in the portion before subparagraph 1 of the first paragraph by "an authorization to operate an industrial establishment include a fixed amount of \$2,976";

(2) by replacing "depollution attestation" in subparagraphs *a* and *b* of subparagraph 2 of the first paragraph by "authorization";

(3) by replacing "1 April" in the third paragraph by "1 June".

6. Section 14 is amended

(1) by replacing "a depollution attestation" and "31.15" in the first paragraph respectively by "an authorization to operate an industrial establishment" and "26";

(2) by replacing "a depollution attestation" in the third paragraph by "an authorization";

(3) by replacing "2" in the fourth paragraph by "5".

7. Section 14.1 is amended by replacing "a depollution attestation" by "an authorization to operate an industrial establishment".

8. Section 15 is amended

(1) by replacing "a depollution attestation" and "1 April" in the portion before paragraph 1 respectively by "an authorization to operate an industrial establishment" and "1 June";

(2) by replacing "depollution attestation" in paragraph 1 by "authorization";

(3) by replacing paragraph 2 by the following:

"(2) any amendments to the information concerning identification furnished under subparagraph 1 of the first paragraph of section 7 of the Regulation respecting ministerial authorizations and declarations of compliance in environmental matters (*insert the reference to the CQLR*) as well as to the measures, apparatus and equipment installed to abate or stop the release of contaminants into the environment furnished under subparagraph *b* of subparagraph 8 of the second paragraph of that section;"

(4) by replacing "depollution attestation under the second paragraph of section 31.15" in paragraph 3 by "authorization under the second paragraph of section 26"

(5) by replacing "under section 31.15.1 of the Act at the time of issue of the depollution attestation" in paragraph 4 by "under section 31.27 of the Act at the time of issue of the authorization";

(6) by replacing paragraph 5 by the following:

"(5) information on progress made in the studies required under section 31.12 of the Act."

9. Section 16 is revoked.

10. Section 17 is replaced by the following:

"17. In accordance with section 31.16 of the Act, in the case of any event or incident resulting in derogation from the provisions of the holder's authorization, the holder must so inform the Minister in writing with an explanation of the reasons for the derogation, and also inform the Minister of the measures described in that section that have been taken and, if applicable, of the implementation timetable,

(1) without delay if the event or incident causes the accidental occurrence of a contaminant in the environment; or

(2) within 30 days after becoming aware of any other event or incident resulting in derogation from the provisions of the authorization."

11. Section 18 is revoked.

12. Section 19 is replaced by the following:

"19. Where a holder of an authorization to operate an industrial establishment to which this Regulation applies uses apparatus or equipment designed to treat wastewater or to prevent, abate or stop the release of contaminants into the environment and the apparatus or equipment is subject to contaminant release standards set out in the authorization, and the holder wishes to replace or modify the apparatus or equipment without the replacement or modification constituting a change referred to in the first paragraph of section 30 of the Act, the holder must first send the Minister a technical opinion containing the following information and documents:

(1) a technical description of the replacement or modification of the apparatus or equipment and of its implementation, as well as the work schedule;

(2) the location on the site of the industrial establishment of the apparatus or equipment to be replaced or modified;

(3) confirmation, with supporting explanations, that the replacement or modification does not constitute a change referred to in the first paragraph of section 30 of the Act; and

(4) a certificate from an engineer attesting that the replacement or modification of the apparatus or equipment referred to in subparagraph 1 would allow the applicable regulatory standards and the conditions, restrictions, prohibitions or special standards prescribed in the holder's authorization to operate the industrial establishment to be met.

Not later than 60 days after the apparatus or equipment has been replaced or modified, the holder must send the Minister a certificate from an engineer attesting that all the following conditions are met:

(1) the work was carried out in compliance with the technical description required under subparagraph 1 of the first paragraph;

(2) the performance of the apparatus or equipment is equivalent or superior to that of the previous apparatus or equipment in terms of contaminant release and treatment efficiency; and

(3) the replaced or modified apparatus or equipment meets the applicable regulatory standards and the conditions, restrictions, prohibitions or special standards prescribed in the holder's authorization to operate the industrial establishment."

13. Section 20 is replaced by the following:

"20. A holder of an authorization to operate an industrial establishment to which this Regulation applies must, as required by section 31.24 of the Environment Quality Act (chapter Q-2), give the Minister notice of any partial or total cessation of operation of the industrial establishment covered by the authorization not later than 30 days after the date of the cessation.

The notice must contain the following information and documents:

(1) the number and issue date of the authorization pertaining to the activity that will cease;

(2) the location and description of the activity that will cease and the prerequisite cessation measures to be implemented;

(3) the monitoring measures the holder intends to implement to prevent the release of contaminants into the environment and to ensure, among other things, site cleaning and decontamination, and equipment and facility dismantling;

(4) the date of cessation of the activity;

(5) the reason for cessation of the activity; and

(6) a statement from the holder of the authorization certifying that all cessation measures, if any, prescribed by the Minister in the authorization will be complied with."

14. Section 20.1 is amended

(1) by striking out paragraph 1;

(2) by replacing "report" in paragraph 5 by "opinion";

(3) by replacing paragraph 6 by the following:

"(6) comply with the time limit prescribed by section 20 to give the Minister notice of the partial or total cessation of operation of the industrial establishment covered by the authorization."

15. Section 20.4 is amended by striking out "section 5,".**16. Schedule I is amended**

(1) in Table I,

(a) by replacing "totales" in the French text of the first column of the line beginning by "Dioxines et furanes – totales (PCDD-PCDF)" by "totaux";

(b) by replacing "Radium (ra)" in the first column of the line beginning by "Radium (Ra)" by "Radium (Ra) 226";

(2) in Table II, by replacing "totales" in the French text of the first column of the line beginning by "Dioxines et furanes – totales (PCDD-PCDF)" by "totaux".

17. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.