

Gouvernement du Québec

O.C. 192-2025, 26 February 2025

Regulation to amend the Regulation respecting the reclamation of residual materials

WHEREAS, under subparagraph 4 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, determine the conditions or prohibitions applicable to the establishment, operation and closure of any recovery or reclamation facility, in particular biological treatment and storage facilities, including facilities where sorting and transfer operations are carried out, and determine the conditions or prohibitions to apply after the closure;

WHEREAS, under subparagraph 5 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, determine the conditions or prohibitions applicable to the use, sale, storage and processing of materials intended for or resulting from reclamation;

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them; the amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may in particular determine the provisions of a regulation the Government has made in particular under the Environment Quality Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the reclamation of residual materials was published in Part 2 of the *Gazette officielle du Québec* of 24 July 2024 with a notice that it could be made by the Government on the expiry of 45 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 the Environment, the Fight Against Climate Change, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the reclamation of residual materials, attached to this Order in Council, be made.

DAVID BAHAN
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the reclamation of residual materials

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpars. 4 and 5, and s. 95.1, 1st par., subpars. 3 and 20).

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(chapter M-11.6, s. 30, 1st par., and s. 45, 1st par.).

1. The Regulation respecting the reclamation of residual materials (chapter Q-2, r. 49) is amended in the first paragraph of section 1 by inserting “Chapter IV of Title III of Part II of” before “the Regulation”.

2. Section 2 is amended by replacing “any health and social services institution governed by the Act respecting health services and social services (chapter S-4.2) or by” in the definition of “health and social services institution” provided for in paragraph 3 of the definition of “public

institution” by “a facility maintained by Santé Québec or by any institution referred to in the Act respecting the governance of the health and social services system (chapter G-1.021), the Act respecting health services and social services for the Inuit and Naskapi (chapter S-4.2) or”.

3. Section 5 is amended

(1) in the first paragraph,

(a) by inserting “254.1,” after “section” in the portion before subparagraph 1;

(b) by replacing “or 281” in the portion before subparagraph 1 by “, 281, 290.2, 290.5 or 290.6”;

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

“The first paragraph does not apply to the activities referred to in sections 290.2, 290.5 and 290.6 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, made by section 16 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, made by Order in Council 189-2025 dated 26 February 2025, when they are carried out inside a building.”

4. Section 9 is amended by inserting “, within the time indicated by the Minister” at the end of the second paragraph.

5. Section 11 is amended by inserting “, within the time indicated by the Minister” at the end of the second paragraph.

6. The following is inserted after section 11:

“**11.1.** Every declarant of an activity covered by a declaration of compliance under section 254.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), made by section 10 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, made by Order in Council 189-2025 dated 26 February 2025, must keep a log containing the following information:

(1) for each composting material that originates from another raising or spreading site,

(a) the reception date;

(b) the date of the composting;

(c) the quantity, by weight or volume;

(d) the name and contact information of the generator;

(2) for each heap of composting materials and compost being stored,

(a) its location;

(b) the date of the first input forming the heap;

(c) the date of the complete removal of the heap;

(3) the internal temperatures of the composting materials in the facility demonstrating that the materials reached 40°C at one point during composting.

The declarant must keep the information recorded in the log for a minimum of 5 years from the date it was entered in it. The information must be provided to the Minister on request, within the time indicated by the Minister.”

7. Section 12 is amended by inserting “, within the time indicated by the Minister” at the end of the second paragraph.

8. Section 13 is amended

(1) by replacing “section 274” by “section 275 or, when it is carried out on a raising or spreading site, section 279, amended by section 14 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, made by Order in Council 189-2025 dated 26 February 2025,” in the portion before subparagraph 1 of the first paragraph;

(2) by inserting “, within the time indicated by the Minister” at the end of the second paragraph.

9. The following is inserted after section 13:

“**13.1.** Every operator carrying out an activity exempted under section 290.7 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), made by section 16 of the Regulation to amend the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact, made by Order in Council 189-2025 dated 26 February 2025, must keep a log containing, for each storage facility and each heap of fertilizing residual materials, the following information:

(1) the GPS coordinates of the storage facility or field heap;

(2) for each input of fertilizing residual materials,

(a) the date;

(b) the type of fertilizing residual materials;

(c) the quantity, by weight or volume;

(d) the name and contact information of the generator of the fertilizing residual materials;

(e) the C, P, O, E and I classes determined pursuant to the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*), if applicable.

The operator must keep the information entered in the log for a minimum of 5 years from, as the case may be,

(1) the date on which the storage facility was fully emptied;

(2) the date on which the field heap was fully removed.

The information must be provided to the Minister on request, within the time indicated by the Minister.”.

10. Section 28 is amended

(1) by replacing “12 or 13” in paragraph 2 by “, 11.1, 12, 13 or 13.1”;

(2) by replacing “12 or 13” in paragraph 4 by “, 11.1, 12 or 13”;

(3) in inserting the following after paragraph 4:

“(4.1) to keep the information entered in the log for the period prescribed by the second paragraph of section 13.1 or provide it to the Minister in accordance with the third paragraph of that section.”.

11. Section 31 is amended by replacing “13” by “13.1”.

12. This Regulation comes into force on 1 November 2025, except section 2, which comes into force on 27 March 2025.

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