

Regulation to amend the Clean Air Regulation

Environment Quality Act
(chapter Q-2, s. 95.1; 2017, chapter 4)

1. The Clean Air Regulation (chapter Q-2, r. 4.1) is amended by adding the following paragraph at the end of the first paragraph of section 10:

“(15) crushing, drying or sieving of surface mineral substances or aggregate from the operation of a quarry or sand pit governed by the Regulation respecting pits and quarries (*insert the reference to the CQLR*) but carried out outside that quarry or sand pit, except crushing, drying or sieving carried out in a cement plant.”.

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

103328

Draft Regulation

An Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4)

Certain transitional measures to carry out the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund

Notice is hereby given, in accordance with sections 10, 12 and 13 of the Regulations Act (chapter R-18.1), that the Regulation respecting certain transitional measures to carry out the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund, appearing below, may be made by the Government on the expiry of 15 days following this publication.

The Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), which was assented to on 23 March 2017, provides that the new provisions regarding the new authorization scheme under the Environment Quality Act (chapter Q-2) come into force on 23 March 2018. The Act also provides

that a number of regulations must be made and come into force on that date for the purpose of carrying out the Act. The Act also provides that the Government may enact any transitional measures required to carry out the Act.

A total of 25 regulations must be made to ensure the application of the new provisions of the Environment Quality Act respecting the new authorization scheme. To allow adequate consultations on the proposed regulations, the date of their coming into force must be postponed. Therefore, this Regulation provides for the postponement of that date until the coming into force of those regulations, which may not be later than 1st December 2018. Another time period is also adjusted in accordance with the extended period to maintain the 1-year period between the regulatory amendments intended by the legislator.

The draft Regulation also specifies certain transitional measures to be applied during that extended period to clarify the transitional measures necessary for the application of the new provisions of the Environment Quality Act on the basis of the current regulations.

In accordance with sections 12 and 13 of the Regulations Act, the draft Regulation may be made within a period shorter than the 45-day period so that the transitional measures may come into force on the same date as the provisions respecting the new authorization scheme in the Act to amend the Environment Quality Act, as amended by the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund, that is, 23 March 2018.

Further information on the draft Regulation may be obtained by contacting Isabelle Olivier, director general of analysis and expertise for the Capitale-Nationale and Chaudière-Appalaches, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Lebourgneuf, 8^e étage, bureau 100, 1175, boulevard Lebourgneuf, Québec (Québec) G2K 0B7; telephone: 418 644-8844 extension 228; fax: 418 386-8080; email: isabelle.olivier@mdelcc.gouv.qc.ca

Any person wishing to comment on the draft Regulation may submit written comments before the expiry of the 15-day period to Isabelle Olivier using the above contact information.

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the Environment and the
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Regulation respecting certain transitional measures to carry out the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund

Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4, s. 305)

1. As of 23 March 2018, in addition to the references provided for in section 274 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), unless the context indicates otherwise, in any Act, any regulation or any order,

(1) subject to paragraph 3, a reference to a certificate of authorization issued under the first paragraph of section 22 of the Environment Quality Act (chapter Q-2), as it read before 23 March 2018, becomes a reference to an authorization issued under the second paragraph of section 22 of that Act as it reads from that date;

(2) a reference to a certificate of authorization issued under the second paragraph of section 22 of the Environment Quality Act, as it read before 23 March 2018, becomes a reference to an authorization issued under subparagraph 4 of the first paragraph of that section as it reads from that date;

(3) until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306, as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund or until 1st December 2018, whichever comes first, a reference to a certificate of authorization issued under the first paragraph of section 22 of the Environment Quality Act, as it read before 23 March 2018, for an activity carried out in a shore or bank or floodplain is a reference to an authorization issued under the second paragraph of section 22 as it reads from that date.

2. For the purposes of section 283, subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), the date of 23 March 2018 is postponed until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of that Act or 1st December 2018, whichever comes first.

In addition, the date provided for in section 307 is postponed until the date occurring one year after the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of that Act or 1st December 2019, whichever comes first.

3. For the purposes of section 300 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), the following is also rendered accessible in the register referred to in that section:

(1) the information and documents forming an integral part of any authorization issued by the Government under section 31.5 of the Environment Quality Act (chapter Q-2) as of 23 March 2018;

(2) the environmental impact studies filed with the Minister before 23 March 2018 in relation to a project for which the impact assessment and review procedure continues after that date.

4. For the purposes of the second paragraph of section 306 and section 307 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4), the activities eligible for a declaration of compliance, activities exempt from the application of section 22 of the Environment Quality Act (chapter Q-2), and activities related to quarries and sand pits eligible for a declaration of compliance may be provided in the Regulation respecting ministerial authorizations and declarations of compliance in environmental matters (*insert the reference to the Compilation of Québec Laws and Regulations*).

5. As of 23 March 2018 and until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) or 1st December 2018, whichever comes first, the Environment Quality Act (chapter Q-2) applies on the following conditions:

(1) for the purposes of the first paragraph of section 23, the information and documents to be provided to the Minister by a person or municipality in support of an application for authorization are, in addition to those provided for in that section, those required for an application for a certificate of authorization under the following provisions, with the necessary modifications:

(a) the third paragraph of section 22 of the Environment Quality Act, as it read before 23 March 2018;

(b) section 7 of the Act respecting the application of the Environment Quality Act (chapter Q-2, r. 3);

(c) any other provision of a regulation made under the Environment Quality Act that applies to the activity covered by the application for authorization;

(2) for the purposes of section 29, the information and documents required for an application for authorization for research and authorization purposes are, in addition to those referred to in the second paragraph of that section, those referred to in paragraph 1;

(3) for the purposes of section 30, an application to amend an authorization must, in addition to the information and documents prescribed by a provision of a regulation made under that Act that applies to the activity covered by the application, contain the following information and documents:

(a) the number and date of issue of the authorization the amendment of which is applied for;

(b) a complete description of the intended change that requires the amendment of the authorization and the reasons in support of the change;

(c) an assessment of the consequences of the change on the nature, quantity, location or concentration of contaminants discharged into the environment;

(d) a description of the measures, apparatus or equipment required so that the project complies with the conditions, restrictions, prohibitions and standards that apply to it;

(e) an update of the information and documents sent to the Minister for the issue of his or her authorization;

(f) if the information referred to in subparagraph e consisted in data estimates at the time of the application for authorization, the actual data related to information collected in the course of the activity affected by the change, less than 1 year before the application for amendment;

(g) in the cases provided for and in accordance with paragraph 10, the declaration referred to in section 115.8 of the Environment Quality Act;

(h) if the applicant has retained the services of professionals or other competent persons to prepare the application for amendment, the name and contact information of those persons, a brief description of their mandates and a declaration attesting that the information and documents provided by them are complete and accurate;

(i) a declaration from the applicant attesting that all the information and documents provided are complete and accurate;

(4) for the purposes of section 31.0.2, a notice of transfer must contain the following information and documents:

(a) the number and date of issue of the authorization whose transfer is planned;

(b) the scheduled date of the transfer;

(c) the name of the transferee and all information regarding the transferee's identity, namely:

i. the contact information and, if applicable, that of his or her representative;

ii. in the case of an applicant that is not a natural person, the Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

iii. if the applicant is a municipality, a true copy of the resolution of the municipal council or copy of the by-law authorizing the mandatory to sign the application;

(d) in the cases provided for in and in accordance with paragraph 10, the declaration referred to in section 115.8 of the Environment Quality Act completed by the transferee;

(e) if applicable, a declaration attesting that the transferee holds the guarantee or liability insurance required under a regulation made under the Environment Quality Act to carry out the activity covered by the authorization;

(f) a declaration from the holder attesting that all the information and documents provided are complete and accurate;

(5) for the purposes of section 31.0.5, the activities concerned are those for which provisions of the Environment Quality Act or a regulation made under the Act deal with the cessation of an activity; the foregoing also applies to the time allocated to inform the Minister of the permanent cessation of an activity;

(6) for the purposes of section 31.0.5.1, the information and documents required for an application for a general authorization are also those referred to in paragraph 1;

(7) for the purposes of section 31.18, the time periods, manner and form related to the renewal of an industrial establishment's authorization are those provided for in the Regulation respecting industrial depollution attestations (chapter Q-2, r. 5) for a new application for a depollution attestation;

(8) for the purposes of section 31.20:

(a) the manner and form applicable to the publication of a notice announcing a public consultation are those provided for in section 31.20 of the Act as it read before 23 March 2018 and in section 7 of the Regulation respecting industrial depollution attestations;

(b) the time period referred to in the second paragraph to submit comments to the Minister is 30 days and comments may be sent in writing or in electronic form;

(9) for the purposes of section 31.24, the holder of an authorization to operate an industrial establishment must send the notice to the Minister within 30 days of the date of the total or partial cessation of the operations of the industrial establishment covered by the authorization and the notice must contain the following information and documents:

(a) the number and date of issue of the authorization corresponding to the activity to be ceased;

(b) the location and description of the activity that will cease and the prior measures to be implemented to carry out the cessation;

(c) the follow-up measures that the holder intends to implement to prevent the discharge of contaminants into the environment and to ensure, in particular, the cleaning and decontamination of the premises, the dismantlement of equipment and installations;

(d) the date on which the activity will cease;

(e) the reasons for ceasing the activity;

(f) an attestation from the authorization holder that the holder will comply with the cessation measures determined by the Minister in the authorization, if applicable;

(10) for the purposes of section 115.8, the declaration must be submitted by any applicant or holder who is not a legal person established in the public interest and the declaration must contain the following information and documents:

(a) the contact information of the applicant for or holder of the authorization and, if applicable, that of his or her representative;

(b) in the case of an applicant or holder that is not a natural person, the Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(c) a description of any situation referred to in sections 115.5, 115.6 and 116.7 of the Environment Quality Act that applies to the applicant, the holder or, in the case of a legal person, to any of its directors, officers or shareholders as well as the information referred to in subparagraph a concerning them;

(d) a declaration from the applicant for or holder of an authorization to the effect that all the information and documents provided are complete and accurate.

6. As of 23 March 2018 and until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) or 1st December 2018, whichever comes first, the amendments made by that Act that involved a change in the structure or numbering, as they appear in the concordance table published on the website of the Ministère du Développement durable, de l'Environnement et de la lutte contre les changements climatiques, must be applied to the interpretation of any Act, regulation or order.

7. As of 23 March 2018 and until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) or 1st December 2018, whichever comes first, in addition to the general modifications provided for in this Regulation and that Act, the Regulation respecting industrial depollution attestations (chapter Q-2, r. 5) applies with the following modifications:

(1) section 17 must be read as follows:

“17. In accordance with section 31.16 of the Act, in the case of any event or incident resulting in a contravention of the authorization's provisions, the authorization holder must so inform the Minister in writing, giving reasons for the contravention, and inform the Minister of the measures referred to in that section that have been taken, specifying any timetable for their implementation, within the following time periods:

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

(2) within 30 days of becoming aware of any other event or accident entailing a contravention of the provisions of the authorization.”;

(2) in section 19, the technical report must be submitted to the Minister by any holder of an authorization for the operation of an industrial establishment who wishes to replace or alter apparatus or equipment intended to treat wastewater or to prevent, reduce or stop the discharge of contaminants into the atmosphere, for which contaminant discharge standards are provided for in the authorization;

(3) section 20 does not apply.

8. As of 23 March 2018 and until the date of coming into force of the regulations referred to in subparagraphs 1 to 4, 6 and 7 of the first paragraph and the second paragraph of section 306 as well as section 308 of the Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund (2017, chapter 4) or 1st December 2018, whichever comes first, in addition to the general modifications provided for in this Regulation and that Act, the Regulation respecting hazardous materials (chapter Q-2, r. 32) applies with the following modifications:

(1) section 9 does not apply;

(2) in subparagraph *b* of paragraph 5 of section 113, the 12-month period is extended to 24 months.

9. This Regulation comes into force on 23 March 2018.

103329

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Photo radar devices and red light camera systems — 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 conditions and procedures for the use of photo radar devices and red light camera systems, appearing below, may be made by the Minister of Transport, Sustainable Mobility and Transport Electrification and the Minister of Public Security on the expiry of 45 days following this publication.

The draft Regulation alters the obligation requiring the validation of photo radar devices and red light camera systems and provides that such devices are to be validated in the 6 months preceding their date of use.

The draft Regulation also alters the obligation requiring the testing of photo radar devices and red light camera systems. In that respect, the draft Regulation provides that those devices must be tested in the 36 hours preceding their use and during the 36 hours that follow their use. The test, the result of which is read by a peace officer who has received appropriate training, must indicate that the device is in good working order at the place where it is used.

Lastly, the draft Regulation removes, from the conditions governing the use of devices and systems, the obligation to have them inspected every 75 days. It also provides for the obligation to enter into the register kept by the Sûreté du Québec the date and result of the inspections made to ensure the good working order of the devices and systems, and to keep in it the documents related to the inspections.

To date, study of the matter shows that the amendments will have no financial impact on enterprises, including small and medium-sized businesses.