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chapter Q-2, r. 5

# Regulation respecting industrial depollution attestations

Environment Quality Act
(chapter Q-2, ss. 31.10, 31.41, 115.27, 115.34 and 124.1)

The duties prescribed in the Regulation have been indexed as of 1 January 2013 pursuant to the notice published in Part 1 (French) of the Gazette officielle du Québec of 5 January 2013, page 10. (s. 12)

## CHAPTER 0.I
## INDUSTRIAL ESTABLISHMENTS COVERED

O.C. 652-2013, s. 1.

0.1. Subdivision 1 of Division IV.2 of Chapter I of the Environment Quality Act (chapter Q-2) applies to the following industrial establishments, defined in particular on the basis of their primary activity under the North American Industry Classification System (NAICS 1998):

(1) an industrial establishment manufacturing pulp intended for sale or a paper product within the meaning of section 1 of the Regulation respecting pulp and paper mills (chapter Q-2, r. 27);

(2) an industrial establishment engaged in metal ore mining (2122) and non-metallic mineral mining and quarrying (2123) if the establishment has an ore mining capacity greater than 2,000,000 metric tons per year or an ore or mine tailing processing capacity greater than 50,000 metric tons per year;

(3) an industrial establishment engaged in clay building material and refractory manufacturing (32712) if the establishment has a refractory brick production capacity greater than 20,000 metric tons per year;

(4) an establishment engaged in glass manufacturing (327214) if its primary activity is to manufacture flat glass;

(5) an establishment engaged in cement manufacturing (32731) if its primary activity is to manufacture Portland cement;

(6) an establishment engaged in lime manufacturing (32741) if its primary activity is to manufacture quicklime;

(7) an establishment engaged in other non-metallic mineral products manufacturing (3279) if its primary activity is to manufacture silicon carbide;

(8) an establishment engaged in iron and steel mills and ferroalloy manufacturing (33111) if its primary activity is

*(a)* the production of pig iron;

*(b)* the production of steel;

*(c)* the production of stainless steel; or

*(d)* the production of ferroalloys;

(9) an establishment engaged in the primary production of alumina and aluminum (331313);

(10) an establishment engaged in non-ferrous metal smelting and refining (33141).

For the purposes of this section, operations that consist in producing precious metals from ore or mine tailings are included in an establishment's operations, operations that consist in extracting, from ores or mine tailings, an ore concentrate or another substance, and operations involving ore beneficiation, are included in ore processing operations and establishments involved in ore agglomeration are deemed to be extraction establishments.

O.C. 652-2013, s. 1.

## CHAPTER I
## APPLICATION OR REAPPLICATION FOR A DEPOLLUTION ATTESTATION OR APPLICATION TO AMEND A DEPOLLUTION ATTESTATION

1. An application or reapplication for a depollution attestation shall be made on a form supplied by the Minister of Sustainable Development, Environment and Parks.

O.C. 601-93, s. 1.

2. An application or reapplication for a depollution attestation shall contain

(1) an indication as to whether it is an application for a depollution attestation or a reapplication for a depollution attestation and, in the latter case, the number of the applicant's depollution attestation;

(2) in the case of a natural person, the applicant's name, address and telephone number;

(3) in the case of a partnership or a legal person, its firm name, its head office, the position of the person signing the application, as well as a certified copy of a document from the board of directors or from the partners authorizing any of the persons referred to in paragraph 1 or 2 of section 4 to file an application;

(4) in the case of a partnership, the name, domicile and address of the partners, or the name and and head office of any associated legal person;

(5) in the case of a legal person, the name, domicile and address of the directors and officers;

(6) the name, address and telephone number of the industrial establishment covered by the application or reapplication;

(7) the registration number in the central file of enterprises assigned to the industrial establishment by the enterprise registrar;

(8) the type of industrial activities carried on by the applicant in the industrial establishment covered by the application or reapplication;

(9) the cadastral designation of the lots on which the applicant carries on the activities referred to in paragraph 8;

(10) the daily and yearly nominal production capacity of the industrial establishment covered by the application or reapplication;

(11) a plan showing the location of, and a description of, the points of emission, deposit, release or discharge into the environment of contaminants resulting from the operations of the industrial establishment covered by the application or reapplication, as well as a description of the source of each point;

(12) information dating back less than 2 years and concerning the type, quantity and concentration of the contaminants emitted, deposited, released or discharged, unless such information has already been sent to the Minister;

(13) a description of the measures, apparatus or equipment implemented or installed and used to reduce or eliminate the emission, deposit, release or discharge of a contaminant into the environment;

(14) a list and a brief description of the depollution activities that the applicant is carrying out or plans to carry out, as well as details concerning the objectives of and timetable for the activities, and the progress made; and

(15) the emergency measures that the applicant takes in the event of the accidental occurrence of a contaminant in the environment, as well as the name and title within the applicant's undertaking of the person responsible for implementing the emergency measures for the industrial establishment covered by the application or reapplication, unless such measures were sent to the Minister not more than 2 years prior to the filing of the application or reapplication.

O.C. 601-93, s. 2; O.C. 441-2008, s. 1.

3. An application to amend a depollution attestation shall be filed in writing and shall contain

(1) the number of the depollution attestation in respect of which the application is being filed;

(2) the information required under paragraphs 2 to 7 of section 2;

(3) a complete description of the changes which the applicant wishes to make and for which an application to amend a depollution attestation is required under section 31.25 of the Environment Quality Act (chapter Q-2), as well as the reasons for the changes;

(4) an evaluation of the impact of the changes on the quantity or volume of the emission, deposit, release or discharge of contaminants into the environment and on the type, concentration and quantity of contaminants emitted, deposited, released or discharged into the environment; and

(5) a description of the measures, apparatus or equipment that are referred to in paragraph 13 of section 2 and that the applicant intends to implement or install in order to comply with the contaminant discharge standards contained in his depollution attestation or in order to reduce or eliminate the emission, deposit, release or discharge of new contaminants into the environment by the industrial establishment.

O.C. 601-93, s. 3.

4. An application or reapplication for a depollution attestation or an application to amend a depollution attestation shall be signed,

(1) where the applicant is a legal person, by a member of the board of directors or by an officer responsible for production operations or for activities to control and monitor the discharge of contaminants into the environment, provided that the director or officer is domiciled in Québec;

(2) where the applicant is a partnership, by a partner responsible for production operations or for activities to control and monitor the discharge of contaminants into the environment, provided that the partner is domiciled in Québec; or

(3) in other cases, by an operator domiciled in Québec.

O.C. 601-93, s. 4.

5. An operator of an industrial establishment referred to in section 0.1 must apply for a depollution attestation or any new application

(1) within 6 months of the day on which the operator's establishment becomes subject to this Regulation or, if an establishment begins operation after that date, within 30 days from the date of obtention of the certificate of authorization issued to operate the establishment; or

(2) at least 6 months before the date of expiry of the operator's attestation.

O.C. 601-93, s. 5; O.C. 652-2013, s. 2.

## CHAPTER II
## PUBLIC CONSULTATION

6. The Minister shall, in respect of an application, in accordance with section 31.20 of the Act, publish a notice of his intention to issue or to refuse to issue a depollution attestation. He shall publish the notice, within 90 days following the date on which he sends the applicant written notice of the content of the proposed depollution attestation or of his intention to refuse to issue a depollution attestation.

O.C. 601-93, s. 6; O.C. 652-2013, s. 3.

7. For the purposes of public consultation, the application record shall contain

(1) a document indicating the procedure to be followed by any person, group or municipality sending comments to the Minister;

(2) the application for a depollution attestation that the applicant filed with the Minister, less the information furnished to the Minister under paragraphs 4, 5 and 10 of section 2;

(3) the information in the Minister's possession, other than information furnished when the application was filed under paragraph 12 of section 2, concerning the type, quantity, quality and concentration of contaminants emitted, deposited, released or discharged into the environment by the industrial establishment;

(4) a copy of the notice published under section 31.20 of the Act; and

(5) the proposed depollution attestation or, where the Minister intends to refuse to issue a depollution attestation to the applicant, the reasons for the refusal.

O.C. 601-93, s. 7; O.C. 652-2013, s. 4.

8. Sections 31.18 to 31.22 of the Act and sections 6 and 7 of this Regulation apply with the necessary modifications to an application to amend a depollution attestation where the purpose of the application is to

(1) delay by more than 6 months the date of implementation of a contaminant discharge standard established by the Minister under the first paragraph of section 31.15 of the Act;

(2) obtain an amendment to a contaminant discharge standard established by the Minister under the first paragraph of section 31.15 of the Act; or

(3) enable the applicant to make changes to industrial processes or production equipment liable to introduce into the environment a new contaminant or for which no discharge standard is contained in his depollution attestation.

O.C. 601-93, s. 8.

9. The second paragraph of section 31.19 of the Act, sections 31.20 to 31.22 of the Act and sections 6 and 7 of this Regulation apply with the necessary modifications to a reapplication for a depollution attestation containing an application referred to in paragraph 1, 2 or 3 of section 8.

O.C. 601-93, s. 9.

## CHAPTER III
## DEPOLLUTION ATTESTATION

### DIVISION I

CONTENT

10. In addition to the elements referred to in paragraphs 1 to 6 of section 31.12 of the Act and, where applicable, in section 31.13 of the Act, a depollution attestation shall contain

(1) the number of the depollution attestation;

(2) the name and address of the holder of the depollution attestation;

(3) the name and address of the industrial establishment for which the depollution attestation is issued; and

(4) the registration number in the central file of enterprises assigned to the holder's industrial establishment by the enterprise registrar.

O.C. 601-93, s. 10.

DIVISION II
ANNUAL DUTIES

O.C. 601-93, Div. II, c. III; O.C. 441-2008, s. 2.

11. (Revoked).

O.C. 601-93, s. 11; O.C. 441-2008, s. 3.

11.1. For the purposes of this Division,

“accumulation area” means a parcel of land on which mine tailings are accumulated or intended to be accumulated;

“mine tailings” means any solid or liquid substance released through the extraction, preparation, beneficiation and separation of ore, including sludge and dust resulting from the treatment of mining wastewater or atmospheric emissions, except for the final effluent and residue released through the operation of a pit or quarry within the meaning of the Regulation respecting pits and quarries (chapter Q-2, r. 7). Any solid or liquid substance released through the processing of mine tailings to market a substance contained therein or slag and sludge released in the course of a treatment using primarily ore or enriched or concentrate ore as part of a pyrometallurgical, hydrometallurgical or electrolytic process, are also considered as mine tailings.

O.C. 652-2013, s. 5.

12. The annual duties exigible from each holder of a depollution attestation include a fixed amount of $2,851, plus the following amounts, as the case may be:

(1) for industrial discharges into water or the atmosphere, the sum of the amounts calculated in accordance with Schedule I;

(2) for mine tailings deposited in an accumulation area:

*(a)* for the first year of validity of the first depollution attestation of an establishment, 33% of the lesser amount between the amount calculated in accordance with Schedule II and $1,000,000;

*(b)* for the second year of validity of the first depollution attestation of an establishment, 66% of the lesser amount between the amount calculated in accordance with Schedule II and $1,000,000;

*(c)* in the other cases, 100% of the lesser amount between the amount calculated in accordance with Schedule II and $1,000,000.

The sum of the amounts provided for in subparagraphs 1 and 2 of the first paragraph may not exceed $1,000,000.

The annual duties exigible are payable by cheque or money order, made out to the Minister of Finance, prior to 1 April of the year following the year in which the duties are exigible.

The cheque or money order must be accompanied by a report containing the detailed calculation of the annual duties exigible, including the method used to determine the annual tonnage of the contaminants discharged, from among those referred to in Schedule I, or of the mine tailings deposited in an accumulation area, as the case may be.

O.C. 601-93, s. 12; O.C. 652-2013, s. 6.

For depollution attestations issued before 1 January 2014, the amount of the duties exigible for mine tailings deposited in an accumulation area is set

(1) at 33% of the lesser amount between the amount calculated in accordance with Schedule II for 2014 and $1,000,000;

(2) at 66% of the lesser amount between the amount calculated in accordance with Schedule II for 2015 and $1,000,000;

(3) at 100% of the lesser amount between the amount calculated in accordance with Schedule II for subsequent years and $1,000,000.

For the same attestations, the total of the amounts of duties exigible for industrial discharges into water and the atmosphere and for mine tailings deposited in an accumulation area calculated in accordance with Schedules I and II may not exceed $1,000,000 (O.C. 652-2013, s. 6).

13. The fixed amount of the annual duties exigible is adjusted on 1 January of each year in the manner provided for in section 83.3 of the Financial Administration Act (chapter A-6.001). The foregoing also applies to the unit rate provided for in Schedule I and to the unit rate and base amount provided for in Schedule II.

The rules provided for in the Regulation respecting the rounding off of adjusted fees (chapter A-6.001, r. 0.1) apply to the adjusted amounts and rates.

The Minister is to publish the result of the adjustment in Part 1 of the Gazette officielle du Québec.

O.C. 601-93, s. 13; O.C. 441-2008, s. 4; O.C. 652-2013, s. 7.

## CHAPTER IV
## OBLIGATIONS OF THE HOLDER

### DIVISION I
### RECORD AND ANNUAL REPORT

14. A holder of a depollution attestation shall keep an up-to-date record in which he shall enter any infringement of the contaminant discharge standards applicable to him and established by the Minister under the first paragraph of section 31.15 of the Act.

The record shall contain, for each infringement,

(1) the exact time at which the holder became aware of the infringement;

(2) the exact location and time at which the infringement occurred;

(3) the causes of the infringement and the circumstances in which it occurred; and

(4) the measures taken or planned by the holder to reduce or eliminate the effects of the infringement and to eliminate and prevent its causes.

A holder of a depollution attestation shall send to the Minister, within 30 days of the end of each calendar month, a copy of the information entered in the record during the previous month.

The information in the record shall be conserved by the holder for at least 2 years from the date on which the information is sent to the Minister.

O.C. 601-93, s. 14.

14.1. The holder of a depollution attestation must also keep a record containing the information necessary for the detailed calculation of the annual duties and the information necessary for the calculation of the annual tonnage of the contaminants discharged, from among those referred to in Schedule I, or of the mine tailings deposited in an accumulation area, as the case may be.

The information contained in the record must be kept for at least 5 years.

O.C. 652-2013, s. 8.

15. The last holder of a depollution attestation during a calendar year shall send to the Minister, prior to 1 April of the following year, an annual report updated to 31 December and containing

(1) the number of the depollution attestation;

(2) any amendments to the information furnished to the Minister under paragraphs 2 to 8 and 13 of section 2;

(3) information on progress made in the holder's activities in regard to the requirements and dates of application established by the Minister in the depollution attestation under the second paragraph of section 31.15 of the Act;

(4) information on progress made in the corrective program imposed by the Minister under section 31.15.1 of the Act at the time of issue of the depollution attestation; and

(5) information on progress made in the studies required by the Minister in the depollution attestation under section 31.15.4 of the Act.

O.C. 601-93, s. 15.

16. The annual report and a copy of the information contained in the record shall be sent to the Minister by a person referred to in section 4 and authorized by the holder of the depollution attestation to send such documents.

O.C. 601-93, s. 16.

DIVISION II
NOTICE

17. A holder of a depollution attestation shall send the Minister a written notice of any derogation from the provisions of an element referred to in section 31.13 of the Act and contained in the depollution attestation, and of the reasons for the derogation. The holder shall so notify the Minister within 30 days of learning of the event that gave rise to the derogation.

The notice shall also specify the measures taken or planned by the holder to reduce or eliminate the effects of the event that gave rise to the derogation.

Notwithstanding the foregoing, this section does not apply where the event that gave rise to the derogation constitutes an accidental occurrence of a contaminant in the environment referred to in subparagraph 3 of the first paragraph of section 31.23 of the Act or where the event is an infringement of a contaminant discharge standard for which the holder must keep and conserve a record in accordance with section 14.

O.C. 601-93, s. 17.

18. The notice shall be sent by a person referred to in section 4 and authorized by the holder of the depollution attestation to send the notice.

O.C. 601-93, s. 18.

DIVISION III
TECHNICAL REPORT

19. The technical report that a holder of a depollution attestation must file in the cases provided for in the second paragraph of section 31.23 of the Act shall contain

(1) a technical description of the solution chosen;

(2) the location of the site at which the solution is to be implemented;

(3) an attestation approved by an engineer within the meaning of section 1 of the Engineers Act (chapter I-9) and concerning the degree to which the solution chosen meets the regulatory standards or any other standard, condition, requirement, deadline or terms contained in the depollution attestation;

(4) information on the environmental impact of the implementation and use of the solution chosen and any means provided for to reduce the negative impact of the solution on the environment; and

(5) the schedule for completion of the implementation work.

O.C. 601-93, s. 19.

DIVISION IV
CESSATION OF THE ACTIVITIES OF AN INDUSTRIAL ESTABLISHMENT

20. The holder of a depollution attestation must apply to the Minister for the revocation of the attestation, as provided for in section 31.31 of the Environment Quality Act (chapter Q-2), within 90 days following the permanent cessation of the operations of the industrial establishment covered by the attestation.

O.C. 601-93, s. 20; O.C. 652-2013, s. 9.

CHAPTER IV.1
PENALTIES

O.C. 652-2013, s. 10.

DIVISION I
MONETARY ADMINISTRATIVE PENALTIES

O.C. 652-2013, s. 10.

20.1. A monetary administrative penalty of $250 in the case of a natural person or $1,000 in the other cases may be imposed on any person who fails to

(1) comply with the time limit or terms and conditions prescribed by section 5 to file an application for a depollution attestation with the Minister;

(2) send the Minister a report containing the information prescribed by the fourth paragraph of section 12;

(3) keep up-to-date a register containing the information prescribed by sections 14 and 14.1 or to keep it for the period of time indicated therein;

(4) send the Minister an annual report containing the information and documents prescribed by section 15, on the

conditions and at the frequency indicated therein;

(5) submit to the Minister a technical report containing the information prescribed by section 19;

(6) comply with the time limit prescribed by section 20 to apply for the revocation of the depollution attestation in the case provided for therein.

O.C. 652-2013, s. 10.

20.2. A monetary administrative penalty of $350 in the case of a natural person or $1,000 in the other cases may be imposed to every person who fails to send the Minister a notice containing the information prescribed by section 17, within the time limit provided for therein.

O.C. 652-2013, s. 10.

20.3. A monetary administrative penalty of $500 in the case of a natural person or $2,500 in the other cases may be imposed on every person who fails to pay the annual duties payable in accordance with the third paragraph of section 12.

O.C. 652-2013, s. 10.

DIVISION II
PENAL SANCTIONS

O.C. 652-2013, s. 10.

20.4. A person who contravenes section 5, the fourth paragraph of section 12 or section 14, 14.1, 15, 19 or 20 commits an offence and is liable to a fine of $1,000 to $100,000 in the case of a natural person, or from $3,000 to $600,000 in the other cases.

O.C. 652-2013, s. 10.

20.5. A person who contravenes section 17 commits an offence and is liable to a fine of $2,000 to $100,000 in the case of a natural person, or from $6,000 to $600,000 in the other cases.

O.C. 652-2013, s. 10.

20.6. A person who contravenes the third paragraph of section 12 commits an offence and is liable to a fine of $2,500 to $250,000 in the case of a natural person, or from $7,500 to $1,500,000 in the other cases.

O.C. 652-2013, s. 10.

20.7. A 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 imprisonment for a maximum term of 18 months, or to both the fine and imprisonment, or, in the other cases, to a fine of $15,000 to $3,000,000.

O.C. 652-2013, s. 10.

20.8. A person who contravenes any other obligation imposed by this Regulation also commits an offence and is liable, if no other penalty is provided for in this Division or the Environment Quality Act (chapter Q-2), to a fine of $1,000 to $100,000 in the case of a natural person, or from $3,000 to $600,000 in the other cases.

O.C. 652-2013, s. 10.

CHAPTER V

FINAL PROVISIONS

21. (Revoked).

O.C. 601-93, s. 21; O.C. 652-2013, s. 11.

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

O.C. 601-93, s. 22.

23. (Omitted).

O.C. 601-93, s. 23.

SCHEDULE I

AMOUNT EXIGIBLE FOR INDUSTRIAL DISCHARGES INTO WATER AND THE ATMOSPHERE

(s. 12)

1. The annual duties provided for in section 12 are composed, in particular, of the total of the amounts calculated for an establishment's industrial discharges into water and the atmosphere. Those amounts are calculated in the following manner for each of the contaminants in Tables I and II:

where

T = tonnage of contaminant discharged during the preceding year of operation of the establishment, in metric tons.

F = weighting factor established by contaminant discharged as provided for in Tables I and II

c = discharged contaminant referred to in Tables I and II

2 $ = unit rate per metric ton of contaminant discharged per year

Table I

Discharges into water and weighting factor

| Contaminants discharged into water (c) | Weighting factor (F) | |
|---|---|---|
| | Contaminants discharged "into system" | Contaminants discharged "outside system" |
| Biochemical oxygen demand ($BOD_5$) | 0.4 | 2 |
| Suspended matter (SM) | 0,2 | 1 |
| Aluminum (Al), iron (Fe) and manganese (Mn) | Contaminants discharged "into system" and "outside system" | |

| | |
|---|---|
| | 50 |
| Arsenic (As), cadmium (Cd), chromium (Cr) and lead (Pb) | 200 |
| Absorbable halogen compounds (AHC) | 100 |
| Copper (Cu), nickel (Ni), selenium (Se) and zinc (Zn) | 100 |
| Cyanides (CN) | 100 |
| Dioxins and furans - total (PCDD-PCDF) | 1,000,000 |
| Total fluorides | 50 |
| Polycyclic aromatic hydrocarbons (PAH) | 1,000 |
| Lithium (Li), thorium (Th), titanium (Ti), vanadium (V) and uranium (U) | 100 |
| Mercury (Hg) | 100,000 |
| Radium (Ra) | 200 |

Table II

Emissions into the atmosphere and weighting factor

| Contaminants emitted into the atmosphere(c) | Weighting factor(F) |
|---|---|
| Sulphuric acid ($H_2SO_4$) | 100 |
| Arsenic (As), cadmium (Cd), chromium (Cr) and lead (Pb) | 200 |
| Hydrogen chloride(HCl) | 100 |
| Total reduced sulphur compounds (TRS) | 50 |
| Volatile organic compounds (COV) | 20 |
| Dioxins and furans - total (PCDD-PCDF) | 1,000,000 |
| Sulphur dioxide ($SO_2$) | 4 |

| | |
|---|---|
| Total fluorides | 50 |
| Polycyclic aromatic hydrocarbons (HAP) | 1,000 |
| Mercury (Hg) | 100,000 |
| Nitrogen oxides ($NO_x$) | 4 |
| Particles (P) | 1 |

2. For the purposes of Table I of section 1 of this Schedule,

(1) contaminants discharged "into system" means any contaminant discharged by an industrial establishment into a sewer system and treated by a municipal wastewater treatment works;

(2) contaminants discharged "outside system" means any contaminant discharged by an industrial establishment outside a sewer system or not treated by a municipal wastewater treatment works.

O.C. 601-93, Sch. A; O.C. 652-2013, s. 12.

SCHEDULE II

AMOUNT EXIGIBLE FOR MINE TAILINGS DEPOSITED IN AN ACCUMULATION AREA

(s. 12)

1. The annual duties provided for in section 12 are composed, in particular, of an amount calculated for an establishment's mine tailings deposited in an accumulation area. That amount is calculated in the following manner:

$F_{mt} \times [(\text{base amount}) + ((T_{mt} - L) \times \text{u.r.})]$

where

F = weighting factor established by category of mine tailings as provided for in Table I

mt = category of mine tailings referred to in Table I

Base amount = amount (in $) established in accordance with Table II in relation to the interval corresponding to the quantity of mine tailings deposited yearly in an accumulation area

$T_{mt}$ = tonnage of mine tailings deposited in an accumulation area during the preceding year of operation of the establishment, calculated on a dry basis in metric tons

L = lower limit of the interval provided for in Table II determined in relation to the quantity of mine tailings deposited yearly in an accumulation area

u.r. = unit rate (in $ per 1,000 metric tons) established in accordance with Table II in relation to the interval corresponding to the quantity of mine tailings deposited yearly in an accumulation area

Table I

Mine tailings and weighting factor

| Categories of mine tailings (mt) | Weighting factor (F) |
| --- | --- |
| Acid-generating or cyanide-containing mine tailings | 4 |
| Inert mine tailings | 0.5 |
| Radioactive or high-risk mine tailings | 6 |
| Others | 1 |

Table II

Applicable base amount and unit rate

| Quantity of mine tailings deposited yearly in an accumulation area (in metric tons), per interval | Base amount ($) | Unit rate (in $ per 1,000 metric tons) (u.r.) |
| --- | --- | --- |
| Less than 1 million | 0 | 20 |
| Equal to or greater than 1 million, but less than 10 million | 20,000 | 25 |
| Equal to or greater than 10 million, but less than 30 million | 245,000 | 27 |
| 30 million and more | 785,000 | 32 |

2. For the purposes of Table I of section 1 of this Schedule,

(1) Acid-generating mine tailings means mine tailings whose total sulphur content is greater than 0.3% and having any of the following characteristics:

*(a)* a net acid neutralization potential (NNP) less than 20 kg $CaCO_3$/metric ton of mine tailings;

*(b)* a result less than 3 for the following equation:

$$\frac{\text{Acid neutralization potential (NP)}}{\text{Acid generation potential (AGP)}};$$

(2) Cyanide-containing mine tailings means mine tailings, originating from a process using cyanides;

(3) Inert mine tailings means mine tailings rejected through ore extraction that are not economically profitable and may not be qualified as acid-generating, radioactive or high-risk mine tailings;

(4) Radioactive mine tailings means mine tailings that emit ionizing radiations (S) and for which the result of the following equation is greater than 1:

where

C = specific activity for each radioelement present in a kilogram of mine tailings, expressed in kilobecquerels per kilogram (kBq/kg)

A = maximum specific activity mentioned in Schedule 1 to the Regulation respecting hazardous materials (chapter Q-2, r. 32) for each radioelement present in a kilogram of mine tailings, expressed in kilobecquerels per kilogram (kBq/kg)

n = radioelement present in a kilogram of mine tailings;

(5) High-risk mine tailings: mine tailings having any of the following characteristics:

*(a)* mine tailings that produce leachate containing contaminants in a concentration greater than those mentioned in the Table below:

Table III

High-risk mine tailings

| Contaminants | Concentration (mg/L) |
| --- | --- |
| Arsenic (As) | 5.0 |
| Barium (Ba) | 100 |
| Boron (B) | 500 |
| Cadmium (Cd) | 0.5 |
| Chromium (Cr) | 5.0 |
| Total fluorides | 150 |
| Mercury (Hg) | 0.1 |
| Nitrates + nitrites ($N\text{-}NO_3+N\text{-}NO_2$) | 1,000 |
| Nitrites ($N\text{-}NO_2$) | 100 |
| Lead (Pb) | 5.0 |
| Selenium (Se) | 1.0 |
| Uranium (U) | 2.0 |

*(b)* mine tailings that produce leachate emitting ionizing radiations (S) and for which the result of the following equation is greater than 0.05, but equal to or less than 1;

where

C = activity concentration for each radioelement present in a kilogram of mine tailings, expressed in kilobecquerels per litre (kBq/L)

A = maximum activity concentration mentioned in Schedule 1 to the Regulation respecting hazardous materials for each radioelement present in a kilogram of mine tailings, expressed in kilobecquerels per litre (kBq/L)

n = radioelement present in a kilogram of mine tailings;

*(c)* mine tailings that contain more than 5 ug/kg of polychlorinated dibenzofurans or polychlorinated dibenzo [b, e] [1,4] dioxins, as calculated according to the international toxicity equivalency factors provided for in Schedule 2 to the Regulation respecting hazardous materials.

O.C. 601-93, Sch. B; O.C. 652-2013, s. 12.

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REFERENCES
O.C. 601-93, 1993 G.O. 2, 2672
S.Q. 2002, c. 45, s. 536
O.C. 441-2008, 2008 G.O. 2, 1331
O.C. 652-2013, 2013 G.O. 2, 1726