



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 107
(2005, chapter 33)

An Act to amend the Environment Quality Act

**Introduced 12 May 2005
Passage in principle 3 November 2005
Passage 2 December 2005
Assented to 6 December 2005**

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EXPLANATORY NOTES

The purpose of this bill is to transpose to the Environment Quality Act certain powers originally conferred on the Government by the Act respecting the establishment and enlargement of certain waste elimination sites and the Act to prohibit the establishment or enlargement of certain waste elimination sites, while repealing the latter two Acts.

The bill also provides for the arbitration of any disagreement between municipalities concerning the cost of waste elimination services following an order issued under section 61 of the Environment Quality Act.

LEGISLATION AMENDED BY THIS BILL:

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

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the establishment and enlargement of certain waste elimination sites (R.S.Q., chapter E-13.1);
- Act to prohibit the establishment or enlargement of certain waste elimination sites (R.S.Q., chapter I-14.1).

Bill 107

AN ACT TO AMEND THE ENVIRONMENT QUALITY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 31.5 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by inserting the following paragraph after the first paragraph:

“If it issues a certificate of authorization for the realization of a project to establish or enlarge a landfill site used in whole or in part as a final disposal site for household garbage collected by or for a municipality, the Government or the committee of ministers may, if it considers it necessary for greater environmental protection, establish standards other than those prescribed by a regulation under this Act and include them in the certificate.”

2. Section 31.6 of the Act is amended by inserting the following paragraph after the fourth paragraph:

“The Government or the committee of ministers may similarly exempt a project to establish or enlarge a landfill site referred to in the second paragraph of section 31.5 from the application of all or part of the environmental impact assessment and review procedure if, in its opinion, the situation requires that the project be realized in a time frame that is shorter than what is required for the application of the procedure. The decision of the Government or of the committee of ministers must describe the situation that warrants the exemption. The operation period of a landfill site so authorized may not exceed one year. A decision made under this paragraph may be renewed only once in respect of the same project.”

3. Section 61 of the Act is amended by replacing the second paragraph by the following paragraphs:

“On the Minister’s own initiative or at the request of a municipality concerned, the Minister may, after consultation with the parties, appoint an arbitrator to apportion the costs or set the compensation payable for the services provided. Notice of the appointment is given to each of the municipalities concerned.

The arbitrator’s decision must be made based, in particular, on the criteria mentioned in section 64.8.

Articles 944 to 944.10, 945.1 to 945.8 and 946 to 946.6 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the second paragraph.

The remuneration of the arbitrator shall be determined by the Minister. The arbitration and homologation costs shall be paid in equal shares by the municipalities concerned unless the arbitrator or the court decides otherwise by a decision giving reasons.”

4. Section 124 of the Act is amended by inserting “, and the standards established under the second paragraph of section 31.5,” after “Such regulations” in the fourth paragraph.

5. The Act respecting the establishment and enlargement of certain waste elimination sites (R.S.Q., chapter E-13.1) and the Act to prohibit the establishment or enlargement of certain waste elimination sites (R.S.Q., chapter I-14.1) are repealed.

6. The provisions of this Act come into force on the date or dates to be set by the Government.