



chapter Q-2, r. 43

Regulation respecting the charges payable for the disposal of residual materials

Environment Quality Act
(chapter Q-2, ss. 31, 70, 115.27, 115.34 and 124.1)

The disposal charges prescribed in the Regulation have been indexed as of 1 January 2014 pursuant to the notice published in Part 1 (French) of the Gazette officielle du Québec of 30 November 2013, page 1295. (s. 3)

1. The purpose of this Regulation is to prescribe the charges payable for the disposal of residual materials in disposal sites.

O.C. 340-2006, s. 1.

2. This Regulation applies to the following disposal sites:

- (1) the sanitary landfill sites, dry materials disposal sites and incinerators governed by the Regulation respecting solid waste (chapter Q-2, r. 13);
- (2) the incinerator whose establishment was authorized under section 22 of the Environment Quality Act (chapter Q-2) in the territory of Îles-de-la-Madeleine for the principal purpose of disposing of household garbage produced on the islands;
- (3) incinerators for sludge from municipal water treatment works; and
- (4) the engineered landfills, construction or demolition waste landfills and incineration facilities for residual materials to which the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) applies.

O.C. 340-2006, s. 2.

3. Every operator of a disposal site referred to in section 2 must pay disposal charges of [\\$11.52](#) for each metric ton of residual materials received for disposal.

In addition, for each metric ton of residual materials received for disposal from 1 October 2010 to 31 December 2023, an operator of a disposal site must pay, in addition to the charges prescribed in the first paragraph, additional charges of [\\$9.78](#).

No charge is payable for incineration residue from an incinerator referred to in section 2 or for soils or other materials to be used to cover the residual materials. In addition, no charge is payable for residual materials that are sorted and recovered on the premises to be reclaimed, or for mine tailings or residue generated by a mine tailings reclamation process.

O.C. 340-2006, s. 3; O.C. 526-2010, s. 1; O.C. 547-2013, s. 1.

4. The charges prescribed in section 3 are indexed on 1 January of each year on the basis of the percentage change in the Consumer Price Indexes for Canada, as published by Statistics Canada. The change is calculated by determining the difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes for the same period of the second preceding

year.

The Minister of Sustainable Development, Environment and Parks is to inform the public of the indexing under this section in Part 1 of the Gazette officielle du Québec and, if the Minister considers it appropriate, by any other means.

O.C. 340-2006, s. 4; O.C. 526-2010, s. 2; O.C. 547-2013, s. 2.

5. The charges prescribed by section 3 are payable to the Minister of Finance, as the case may be, not later than 30 April, 31 July, 31 October and 31 January of each year for the 3-month period preceding the month in which payment becomes due. If one of those dates falls on a Saturday or Sunday, the charges are payable on the following Monday.

In addition to the payment of those charges, the following information must be sent on those dates to the Minister of Sustainable Development, Environment and Parks on the form provided by the Minister:

(1) the operator's name and address;

(2) the quantity of residual materials received for disposal during the quarter covered by the charges, including mention of the quantity, if any, of incineration residue from an incinerator referred to in section 2, of soils or other materials to be used to cover the residual materials, of materials sorted and recovered for reclamation and of residue generated by a mine tailings reclamation process; the quantities must be expressed in weight; and

(3) the amount of the charges paid.

If no charge is payable for a given quarter, the operator must notify the Minister of Sustainable Development, Environment and Parks thereof within the same time and provide the reasons.

The document must be signed by the person who prepared it and attest to the accuracy of the particulars it contains.

O.C. 340-2006, s. 5; O.C. 526-2010, s. 3.

6. Charges not paid within the prescribed time bear interest, from the due date, at the rate determined under section 28 of the Tax Administration Act (chapter A-6.002).

In addition to the interest payable, the following amounts are added to every amount outstanding:

(1) 7% of the amount of the unpaid charges if the delay does not exceed 7 days;

(2) 11% of the amount of the unpaid charges if the delay exceeds 7 days but does not exceed 14 days; and

(3) 15% of the amount of the unpaid charges in all other cases.

O.C. 340-2006, s. 6.

7. All materials received at the disposal site must, upon receipt, be weighed on the premises.

The devices for weighing the materials must be installed, used and maintained so as to provide reliable data, and be calibrated at least once a year.

Where some of the materials received are sorted and recovered for reclamation, the recovered materials must be weighed before being transported off-site.

O.C. 340-2006, s. 7.

8. In addition to the particulars that must be entered by the operator in a log in accordance with section 39, 105, 128, 157 or 163 of the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), the following particulars must also be entered in the log:

- (1) the quantity of incineration residue from an incinerator referred to in section 2;
- (2) the quantity of soils or other materials to be used to cover the residual materials;
- (3) the quantity of materials recovered for reclamation, the quantity shipped off-site, the name of the carrier, and the names and addresses of all consignees; and
- (4) the quantity of mine tailings or residue generated by a mine tailings reclamation process.

All quantities must be expressed in weight.

The logs must be kept at the disposal site and be made available to the Minister for a minimum of 5 years after the date of the last entry.

O.C. 340-2006, s. 8; O.C. 451-2011, s. 46.

9. Within 90 days after the end of each year, the operator of a disposal site referred to in section 2 must send to the Minister of Sustainable Development, Environment and Parks, on the form provided by the Minister for that purpose, an assessment of the quantity, expressed in weight, of residual materials disposed of during the year at the site. The assessment must be certified by an external auditor who is a member of the professional order of accountants authorized by law to audit books or accounts.

O.C. 340-2006, s. 9; O.C. 526-2010, s. 4.

10. (Obsolete).

O.C. 340-2006, s. 10.

10.1. A monetary administrative penalty of \$350 in the case of a natural person or \$1,500 in other cases may be imposed on any person who fails

- (1) to send to the Minister the information provided for in the second paragraph of section 5 within the periods and on the conditions provided for therein;
- (2) to notify the Minister if no charge is payable, within the periods and on the conditions provided for in the third paragraph of section 5;
- (3) to sign the document and attest to the accuracy of the particulars it contains as prescribed in the fourth paragraph of section 5;
- (4) to enter in a log the information provided for in the first paragraph of section 8 or to express the quantities in weight in accordance with the second paragraph of that section;
- (5) to keep the logs at the disposal site or to make them available to the Minister for the period prescribed by the third paragraph of section 8;
- (6) to send to the Minister an assessment of the quantity of residual materials disposed of according to the frequency and conditions provided for in section 9.

O.C. 686-2013, s. 1.

10.2. A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who fails

- (1) to pay disposal charges and additional charges in the amounts fixed in section 3 or to send the charges according to the frequency and conditions provided for in the first paragraph of section 5;

- (2) to weigh on the premises, upon receipt, all materials received at the disposal site as prescribed by the first paragraph of section 7;
- (3) to install, use and maintain devices for weighing so as to provide reliable data as prescribed by the second paragraph of section 7 or to calibrate the devices at the frequency provided for therein;
- (4) in the case of materials received, sorted and recovered for reclamation purposes, to weigh the recovered materials before they are transported off-site as prescribed by the third paragraph of section 7.

O.C. 686-2013, s. 1.

11. Every person who contravenes the second, third or fourth paragraph of section 5 or section 8 or 9 commits an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 or, in other cases, to a fine of \$6,000 to \$600,000.

O.C. 340-2006, s. 11; O.C. 686-2013, s. 2.

11.1. Every person who contravenes section 3, the first paragraph of section 5 or section 7 commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 or, in other cases, to a fine of \$7,500 to \$1,500,000.

O.C. 686-2013, s. 2.

11.2. Every person who, pursuant to this Regulation, makes a declaration, communicates information or files a document that is false or misleading commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$15,000 to \$3,000,000.

O.C. 686-2013, s. 2.

12. This Regulation applies to a reserved area and to an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

O.C. 340-2006, s. 12.

13. (Obsolete).

O.C. 340-2006, s. 13.

14. (Omitted).

O.C. 340-2006, s. 14.

TRANSITIONAL PROVISIONS

2013

(O.C. 547-2013) SECTION 3. Despite section 4 of the Regulation, the charges prescribed in the second paragraph of section 3 of the Regulation are indexed, for 2013, on the first day of the quarter following the coming into force of this Regulation.

REFERENCES

O.C. 340-2006, 2006 G.O. 2, 1481

O.C. 526-2010, 2010 G.O. 2, 1879

S.Q. 2010, c. 31, s. 91

O.C. 451-2011, 2011 G.O. 2, 1084

S.Q. 2012, c. 11, s. 32

O.C. 547-2013, 2013 G.O. 2, 1467

O.C. 686-2013, 2013 G.O. 2, 1825