

Draft Regulations

Environment Quality Act
(chapter Q-2)

Food Products Act
(chapter P-29)

Landfilling and incineration of residual materials

Hot mix asphalt plants

Food

—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 landfilling and incineration of residual materials, the Regulation to amend the Regulation respecting hot mix asphalt plants and the Regulation to amend the Regulation respecting food, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Regulatory amendments are made to facilitate the management of certain residual materials, namely, inedible meat, waste from sorting facilities for construction and demolition materials and post-consumer asphalt shingle fines.

The Regulation respecting the landfilling and incineration of residual materials (chapter Q-2 r. 19) is amended to clarify that the rules applicable to the elimination of inedible meat are those provided for in the Food Products Act (chapter P-29) and the regulations. Other amendments require that operators of engineered landfills receive waste from sorting facilities for construction and demolition materials generated in any territory when no other facility is situated closer to such a sorting facility.

The Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended to allow the use of post-consumer asphalt shingle fines as raw material for the production of asphalt in a hot mix asphalt plant, on certain conditions.

That Regulation is also amended to provide for a minimum distance for the location of such a plant and to require the collection of water in contact with post-consumer asphalt shingle fines so that that water is not discharged into the environment. It also sets out conditions for the storage of those fines. The monetary administrative penalties and offences are adjusted to take into account those amendments.

Lastly, amendments are made to the Food Products Regulation (chapter P-29, r. 1) to provide, in the case of a surplus, that inedible meat may be disposed of by any other means of elimination or reclamation of residual materials compliant with the Environment Quality Act (chapter Q-2) and the regulations. The new means of disposal are applicable where a farm producer, the operator of a dismembering plant, a slaughterhouse, a delicatessen plant or cannery, or a salvager cannot dispose of inedible meat in accordance with the applicable provisions.

The amendments to the Regulation respecting the landfilling and incineration of residual materials are technical corrections or optimizations and have no monetary impact on enterprises. The amendments to the Regulation respecting hot mix asphalt plants allow the reclamation of post-consumer asphalt shingle fines in the process of those plants, which will create a new outlet for those residual materials and an economic opportunity for the enterprises in that sector. The amendments to the Regulation respecting food have no monetary impact on enterprises because landfilling is already an emergency solution for surpluses of inedible meat exceeding the capacities of existing treatment and reclamation facilities.

Further information on the draft Regulations may be obtained by contacting Maude Durand, team leader, Bureau de stratégie législative et réglementaire, Ministère de l'Environnement et de la Lutte contre les changements climatiques, 900, boulevard René-Lévesque Est, bureau 800, Québec (Québec) G1R 2B5; telephone: 418 521-3861, extension 4466; email: question.bslr@environnement.gouv.qc.ca.

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

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

ANDRÉ LAMONTAGE
*Minister of Agriculture,
Fisheries and Food*

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials

Environment Quality Act
(chapter Q-2, ss. 70 and 95.1)

I. The Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) is amended in section 1 by adding the following:

“(5) “inedible meat” refers to inedible meat referred to in the Regulation respecting food (chapter P-29, r. 1).”.

2. The following is added after section 3:

“**3.1.** Inedible meat must be disposed of only on the conditions prescribed by the Food Products Act (chapter P-29) and the regulations made under that Act.”.

3. Section 5 is revoked.

4. Section 6 is amended by replacing the third paragraph by the following:

“Despite the first paragraph, animal carcasses that are not considered inedible meat and their ashes may be disposed of in an animal cemetery that may legally receive them under the Environment Quality Act.”.

5. Section 10 is amended

(1) by inserting the following after paragraph 3:

“(3.1) in any territory if the materials are waste from a sorting facility for construction and demolition materials and no other engineered landfill accessible by a road open year-round is situated closer to that facility;”;

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

“Subparagraph 3.1 of the first paragraph applies to the operator of an engineered landfill despite the first paragraph of section 12 and any contrary provision in an authorization issued under the Environment Quality Act (chapter Q-2) before (*insert the date of coming into force of this Regulation*).”.

6. Section 123 is amended by striking out the second paragraph.

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

Regulation to amend the Regulation respecting hot mix asphalt plants

Environment Quality Act
(chapter Q-2, ss. 95.1, 115.27 and 115.34)

1. The Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended in section 1 by inserting the following after paragraph g:

“(g.1) “post-consumer asphalt shingle fines” means residual materials composed essentially of gravel and bituminous asphalt from asphalt shingles at the end of their useful life;”.

2. Division II is replaced by the following:

“DIVISION II USE OF POST-CONSUMER ASPHALT SHINGLE FINES”

4. Post-consumer asphalt shingle fines may be used as raw material for the production of asphalt in a hot mix asphalt plant when

(1) the plant was designed for that purpose; and

(2) the material is introduced in the recycled materials entry zone or the mixing zone.

5. Post-consumer asphalt shingle fines used by a hot mix asphalt plant for the production of asphalt must originate from a site that is authorized to treat post-consumer asphalt shingles, have previously been treated and be free from asbestos.

5.1. The quantity of post-consumer asphalt shingle fines used for the production of asphalt may not be greater than 5% of the total mass of the finished product.”.

3. Section 9 is amended by inserting the following after the first paragraph:

“Despite the first paragraph, a hot mix asphalt plant that uses post-consumer asphalt shingle fines must be built or installed more than 300 m from any dwelling, unless the concentration of contaminants emitted into the atmosphere during the use of post-consumer asphalt shingle fines is less than or equal to the limit values prescribed in Schedule K to the Clean Air Regulation (chapter Q-2, r. 4.1), using an air dispersion model in accordance with Schedule H to that Regulation.”.

4. Section 15 is amended by adding the following paragraph at the end:

“Water that has been in contact with post-consumer asphalt shingle fines must be collected so that that water is not discharged into the environment.”.

5. The heading of Division VI is amended by adding “AND STORAGE” after “SURFACES”.

6. The following is inserted after section 25:

“25.0.1. Post-consumer asphalt shingle fines must be stored in a way that protects them from the elements, on a concrete-covered or bituminous concrete-covered surface.”.

7. Section 25.2 is amended by adding the following:

“(7) to comply with the storage conditions provided for in section 25.0.1.”.

8. Section 25.4 is amended by inserting the following after paragraph 1:

“(1.1) fails to comply with the conditions for the use of post-consumer asphalt shingle fines prescribed by paragraph 1 of section 4;”.

9. Section 25.6 is amended

(1) by inserting the following before paragraph 1:

“(0.1) fails to comply with the conditions for the use of post-consumer asphalt shingle fines prescribed by paragraph 2 of section 4;

(0.2) uses post-consumer asphalt shingle fines that do not meet the requirements prescribed by section 5;

(0.3) uses a quantity of post-consumer asphalt shingle fines that exceeds the quantity prescribed by section 5.1;”;

(2) by replacing “paragraph *a* or *b*” in paragraph 2 by “subparagraph *a* or *b* of the first paragraph”;

(3) by inserting the following after paragraph 2:

“(2.1) fails to collect water that has been in contact with post-consumer asphalt shingle fines as provided for in the second paragraph of section 15;”.

10. Section 25.8 is amended by replacing “or 24” by “24 or 25.0.1”.

11. Section 25.10 is amended by inserting “paragraph 1 of section 4,” after “contravenes” in paragraph 1.

12. Section 25.12 is amended by replacing paragraph 1 by the following:

“(1) contravenes paragraph 2 of section 4, section 5, 5.1, the second paragraph of section 10 or section 15, 16, 19, 23 or 25;”.

13. This Regulation comes into force on (*insert the date occurring 90 days after the date of publication of this Regulation*).

Regulation to amend the Regulation respecting food

Food Products Act
(chapter P-29, s. 40)

1. The Regulation respecting food (chapter P-29, r. 1) is amended in section 6.4.1.16 by replacing “the removal of waste” in the third paragraph by “the collection or removal of residual materials”.

2. Section 6.4.2.9 is amended

(1) by replacing “the removal of waste” in the second paragraph by “the collection or removal of residual materials”;

(2) by replacing “the removal of waste” in the third paragraph by “the collection or removal of residual materials”.

3. Section 7.1.8 is amended by replacing “the removal of waste” in the third paragraph by “the collection or removal of residual materials”.

4. Section 7.3.1 is amended by replacing “the removal of waste” in subparagraph 4 of the first paragraph by “the collection or removal of residual materials”.

5. Section 7.3.1.2 is replaced by the following:

“7.3.1.2. Where there is a surplus of inedible meat that cannot, either within 48 hours after the death of an animal of a farm producer’s livestock or at the end of the refrigeration or deep freezing period provided for in the second paragraph of section 7.3.1, be disposed of in accordance with the means provided for in subparagraphs 1 to 4 of the first paragraph of that section, the farm producer may dispose of the inedible meat by any other means of elimination or reclamation of residual materials compliant with the Environment Quality Act (chapter Q-2) and the regulations.

Where, despite sections 7.4.3 and 7.4.4, there is a surplus of inedible meat that exceeds the daily capacity of the operator of a dismembering plant, the operator may disposed of the inedible meat by any other means of elimination or reclamation of residual materials compliant with the Environment Quality Act and the regulations. The operator may also use any of those means where the operator cannot dispose of waste, garbage and refuse in accordance with section 7.4.14.

The following persons may also use the other means of elimination or reclamation:

(1) the operator of a dismembering plant who cannot dispose of inedible meat, garbage and refuse in accordance with the conditions set out in section 6.4.1.16;

(2) the operator of a slaughterhouse, delicatessen plant, or cannery of meat governed by section 6.4.2.9, who cannot, within a reasonable period, dispose of inedible meat in accordance with that section;

(3) a salvager who cannot, within a reasonable period, dispose of inedible meat that the salvager salvaged in accordance with section 7.3.3.

For the purposes of the first, second and third paragraphs, the disposal of inedible meat, waste, garbage and refuse must first be authorized by the Minister where the conditions set out in those paragraphs are met.

Except for a salvager and the operator of a dismembering plant, a person who collects or removes residual materials or delivers those materials to a site for the elimination or reclamation of residual materials compliant with the Environment Quality Act and the regulations and a person who operates the site are exempted, for the purposes of this section, from the requirement to hold the permits provided for in subparagraphs *c* and *d* of the first paragraph of section 9 of the Act. The persons are also exempted from the application of section 7.1.5, the sections of Division 7.2, sections 7.3.8 to 7.3.10 and the sections of Division 7.4.”.

6. Section 7.3.2 is amended by replacing “the removal of waste” in the second paragraph by “the collection or removal of residual materials”.

7. Section 7.3.5 is amended by replacing “the removal of waste” in paragraph 4 by “the collection or removal of residual materials”.

8. Section 7.4.14 is amended by replacing “the removal of waste” in the third paragraph by “the collection or removal of residual materials”.

9. Section 9.3.1.14 is amended by replacing “engaged in garbage removal” at the end of subparagraph 4 of the second paragraph by “engaged in the collection or removal of residual materials”.

10. Section 10.3.1.18 is amended by replacing “engaged in garbage removal” at the end of subparagraph 4 of the first paragraph by “engaged in the collection or removal of residual materials”.

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

105685

Draft Regulation

Act respecting the regulation of the financial sector
(chapter E-6.1)

Procedure for the recruitment and selection of persons qualified for appointment as members of the Financial Markets Administrative Tribunal and procedure for the renewal of their term of office

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the procedure for the recruitment and selection of persons qualified for appointment as members of the Financial Markets Administrative Tribunal and the procedure for the renewal of their term of office, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the procedure for the recruitment and selection of persons declared qualified for appointment as members of the Financial Markets Administrative Tribunal, in particular the publicity to be made for recruitment purposes and its content, as well as the application procedure to be followed by candidates. It also provides for the establishment of selection committees, the selection criteria applicable to candidates and the information a committee may require from a candidate. In addition, it determines the period of validity of a certificate of qualification. Lastly, it determines the procedure for the renewal of a member’s term.

Further information on the draft Regulation may be obtained by contacting Jean-Hubert Smith-Lacroix, coordinator, Direction générale du droit corporatif et des politiques relatives au secteur financier, Ministère des Finances, 8, rue Cook, 4^e étage, Québec (Québec) G1R 0A4; email:jean-hubert.smith-lacroix@finances.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Finance, 390, boulevard Charest Est, 8^e étage, Québec (Québec) G1K 3H4.

ERIC GIRARD
Minister of Finance