

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1993, chapter 44

AN ACT RESPECTING THE ESTABLISHMENT AND ENLARGEMENT OF CERTAIN WASTE ELIMINATION SITES

Bill 101

Introduced by Mr Pierre Paradis, Minister of the Environment

Introduced 14 June 1993

Passage in principle 16 June 1993

Passage 18 June 1993

Assented to 18 June 1993

Coming into force: 18 June 1993

Act amended: None





CHAPTER 44

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

[Assented to 18 June 1993]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. From 14 June 1993, 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, c. 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. For the purposes of this paragraph, the enlargement of a sanitary landfill site or dry materials disposal site includes any change that leads to an increase in the landfill or disposal capacity of the site.

Applicability The first paragraph does not apply to any project in respect of which the Minister, before 14 June 1993, has issued the certificate referred to in section 54 of that Act.

Provisions applicable **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 14 June 1993 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.

Project Where a project to which the first paragraph applies has, before 14 June 1993, 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 consultations 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.

Certificate
of authoriza-
tion

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.

Priority

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.

Notice

The holder of a certificate of authorization issued in respect of a project referred to in the first paragraph of section 1 or in section 2 must, without delay, cause a notice setting out the standards established by the Government pursuant to this section and contained in the certificate to be published in a newspaper circulated in the territory of the regional county municipality or of the urban community in which the sanitary landfill site or dry materials disposal site with which the project is concerned is situated.

Offence and
penalty

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.

Applicable
provisions

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.

Inquiry

5. The Minister of the Environment must, within 90 days of the coming into force of section 12 of the Act to amend the Environment Quality Act (1992, chapter 56) and on such conditions as he may fix, entrust to the Bureau d'audiences publiques sur l'environnement the

mandate to hold an inquiry, with public hearings, on any problems relating to the reduction, valorization and elimination, in Québec, of solid waste within the meaning of the Regulation respecting solid waste and of any other waste which may be designated by the Minister, in particular with respect to recovery, re-use, recycling, and treatment technologies, and on the preferred solutions as regards those matters.

Applicable provisions The provisions of Division II.1 of Chapter I of the Environment Quality Act are applicable.

Applicability **6.** 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.

Coming into force **7.** This Act comes into force on 18 June 1993 and, with the exception of section 4, is effective from 14 June 1993.

Applicable provisions Section 1 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. Section 3, however, shall continue to apply until the Regulation respecting solid waste is replaced. From the aforementioned date, the power granted by section 3 may be exercised by the Government or by the Minister of the Environment, according to whether the certificate of authorization is issued by either of them under section 31.9.9 or 31.9.12 as enacted by the Act to amend the Environment Quality Act.