

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

1438

Gouvernement du Québec

O.C. 451-2011, 4 May 2011

Environment Quality Act
(R.S.Q., c. Q-2)

**Landfilling and incineration of residual materials
— Amendment**

**Charges payable for the disposal of residual
materials
— Amendment**

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials and the Regulation respecting the charges payable for the disposal of residual materials

WHEREAS subparagraphs *a, b, c, d, e, f, g, h, h.1, h.2* and *m* of the first paragraph of section 31, section 64.1 and paragraphs 1 to 7 of section 70 of the Environment Quality Act (R.S.Q., c. Q-2) empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Regulation respecting the landfilling and incineration of residual materials and the Regulation respecting the charges payable for the disposal of residual materials was published in Part 2 of the *Gazette officielle du Québec* of 20 May 2009 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Regulation to amend the Regulation respecting the landfilling and incineration of residual materials and the Regulation respecting the charges payable for the disposal of residual materials, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the landfilling and
incineration of residual materials* and
the Regulation respecting the charges
payable for the disposal of residual
materials****

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a, b, c, d, e, f, g, h, h.1, h.2* and *m*, s. 64.1 and s. 70, pars. 1 to 7)

1. The Regulation respecting the landfilling and incineration of residual materials is amended in section 4 by replacing paragraph 6 by the following:

“(6) pesticides within the meaning of the Pesticides Act (R.S.Q., c. P-9.3);”.

2. Section 6 is amended

(1) by adding “, except batches of branches, stumps or shrubs less than 60 m³ and soil excavated from land that has not been contaminated by human activity” at the end of the first paragraph;

(2) by replacing the second paragraph by the following:

“Despite the provisions of the first paragraph, the following may be disposed of in a landfill authorized for that purpose by the Minister under section 22 of the Environment Quality Act:

(1) fibrous waste from sawmills;

(2) fibrous waste of the same nature as fibrous waste from sawmills that originates from oriented strandboard manufacturing plants; and

(3) ash, soils or sludge from the establishments referred to in subparagraphs 1 and 2 and that contain such waste.”.

* The Regulation respecting the landfilling and incineration of residual materials, made by Order in Council 451-2005 dated 11 May 2005 (2005, *G.O.* 2, 1182), was last amended by the regulation made by Order in Council 82-2009 dated 11 February 2009 (2009, *G.O.* 2, 193). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

** The Regulation respecting the charges payable for the disposal of residual materials, made by Order in Council 340-2006 dated 26 April 2006 (2006, *G.O.* 2, 1481), was amended by the regulation made by Order in Council 526-2010 dated 23 June 2010 (2010, *G.O.* 2, 1879).

3. Section 8 is amended by replacing paragraph 3 by the following:

“(3) subject to the provisions of Chapter VI of the Regulation respecting pulp and paper mills, mill residual materials within the meaning of section 1 of that Regulation;

(3.1) subject to the second paragraph of section 6 of this Regulation, fibrous waste from sawmills and fibrous waste of the same nature that originates from oriented strandboard manufacturing plants, as well as ash and soils or sludge from those establishments and that contain such waste;”.

4. Section 22 is amended

(1) by striking out the third dash in subparagraph *a* of subparagraph 1 of the first paragraph;

(2) by striking out “and the base of the lower liner is at least 1.5 m above bedrock” at the end of the third paragraph.

5. Section 32 is amended by inserting “if it is not reclaimed,” after “In addition,” in the third paragraph.

6. Section 39 is amended

(1) by replacing “an annual log” in the part preceding subparagraph 1 of the first paragraph by “a log”;

(2) by striking out “and the licence plate of the vehicle” in subparagraph 1 of the first paragraph;

(3) by striking out the second paragraph;

(4) by striking out “annual” in the last paragraph.

7. Section 40 is amended by replacing the first paragraph by the following:

“The operator must also enter in the log, for every load of materials referred to in the second and third paragraphs of section 42 and the third and fourth paragraphs of section 50 and to be used to cover the residual materials landfilled in the disposal areas, the nature and quantity of the materials.”.

8. The following is inserted after section 40:

“**40.1.** The operator is required to confirm the acceptance of soil when soil referred to in subparagraph 2 of the first paragraph of section 39 is received. For that purpose, for each batch of soil of 200 tons or less, the operator must have a sample taken to have it analyzed

for all contaminants likely to be present in the soil among those referred to in the second paragraph of section 42 and the third paragraph of section 50, in the case of soil used to cover residual materials, or in Schedule I to the Land Protection and Rehabilitation Regulation in the case of soil intended for landfilling.

For every batch of soil of more than 200 tons, in addition to the sampling provided for in the first paragraph, the operator must have an additional sample taken and have it analyzed for each additional fraction of soil of 400 tons or less.

The results of the analyses must be entered in the log.”.

9. Section 41 is amended by inserting “soil referred to in subparagraph 2 of the first paragraph of section 39” in the first paragraph after “sludge”.

10. Section 42 is amended

(1) by replacing “this section. For that purpose, the operator must have representative samples of the soils or materials analyzed” in the fourth paragraph by “the first paragraph. For that purpose, the operator must have representative samples of the soils or materials measured and analyzed”;

(2) by inserting “measures and” after “the results of the” in the fourth paragraph;

(3) by replacing “soil or material” in the fifth paragraph by “materials other than soil”.

11. Section 47 is replaced by the following:

“**47.** No person may burn residual materials in an engineered landfill. An operator may not allow the burning of such materials in an engineered landfill.”.

12. Section 50 is amended by adding the following paragraph at the end:

“The provisions of sections 34 to 36 relating to quality assurance and control apply, with the necessary modifications, to the final cover of disposal areas prescribed by this section.”.

13. Section 52 is amended

(1) by inserting “, the source” after “the nature” in subparagraph 1 of the first paragraph;

(2) by inserting “in a computer medium using the technology-based documents prescribed by the Minister” after “the Minister” in the second paragraph.

14. Section 53 is amended, in the table in the first paragraph,

(1) by striking out “275 CFU/100 ml”;

(2) by replacing “100 CFU/100 ml” by “1000 CFU/100 ml”.

15. Section 63 is amended

(1) by inserting the following subparagraph after subparagraph 2 of the first paragraph:

“(3) at least once a month, if the leachate or water is conveyed to a treatment facility established and operated pursuant to an authorization issued under the Environment Quality Act, for the purpose of measuring the parameters or substances referred to in section 53, except fecal coliforms.”;

(2) by inserting “or discharged towards a treatment facility” after “being treated” in the second paragraph;

(3) by inserting “into the environment” after “discharges” and “, other than surface water sediment basins,” after “landfill” in the fourth paragraph;

(4) by replacing the last paragraph by the following:

“The flow of the leachate collected by the collection systems prescribed by sections 25 and 26 and the flow of the discharges from the treatment system in the landfill must be separately and continuously measured and the results recorded.”.

16. Section 65 is amended by replacing “situated entirely” in the second paragraph by “situated in whole or in part”.

17. Section 71 is amended

(1) by replacing “within 60 days” in the first paragraph by “within 30 days following the last day of the month”;

(2) by replacing “being” in the third paragraph by “the last day of the month during which the operator is”.

18. Section 77 is amended by striking out “annual” before “logs” in the second paragraph.

19. Section 87 is amended by replacing paragraph 3 by the following:

“(3) in the territory of the James Bay region, as described in the schedule to the James Bay Region Development and Municipal Organization Act (R.S.Q., c. D-8.2), excluding the towns of Chibougamau and Chapais;”.

20. Section 89 is amended

(1) by inserting “40.1,” after “40,”;

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

“The provisions of sections 63, 65 and 66 do not apply to a trench landfill that is completely sited on a mine tailings heap if the monitoring and supervision measures prescribed by those sections cannot be implemented due to physical constraints inherent to the heap. In that case, the operator must see to the implementation of substitution measures that, in addition to being better adapted to those constraints, allow water monitoring and supervision as close as possible to those prescribed by sections 63, 65 and 66.”.

21. Section 91 is amended by adding the following paragraph at the end:

“The provisions of sections 34 to 36 relating to quality assurance and control apply, with the necessary modifications, to the final trench cover prescribed by this section.”.

22. Section 94 is amended

(1) by striking out “, except Category I and II lands for the Crees of Great Whale River” in subparagraph 1 of the third paragraph;

(2) by inserting “, Ville de Schefferville and the territory within a radius of 10 kilometres from the limits of that town, the Naskapi Village of Kawawachikamach” after “Saint-Augustin” in subparagraph 2 of the third paragraph.

23. Section 99 is amended by adding the following at the end:

“The soil used to cover the residual materials may contain contaminants in a concentration equal to or lower than the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation for volatile organic compounds and in Schedule II to that Regulation for other contaminants. Those limit values do not apply to contaminants that do not originate from human activity.”.

24. Section 100 is amended by adding the following at the end:

“The soil referred to in the first paragraph may contain contaminants in a concentration equal to or lower than the limit values set out in Schedule I to the Land Protection and Rehabilitation Regulation. Those limit values do not apply to contaminants that do not originate from human activity.”.

25. Section 105 is amended

(1) by replacing “40, 43 to 46, 48, 49, 52 to 55, 57 to 60 and 63 to 79” in the first paragraph by “40.1, 43 to 49, 52 to 55, 57 to 60, 63 to 67 and 69 to 79”;

(2) by striking out subparagraph 3 of the second paragraph;

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

“The operator must periodically verify, at the frequency specified in the authorization obtained pursuant to section 22 or 31.5 of the Environment Quality Act, whether the soils or other materials used to cover the residual materials meet the requirements of subparagraph 1 of the second paragraph of this section. For that purpose, the operator must have representative samples of the soils or materials measured and analyzed and the results of the measurements and analyses must appear in the annual report prepared pursuant to section 52.”.

26. Section 106 is amended by adding the following paragraph at the end:

“The provisions of sections 34 to 36 relating to quality assurance and control apply, with the necessary modifications, to the final cover of disposal areas prescribed by this section.”.

27. Section 112 is amended

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

“Remote landfills are permitted in the following territories only:

(1) territories that are not organized into local municipalities;

(2) territories inaccessible by road and every island that is not connected to the mainland by a bridge or a boat service;

(3) the territory of the James Bay region, as described in the schedule to the James Bay Region Development and Municipal Organization Act;

(4) the territories referred to in the third paragraph of section 94; and

(5) the part of the territory of Ville de La Tuque situated west of the 73rd meridian.”;

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

“Except the territories referred to in subparagraph 4 of the first paragraph, those landfills may not serve more than 100 persons on average, on a yearly basis.”;

(3) by replacing “subparagraphs 1 and 3” in the second paragraph by “subparagraphs 1, 3 and 5”;

(4) by adding the following subparagraph after subparagraph 6 of the second paragraph:

“(7) Ville de La Tuque.”.

28. Section 113 is amended by replacing “50” in paragraph 2 by “100”.

29. Section 115 is replaced by the following:

“**115.** No person may burn residual materials in a remote landfill. An operator may not allow the burning of such materials in a remote landfill.

The prohibition in the first paragraph is however not applicable to a remote landfill in the North as defined in section 94 that has a fire barrier at least 15 m wide and devoid of all vegetation extending outward from the burning area.”.

30. Section 117 is amended by replacing “with a layer of soil at least 15 cm thick” in the first paragraph by “or at least once a week where those materials are burned pursuant to the second paragraph of section 115, with a layer of soil”.

31. Section 124 is amended by striking out “and have a fire extinguishing system” in the second paragraph.

32. Section 137 is amended by replacing the second paragraph by the following:

“Despite the foregoing, sludge with a dryness lower than 25% may not be accepted at a transfer station.”.

33. The following is inserted before section 136:

**“DIVISION 1
GENERAL”.**

34. Section 139 is amended

(1) by replacing “Sections 37 to 39, paragraph 1 of section 45, sections 48, 49” in the first paragraph by “Subject to section 139.2, sections 37 to 39, paragraph 1 of section 45, sections 48, 49, subparagraph 1 of the first paragraph of section 52”;

(2) by replacing “transferred residual materials. The logs are not required to be kept” in the second paragraph by “transferred residual materials and the data must be compiled in the annual reports of those stations. The logs are not required to be kept”.

35. The following is inserted after section 139:

**“DIVISION 2
LOW CAPACITY TRANSFER STATIONS**

139.1. A low capacity transfer station established in accordance with this Division may be operated only by or for a municipality.

“Low capacity transfer station” means a transfer station that is established for the transfer of 200 metric tons or less of residual materials every week.

139.2. Despite the provisions of section 139, the provisions of section 38 do not apply to a low capacity transfer station. The quantity of residual materials entered in the operations logs of such a station pursuant to subparagraph 4 of the first paragraph of section 39 may be expressed in volume.

The provisions of sections 29, 37, 39, subparagraphs 1 and 4 of the first paragraph and the second paragraph of section 52, and the second and third paragraphs of section 124 do not apply to a low capacity transfer station where it is established for the transfer of 30 metric tons or less of residual materials every week.

In addition, the provisions of section 138 do not apply to a low capacity transfer station where the residual materials are deposited in a closed and water-tight container and conveyed to a disposal facility at least once a week from May to October.

A local municipality may only have on its territory 1 low capacity transfer station established for the transfer of more than 30 metric tons of residual materials every week. This also applies to a transfer station established for the transfer of 30 metric tons or less of residual materials every week and used in whole or in part for the transfer of household garbage.

139.3. The maximum volume of residual materials that may be stored in a low capacity transfer station must not at any time exceed 300 m³. In the case of a station established for the transfer of 30 metric tons or less of residual materials every week, the volume may not exceed 100 m³.

139.4. Despite the provisions of section 139.1, where a low capacity transfer station is situated in a territory inaccessible by a road open year-round within the meaning of paragraph 4 of section 87, a quantity of residual materials greater than 200 metric tons may be transferred every week from November to April. In addition, during the same period, the provisions of section 139.3 do not apply to such a station.”.

36. Section 140 is amended by inserting “, except a transfer station referred to in the second paragraph of section 139.2,” after “Chapters III and IV apply” in the first paragraph.

37. Section 146 is amended by adding the following paragraph at the end:

“Likewise, the provisions of section 55 do not apply to a transfer station referred to in the second paragraph of section 139.2. In such a case, the operator must notify in writing the Minister and the regional county municipality with an indication of the location of such a station, the weekly quantity of residual materials that will be transferred at the station and the user community concerned.”.

38. Section 147 is amended in the first paragraph

(1) by replacing the part preceding subparagraph *a* of subparagraph 1 of the first paragraph by the following:

“(1) in the case of an application for the establishment or enlargement of an engineered landfill or a construction or demolition waste landfill that was authorized by the Government under section 31.5 of the Environment Quality Act,”;

(2) by replacing “any other engineered landfill” in subparagraph 2 of the first paragraph by “any other application concerning an engineered landfill or a construction or demolition waste landfill”;

(3) by replacing “a trench landfill” in subparagraph 3 of the first paragraph by “an application concerning a trench landfill”;

(4) by replacing “the lots or parts of lots covered by the application and the location certificate for each lot or part of lot” in subparagraph *a* of subparagraph 3 of the first paragraph by “the land covered by the application”;

(5) by inserting the following subparagraph after subparagraph *b* of subparagraph 3 of the first paragraph:

“(c) if a landfill is planned to be sited completely on a mine tailings heap, the documents or information establishing that physical constraints justify the implementation of substitution measures for water monitoring and supervision, as permitted by section 89, and that those measures meet the conditions in that section;”;

(6) by replacing “a northern landfill” in subparagraph 4 of the first paragraph by “an application concerning a northern landfill”;

(7) by replacing “a residual materials transfer station or” in subparagraph 5 of the first paragraph by “an application concerning a residual materials transfer station or”.

39. Section 150 is amended

(1) by replacing “90 to” in the first paragraph by “90, the first, second, third and fourth paragraphs of section 91”;

(2) by inserting “139.1 to 139.3,” in the first paragraph after “120,”;

(3) by inserting “the fifth paragraph of section 91 concerning the application of sections 34 to 36,” in the second paragraph after “and 52,”;

(4) by replacing “subparagraph 4” in the second paragraph by “subparagraphs 1 and 4”.

40. Section 151 is amended

(1) by replacing “41” and “third paragraph” in the first paragraph by “40.1” and “third and fourth paragraphs” respectively;

(2) by replacing “sections 43, 44” and “43, 44, 55 and 63 to 71” in the second paragraph by “sections 40.1, 43, 44” and “40.1, 43, 44, 55, 63 to 67 and 69 to 71” respectively.

41. Section 152 is amended by replacing “sections 53” in the second paragraph by “sections 47, 53”.

42. Section 155 is amended by inserting “and the transfer stations referred to in the second paragraph of section 139.2” in the first paragraph after “the remote landfills”.

43. The following is inserted after section 155:

“**155.1.** Sections 64.2 to 64.12 of the Environment Quality Act related to the fixing of tariffs by the operator of a residual materials disposal facility apply to engineered landfills governed by Division 2 of Chapter II of this Regulation.”.

44. Section 157 is amended by striking out “annual” in paragraph 2.

45. Section 161 is amended

(1) by adding the following sentence at the end of the first paragraph:

“In addition, in the case of the landfill used exclusively by the waste water treatment plant of Ville de Montréal in operation on that date, the minimum width of the buffer zone prescribed by the first paragraph of section 18 is reduced to 10 m around the landfill, including any future enlargement, so long as only the ash from the sludge incinerator and the sands generated by the operation of that station are landfilled.”;

(2) by adding the following at the end:

“Despite the provisions of the second and fourth paragraphs of this section, residual materials generated in the territory of Ville de Lebel-sur-Quévillon remain accepted in the in-trench disposal site operated by the municipality before 19 January 2009 and located in the territory of Ville de Senneterre, up to the landfill capacity authorized on that date so long as it is sited and operated in accordance with the provisions prescribed by sections 88 to 93.”.

46. The Regulation respecting the charges payable for the disposal of residual materials is amended in section 8

(1) by replacing “an annual log” in the first paragraph by “a log” and by striking out “annual” in the last paragraph;

(2) by striking out “the licence plate number of the vehicle used” in subparagraph 3 of the first paragraph.

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