



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 101

**An Act respecting the establishment
and enlargement of certain waste
elimination sites**

Introduction

**Introduced by
Mr Pierre Paradis
Minister of the Environment**

**Québec Official Publisher
1993**

EXPLANATORY NOTES

This bill provides, from the date of its introduction in the National Assembly, that every project to establish or enlarge a sanitary landfill site or a dry materials disposal site, including any project submitted to the Minister before that date but in respect of which a certificate has not been issued, will be subject to the environmental assessment procedure instituted by the Environment Quality Act.

It also gives the Government the power, when issuing the certificate authorizing the project, to establish standards other than those prescribed by the Regulation respecting solid waste.

Finally, the bill prescribes the time at which its provisions will cease to be effective.

Bill 101

An Act respecting the establishment and enlargement of certain waste elimination sites

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. From (*insert here the date on which this bill is introduced in the National Assembly*), no person may undertake any project to establish or enlarge a sanitary landfill site or dry materials disposal site within the meaning of the Regulation respecting solid waste (R.R.Q., 1981, chapter Q-2, r. 14) unless the procedure for assessing and examining the environmental impacts of the project, as provided for in Division IV.1 of Chapter I of the Environment Quality Act (R.S.Q., chapter Q-2), has been followed and unless that person holds the certificate referred to in section 54 of that Act and a certificate of authorization issued by the Government under section 31.5 of that Act.

The first paragraph does not apply to any project in respect of which the Minister, before (*insert here the date on which this bill is introduced in the National Assembly*), has issued the certificate referred to in section 54 of that Act.

2. The provisions of the first paragraph of section 1 apply to any project to establish or enlarge a sanitary landfill site or dry materials disposal site that is submitted to the Minister of the Environment before (*insert here the date on which this bill is introduced in the National Assembly*) in order to obtain the certificate referred to in section 54 of the Environment Quality Act, but in respect of which, on that date, no certificate has been issued by the Minister and no judgment replacing the certificate has been rendered. The application for the certificate shall replace the notice required under section 31.2 of that Act.

Where a project to which the first paragraph applies has, before (*insert here the date on which this bill is introduced in the National Assembly*), been the subject of an inquiry and report by the Bureau d'audiences publiques sur l'environnement pursuant to section 6.3 of the Environment Quality Act, the proponent of the project shall not be required to prepare the impact assessment study provided for in section 31.2 of that Act. Furthermore, such a project shall not be the subject of other consultation or public hearings under section 31.3 of that Act. Finally, the inquiry report of the Bureau d'audiences publiques sur l'environnement shall, for the purposes of section 31.5 of that Act, replace the impact assessment study referred to in that section.

3. The Government, each time it issues a certificate of authorization under section 31.5 of the Environment Quality Act in respect of a project to which the first paragraph of section 1 or section 2 applies, may, if it considers it necessary for greater environmental protection, establish standards in the certificate other than those prescribed by the Regulation respecting solid waste, in particular as regards the conditions on which the sanitary landfill site or dry materials disposal site with which the project is concerned may be established, enlarged or closed down.

The priority accorded by the fifth paragraph of section 124 of the Environment Quality Act to the regulations made under that Act also applies to the standards established by the Government pursuant to the first paragraph of this section.

4. Any person who contravenes the provisions of this Act or the standards established by the Government pursuant to section 3 is liable to the penalties prescribed by section 106 of the Environment Quality Act.

The provisions of the first paragraph of section 109.1.1 and sections 109.1.2, 109.2, 110, 110.1, 112, 112.1, 114, 115, 116 and 116.1 of that Act are applicable.

5. The provisions of this Act are not applicable to the territories referred to in the second paragraph of section 31.9 and in sections 133 and 168 of the Environment Quality Act.

6. This Act comes into force on (*insert here the date of assent to this Act*) and, with the exception of section 4, is effective from (*insert here the date on which this bill is introduced in the National Assembly*).

This Act shall cease to be effective on the date on which section 12 of the Act to amend the Environment Quality Act (1992, chapter 56) comes into force. Sections 3 and 4 of this Act, however, shall continue to apply until the Regulation respecting solid waste is replaced. From the coming into force of the said section 12, the power granted by section 3 of this Act will be exercised by the Government or by the Minister, according to whether the certificate of authorization is issued by the former under section 31.9.9 or by the latter under section 31.9.12, as enacted by the Act to amend the Environment Quality Act.