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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 70

## **An Act to amend the Environment Quality Act**

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### **Introduction**

**Introduced by  
Mr Clifford Lincoln  
Minister of the Environment**



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#### EXPLANATORY NOTES

*The object of this bill is to amend certain provisions of the Environment Quality Act to better adapt the Act to the administrative requirements of the Ministère de l'Environnement.*

*Some of the new requirements are the authorization of loans to municipalities for the acquisition of waterworks or sewer systems, the fixing of rates for the operation of waste elimination sites and the power to transfer or suspend authorization certificates issued under the Act.*

*Other provisions included in the bill are aimed at eliminating the duplication of provisions which appear in both the Act respecting Access to documents held by public bodies and the Protection of personal information and the Environment Quality Act, by repealing certain sections of the latter Act.*

#### ACT AMENDED BY THIS BILL:

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

# Bill 70

## An Act to amend the Environment Quality Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 40 of the Environment Quality Act (R.S.Q., chapter Q-2) is replaced by the following section:

“**40.** A municipality obliged to make expenditures pursuant to section 32.5, to the second paragraph of section 34 or under section 35 is authorized to contract a loan by by-law requiring no other approval than that of the Minister of Municipal Affairs.”

**2.** Sections 64.1 to 64.4 of the said Act are replaced by the following sections:

“**64.1** The Commission municipale du Québec is competent to hear and decide any application for the fixing of rates that may be required by the operator of a waste elimination site.

The Commission may decide any application by an operator of a waste elimination site for the abolishment or change of the rates.

Sections 3 to 21 and 87 to 90 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), adapted as required, apply to this section.

“**64.2** The Commission municipale du Québec shall, before rendering a decision on an application referred to in section 64.1, inform and hear the operator of the waste elimination site, the municipalities likely to be concerned by such decision, and the persons carrying waste to the contemplated elimination site. The Commission shall also allow any intervening party to make such representations as the party may consider useful.

Every decision of the Commission fixing, changing or abolishing rates that may be required by an operator of a waste elimination site is final and executory notwithstanding any appeal.

An appeal lies from any decision rendered under this section to the Court of Appeal. The appeal takes place only with leave granted by a judge of the Court of Appeal in the same manner and with the same time requirements as in the case of an interlocutory judgment of the Superior Court.

**“64.3** Where the operator of a waste elimination site wishes to increase his rates, he shall so inform the public within 90 days before the date on which the increase takes effect, by posting a sign in a conspicuous place at the entrance to his waste elimination site.”

**3.** Section 67 of the said Act is amended by replacing the second paragraph by the following paragraph:

“In such a case, sections 54 and 55 apply, adapted as required, and the rates shall be fixed in accordance with sections 64.1 to 64.3.”

**4.** Section 96 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The same applies in all cases where the Deputy Minister refuses to grant, suspends or cancels an authorization certificate, a certificate, an authorization, an approval, a permission or a permit, fixes the term of the renewal of a permit under section 55 at less than five years, requires a change in an application made to him, refuses to renew or suspends a permit, fixes or apportions costs and expenses and determines compensation under section 61 or serves a denial of conformity on the proponent of a project.”

**5.** Section 117 of the said Act is replaced by the following section:

**“117.** If a person believes that he can attribute to the emission, deposit, issuance or discharge of a contaminant, the existence of an immediate hazard to his health or safety, or any serious or irreparable injury to his right to a healthy environment, he may, in writing, within thirty days after ascertaining the damage, request the Minister to make an inquiry.

Where the Minister considers that circumstances warrant it, he shall cause the requested inquiry to be made.”

**6.** Section 118 of the said Act is replaced by the following section :

**“118.** The Minister may furnish a report of the results of any inquiry made under section 117 to the person he believes responsible, the complainant and the municipality in which the source of contamination is situated.”

**7.** Sections 118.4 and 118.5 of the said Act are repealed.

**8.** Section 122.1 of the said Act is amended by replacing what precedes subparagraph *a* of the first paragraph by the following :

**“122.1** The Government, the Minister or the Deputy Minister may amend, suspend or cancel any authorization certificate issued by it or him or issued in its or his name in the cases where”.

**9.** Section 122.2 of the said Act is replaced by the following section :

**“122.2** Section 122.1 does not have the effect of preventing the transfer, amendment or cancellation of an authorization certificate where its holder applies therefor.

Any decision ratifying an application referred to in the first paragraph is final and without appeal.”

**10.** All rates fixed in favour of an operator of a waste elimination site by the Deputy Minister of the Environment under section 64.1 of the Environment Quality Act (R.S.Q., chapter Q-2) as it read on (*insert here the date preceding the date of coming into force of this Act*) remain in force until (*insert here the date of the ninetieth day following the date of coming into force of this Act*).

As regards contracts entered into between a municipality and a waste carrier that are in force on (*insert here the date of the ninetieth day following the date of coming into force of this Act*), any change in costs decided by the operator of a waste elimination site is payable by or credited to the municipality, provided that the costs payable by the municipality do not exceed those it was required to pay at the time of the abolishment of the rates ordered by the Deputy Minister of the Environment.

**11.** This Act comes into force on (*insert here the date of assent to this Act*).