

NATIONAL ASSEMBLY

FIRST SESSION

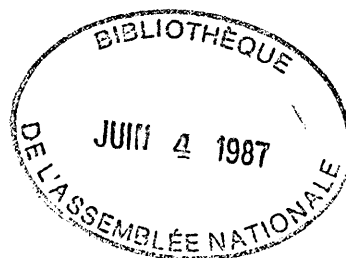
THIRTY-THIRD LEGISLATURE

Bill 19

An Act to amend the Environment Quality Act

Introduction

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



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EXPLANATORY NOTES

The object of this bill is to amend the Environment Quality Act to provide more adequate administrative support for the needs of the Ministère de l'Environnement.

Some of these needs relate to the authorization of loans contracted by municipalities when acquiring waterworks and sewer systems, to a mechanism for fixing the prices charged by the operators of waste elimination sites, and to the power to suspend or transfer authorization certificates issued under the Act.

Other amendments bring the remuneration of the members of the James Bay Advisory Committee on the Environment, the Kativik Environmental Quality Commission and the Kativik Environmental Advisory Committee into conformity with government policy.

In addition, the bill gives certain powers to the Minister of the Environment respecting the protection of lakeshores, riverbanks, littoral zones and floodplains; that is, it makes him responsible for the elaboration of the policy in this regard adopted by the Government and published in the Gazette officielle du Québec.

Bill 19

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by adding, after paragraph 19, the following paragraph:

“(20) “tailings” means overburden, waste rock, solid residues from primary ore concentration and slag from secondary pyrometallurgy operations.”

2. The said Act is amended by inserting, after section 2, the following section:

“**2.1** It shall be the responsibility of the Minister to elaborate and propose to the Government a protection policy for lakeshores, riverbanks, littoral zones and floodplains, to implement such policy and to coordinate its application.

The policy adopted by the Government must be published in the *Gazette officielle du Québec*.”

3. Section 29 of the said Act is amended by replacing the second paragraph by the following paragraph:

“Subject to Division VI of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7), no approval other than that of the Minister of Municipal Affairs is required by a municipality to contract a loan in order to comply with an order of the Minister.”

4. Section 40 of the said Act is replaced by the following section:

“40. Subject to Division VI of the Act respecting municipal and school debts and loans, no approval other than that of the Minister of Municipal Affairs is required by a municipality to contract a loan in order to comply with a decision of the Minister taken pursuant to section 32.5, the second paragraph of section 34 or section 35.”

5. Section 63 of the said Act is replaced by the following section:

“63. Subject to Division VI of the Act respecting municipal and school debts and loans, no approval other than that of the Minister of Municipal Affairs is required by a municipality to contract a loan in order to comply with a decision of the Minister taken pursuant to section 60 or 61.”

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

“64.1 The following persons are subject to sections 64.2 to 64.11:

(1) the operator of a waste elimination site contemplated in a regulation made pursuant to subparagraph *e.1* of the first paragraph of section 70 or, failing such a regulation, the operator of a waste elimination site situated in a territory contemplated in a regulation made pursuant to subparagraph *e* of the first paragraph of section 70;

(2) the holder of a special permit contemplated in section 69.

“64.2 The operator of a waste elimination site may charge for his services either the prices indicated in the tariff published in accordance with section 64.3 and in force, or those fixed by the Commission municipale du Québec.

“64.3 The operator shall publish his tariff or any change therein not later than forty-five days before it comes into force, in a daily newspaper distributed in the territory served by him or, if none is distributed in that territory, in a daily newspaper distributed in the nearest locality.

At the same time, the operator shall publish a notice indicating the date fixed for the coming into force of the tariff or any change therein and mentioning the remedy available under section 64.4.

“64.4 The Commission may, upon the application of any person or municipality, change all or some of the prices published by the operator. It may also inquire into any matter pertaining to the application.

For that purpose, the Commission has the same powers and immunity as those provided in the Act respecting the Commission municipale (R.S.Q., chapter C-35).

“64.5 The application must be made in writing within forty-five days after the operator publishes his tariff or any change therein.

The application must be accompanied with proof of publication.

The applicant shall cause a copy of the application to be served on the operator.

“64.6 On receiving an application, the Commission, on the motion of a party and after summary inquiry, may temporarily fix the prices exigible by the operator for the time it indicates, which shall not extend beyond the date on which its final decision takes effect.

Notwithstanding the foregoing, the prices temporarily fixed cannot come into force until two days after the decision fixing them is served on the operator.

“64.7 The Commission shall, in the manner it considers most appropriate, give public notice of the time, date and place of the hearing to consider the application contemplated in section 64.5 and to render its final decision.

At the hearing, the Commission shall give every person or municipality likely to be affected by its final decision an opportunity to make representations.

“64.8 The Commission shall render its decision on the application referred to in section 64.5 not later than one hundred twenty days after the expiry of the time prescribed in the first paragraph of that section.

The prices fixed by the Commission cannot come into force until two days after the decision fixing them is served on the operator.

The prices fixed shall replace the published prices or, as the case may be, those temporarily fixed by the Commission.

“64.9 The decision of the Commission contemplated in section 64.4 is final and without appeal.

“64.10 The operator cannot change his prices again before the expiry of twelve months from the date of publication of his tariff or any change therein in accordance with section 64.3.

“64.11 The operator shall post the prices for his services in full view at the entrance to his waste elimination site.

“64.12 Any change in costs resulting from a change in the tariff published by the operator or, as the case may be, from a change made by the Commission shall be paid by or credited to

(1) a municipality which, under a by-law, provides the collection or removal of waste;

(2) failing such a by-law or where the by-law does not cover the collection or removal of certain waste, the person who produces the waste.

“64.13 Every contract entered into by a municipality or a person for the removal, transportation or elimination of waste must indicate the prices for waste elimination separately.”

7. 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 tariffs are fixed in accordance with sections 64.2 to 64.11.”

8. Section 70 of the said Act is amended by inserting, after subparagraph *e* of the first paragraph, the following subparagraph:

“(e.1) determine, for the whole or any part of the territory of Québec, the cases in which an operator of a waste elimination site is subject to sections 64.1 to 64.10, taking into account, where applicable, the classes of waste or the methods of waste treatment and elimination;”.

9. 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 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.”

10. Section 122.1 of the said Act is amended by inserting the word “, suspend” after the word “amend” in the second line of the first paragraph.

11. The said Act is amended by replacing section 122.2 by the following section:

“122.2 The authority who issued an authorization certificate may also amend or cancel it upon the application of the holder.”

12. Section 135 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“135. The Advisory Committee is composed of twelve members, including four appointed by the Government, four by the Governor General in Council or any other person he authorizes for such purpose and four others by the Cree Regional Authority. Each such member holds office during the appointing party’s pleasure and that party also provides for the member’s replacement.

The members appointed by the Government are not remunerated except in the cases, on the conditions and to the extent it indicates. Those members are, however, entitled to be reimbursed for any expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

The other members shall, where required, be remunerated or indemnified by the party that appointed them.”

13. Section 170 of the said Act is replaced by the following section:

“170. The Advisory Committee is composed of nine members, among whom three are appointed by the Government, three by the Governor General in Council or any other person he authorizes for such purpose, and three others by the Kativik Regional Government. Each such member holds office during the appointing party’s pleasure and that party also provides for the member’s replacement.

The members appointed by the Government are not remunerated except in the cases, on the conditions and to the extent it indicates. Those members are, however, entitled to be reimbursed for any expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

The other members shall, where required, be remunerated or indemnified by the party that appointed them.”

14. Section 182 of the said Act is amended by replacing the third paragraph by the following paragraphs:

“The members appointed by the Government are not remunerated except in the cases, on the conditions and to the extent it determines. Those members are, however, entitled to be indemnified for any expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

The members appointed by the Kativik Regional Government are remunerated by the latter.”

15. Notwithstanding section 64.1 of the Environment Quality Act, enacted by this Act, the operator of a waste elimination site may continue to charge the lawfully fixed rates as on (*insert here the date preceding the date of coming into force of this Act*).

Any change in the rates shall be made as if it were a change in the operator’s tariff.

16. This Act will come into force on the date or dates fixed by the Government.