

Draft Regulations

Draft Regulation

Environment Quality Act
(chapter Q-2)

Fees payable with respect to the traceability of excavated contaminated soils

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the fees payable with respect to the traceability of excavated contaminated soils, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Regulation prescribes the fees payable when excavated contaminated soils are transported from their site of origin or, in certain cases from a receiving site, to cover the costs of the implementation, by the Minister of the Environment and the Fight Against Climate Change, of measures for ensuring the traceability of contaminated soils for the purposes of the Regulation respecting the traceability of excavated contaminated soils (*insert the reference to the Compilation of Québec Laws and Regulations*).

The draft Regulation provides that the fees are payable, if the soils are transported from the site of origin, by the owner of the soils or, if the soils are excavated during work on a linear infrastructure, by the project owner or, if the soils are excavated following an accidental discharge of hazardous materials, by the party causing the discharge and, in certain cases, if the soils are transported from a receiving site, by the site manager.

The draft Regulation will be applied progressively as of its coming into force. Its application will take place in stages, based mainly on the number of metric tonnes of soils transported.

The draft Regulation has an impact on enterprises, on the public, on the departments and bodies and on municipalities that, during work for the excavation of contaminated soils, transport, or have transported, such soils.

Further information may be obtained by contacting Marie-Andrée Vézina, Acting Director, Direction du Programme de réduction des rejets industriels et des lieux contaminés, Ministère de l'Environnement et de la Lutte contre les changements climatiques, 675, boulevard René-Lévesque Est, 9^e étage, Québec (Québec) G1R 5V7; email: marie-andree.vezina@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 Marie-Andrée Vézina, at the above-mentioned contact information.

BENOIT CHARETTE
*Minister of the Environment and
the Fight Against Climate Change*

Regulation respecting the fees payable with respect to the traceability of excavated contaminated soils

Environment Quality Act
(chapter Q-2, s. 95.4)

CHAPTER I GENERAL

1. The purpose of this Regulation is to prescribe the fees payable to cover the costs of the implementation of traceability measures to ensure that excavated contaminated soils are discharged in a site where they may be received.

2. The soils covered by this Regulation are those to which the Regulation respecting the traceability of excavated contaminated soils (*insert the reference to the Compilation of Québec Laws and Regulations*) applies.

3. In this Regulations, the terms “linear infrastructure”, “receiving site”, “project owner”, “receiving site manager” and “site of origin” have the meaning assigned by the Regulation respecting the traceability of excavated contaminated soils (*insert the reference to the Compilation of Québec Laws and Regulations*).

CHAPTER II FEES PAYABLE AND PAYMENT AND ADJUSTMENT OF FEES

4. Fees of \$2.00 per metric tonne of soils are payable for any quantity of contaminated soils transported during work

(1) from their site of origin, except those referred to in section 3 of the Regulation respecting the traceability of excavated contaminated soils (*insert the reference to the Compilation of Québec Laws and Regulations*); and

(2) from a receiving site, where the soils are referred to in section 3 of the Regulation respecting the traceability of excavated contaminated soils (*insert the reference to the Compilation of Québec Laws and Regulations*) and that Regulation applies to the soils.

5. In the case of soils transported from their site of origin, the fees are payable by the owner of the soils or, if the soils are excavated during work on a linear infrastructure, by the project owner or, if the soils are excavated following an accidental discharge of hazardous materials, by the party causing the discharge.

In the case of soils transported from a receiving site, the fees are payable by the site manager.

6. The fees payable under this Regulation must be paid in full within 30 days after notification, by the Minister, of the notice of claim of the amounts owed to the Minister.

The fees are payable in cash, by cheque or by bank or postal money order made out to the Minister of Finance or by an electronic method of payment.

7. The fees payable under this Regulation are adjusted on 1 January of each year based on the annual average percent changes of the All-items Consumer Price Index for Canada, as published by Statistics Canada; the changes are calculated by determining the difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes for the same period of the second preceding year.

The Minister publishes the results of the adjustment in the *Gazette officielle du Québec* before 1 January of each year and, if the Minister considers it appropriate, gives notice by any other means.

CHAPTER III FINAL

8. This Regulation comes into force on 1 November 2021.

Until 31 December 2021, it applies only to the transportation, from the site of origin, of a quantity of contaminated soils equal to or greater than 5,000 metric tonnes, excavated during work that began on or after 1 November 2021.

As of 1 January 2022, it also applies to the transportation

(1) from the site of origin, of any quantity of contaminated soils equal to or greater than 1,000 metric tonnes, excavated during work under way before that date, on that date or after that date and that is, as the case may be,

(a) covered by a contract by mutual agreement entered into after the date on which the Regulation respecting the traceability of excavated contaminated soils (*insert the reference to the Compilation of Québec Laws and Regulations*) is made;

(b) covered by a contract entered into following a public call for tenders or a call for tenders from the private sector, made using a notice published after the date on which the Regulation respecting the traceability of excavated contaminated soils (*insert the reference to the Compilation of Québec Laws and Regulations*) is made, or an invitation to tender made after that date; or

(c) not covered by a contract; and

(2) of any quantity of contaminated soils equal to or greater than 1,000 metric tonnes, from a receiving site, where

(a) they are covered by section 3 of the Regulation respecting the traceability of excavated contaminated soils (*insert the reference to the Compilation of Québec Laws and Regulations*) and are in any of the cases provided for therein to which that Regulation applies in their regard;

(b) they are from the same site of origin;

(c) they are excavated during work under way before 1 January 2022, on that date or after that date and are covered by a case referred to in any of subparagraphs *a* to *c* of subparagraph 1.

As of 1 January 2023, this Regulation applies to any quantity of excavated contaminated soils during work carried out on 1 January 2023 or after that date, regardless of the date on which the excavation work began, and transported from their site of origin, or from a receiving site where the soils are covered by section 3 of the Regulation respecting the traceability of excavated contaminated soils (*insert the reference to the Compilation of Québec Laws and Regulations*) and are in any of the cases provided for therein to which that Regulation applies in their regard.