



chapter Q-2, r. 20

Regulation respecting used tire storage

Environment Quality Act
(chapter Q-2, ss. 31, 53.30, 70, 115.27, 115.34 and 124.1)

DIVISION I DEFINITIONS AND SCOPE

O.C. 29-92, Div. I; O.C. 918-2000, s. 1.

1. For the purposes of this Regulation, “used tire” means any tire that cannot be used for the use for which it was intended, in particular because of wear, damage or defect. Tires cut into pieces or shredded are also considered used tires.

In addition, “reclamation” has the meaning assigned by section 53.1 of the Environment Quality Act (chapter Q-2).

O.C. 29-92, s. 1; O.C. 918-2000, s. 2.

1.1. This Regulation applies to any person or municipality storing used tires in an open-air site where that site contains at least 2,000 used tires or at least 136 m³ of used tires.

O.C. 918-2000, s. 2; O.C. 667-2013, s. 1.

DIVISION I.1 PROVISIONS RELATED TO THE STORAGE OF USED TIRES

O.C. 918-2000, Div. I.1; O.C. 667-2013, s. 2.

1.2. No person may store used tires, except in the case of used tire reclamation businesses that store such tires and that hold a certificate of authorization issued for that purpose under section 22 of the Act.

O.C. 918-2000, s. 2; O.C. 667-2013, s. 3.

1.3. (Revoked).

O.C. 918-2000, s. 2; O.C. 667-2013, s. 4.

1.4. Every business that ceases its reclamation activities must clear its used tire storage site and restore the site to the conditions it was in before it was used for storing used tires.

O.C. 918-2000, s. 2; O.C. 667-2013, s. 5.

DIVISION I.2 (Revoked)

O.C. 918-2000, s. 2; O.C. 667-2013, s. 6.

1.5. A used tire reclamation business may not store more tires than necessary for its operation for a period not exceeding 6 months.

O.C. 918-2000, s. 2.

DIVISION II
FIRE PREVENTION AND EMERGENCY MEASURES PLAN

O.C. 29-92, Div. II ; O.C. 492-2000, s. 6; O.C. 918-2000, s. 3.

2. A reclamation business storing used tires shall submit to the Minister of Sustainable Development, Environment and Parks a fire prevention and emergency measures plan that contains the following information and documents:

- (1) in the case of a natural person, the person's name, postal address and telephone number;
- (2) in the case of a partnership or legal person, its name, its head office and the official capacity of the signatory of the application as well as a certified copy of a document from the board of directors or the partners authorizing the filing of a fire prevention and emergency measures plan;
- (3) in the case of a partnership, the name, domicile and postal address of the partners or the name of a legal person associated therewith as well as the legal person's head office;
- (4) in the case of a legal person, the name, domicile and postal address of the directors and officers;
- (5) in the case of a municipality, a certified copy of a resolution by the municipality authorizing the filing of a fire prevention and emergency measures plan;
- (6) the cadastral designation of the lots on which the storage site shall be established or altered;
- (7) a copy of the document, title, contract agreement, or expropriation notice granting the person or the municipality a right of ownership or right of use of the lots on which the storage site shall be established or altered;
- (8) a topographic or cadastral map at a scale of 1:20 000 or a current aerial photograph with the scale indicated, representing the territory within a 2-km radius of the lots referred to in paragraph 6 and indicating:
 - (a) the delimitation of the lots in question;
 - (b) the current use and the zoning of the neighbouring territory for a distance of 500 m around the lots in question;
 - (c) the location of public roads and access roads, watercourses, lakes, ponds, marshes and flood-risk areas mapped or identified by the regional county municipality land use planning and development plan and having a flood recurrence of 20 years or less, situated in that territory;
 - (d) the location of wooded areas, springs and wells supplying municipal water intakes and known recharge areas, dwellings and other constructions located in that territory;
 - (e) the current drainage configuration and the general topography of the terrain;
 - (f) a description of the condition of the terrain before its use for tire storage;
 - (g) the location of fire hydrants and every other water source that can be used for fighting a fire;
 - (h) the minimum flow of water available year round from every water source that can be used for fighting a fire;
- (9) a map at a scale of 1:2 000 or greater, indicating:
 - (a) the measurements and surface area of the lots in question;
 - (b) the topography of the terrain with contour lines at intervals of not more than 1 m;

- (c) the runoff water drainage system adapted to the general topography of the terrain ensuring that the water is contained in the event of a fire;
 - (d) the location of current and planned facilities and buildings, where applicable;
 - (e) the location, the phases of the carrying out, the numbering and the dimensions of the tire islands, including the traffic areas;
 - (f) the total storage capacity on all the lots;
 - (g) the location of the buffer zone provided for between the limits of the storage area and the neighbouring land occupied by a person other than the person or the municipality storing the used tires;
 - (h) the location and the dimensions of the handling area, identifying the areas reserved for loading, unloading, sorting, processing, shredding and storing tires intended for recapping and resale;
 - (i) the location and the dimensions of the access roads leading to the storage area and of the road encircling the storage area;
 - (j) the location and the dimensions of the fence encircling the storage area and where applicable, the handling area;
- (10) a description of the equipment used in sorting and processing used tires and a description of the measures provided for maintenance, repair and replacement of equipment and tools used to prevent or to fight fires;
 - (11) the name, address and telephone number of the person in charge of the fire prevention and emergency measures plan and responsible for providing access to the storage site to a representative of the Minister in an emergency where that person may be reached at all times;
 - (12) a description of the roles and responsibilities of the emergency crew members;
 - (13) a description of the telecommunications system and of the procedure for calling emergency crew members or their substitutes, including the order of calls and their telephone numbers, and those of the municipal fire department, of a representative of the municipality where the storage site is located, and of the regional coordinator of emergency measures of the Ministère du Développement durable, de l'Environnement et des Parcs;
 - (14) a detailed scenario of interventions in case of fire that must include, at least, the following items:
 - (a) the layout of a security perimeter;
 - (b) the obtaining of weather conditions and forecast;
 - (c) criteria and measures for evacuating the population;
 - (d) measures for fighting a fire;
 - (e) the containment and recovery of contaminated water and pyrolysis oils;
 - (f) the recovery of contaminated soils;
 - (g) follow-up measures for contaminated water, pyrolysis oils, the smoke plume and contaminants in the air;
 - (15) a copy of the service agreements with external resources in case of emergency;
 - (16) a description of testing, updating and revision procedures for the fire prevention and emergency measures plan.

O.C. 29-92, s. 2; O.C. 492-2000, s. 6; O.C. 918-2000, s. 4; O.C. 667-2013, s. 7.

3. A reclamation business storing used tires shall forward in writing the fire prevention and emergency measures plan referred to in section 2, and any changes to the plan, to a representative of the Minister of Public Security, to local municipality authorities, where applicable, and to those of the regional county municipality where the storage site is located, as well as to all the emergency crew members.

Notwithstanding the foregoing, changes to the plan related to the number of tires may only be forwarded once a year.

O.C. 29-92, s. 3; O.C. 492-2000, s. 6; O.C. 918-2000, s. 5; O.C. 667-2013, s. 8.

4. A reclamation business storing used tires shall keep, on the storage site, a copy of the fire prevention and emergency measures plan and its changes.

O.C. 29-92, s. 4; O.C. 492-2000, s. 6; O.C. 918-2000, s. 5; O.C. 667-2013, s. 8.

5. A reclamation business storing used tires shall, within 30 days, notify in writing the Minister of any change to the information or documents provided for the fire prevention and emergency measures plan, and to the guarantee required under section 13.

Notwithstanding the foregoing, changes to the plan related to the number of tires may only be forwarded once a year.

O.C. 29-92, s. 5; O.C. 492-2000, s. 6; O.C. 918-2000, s. 5; O.C. 667-2013, s. 8.

5.1. Any person who accidentally sets fire to used tires shall, without delay, take the necessary measures to fight the fire, alert the fire department of the local municipality and notify the Minister thereof.

O.C. 918-2000, s. 5.

DIVISION III REVOKED

D. 29-92, Div. III; O.C. 492-2000, s. 6; O.C. 918-2000, s. 6.

6. (Revoked).

O.C. 29-92, s. 6; O.C. 492-2000, s. 6.

7. (Revoked).

O.C. 29-92, s. 7; O.C. 492-2000, s. 6.

8. (Revoked).

O.C. 29-92, s. 8; O.C. 492-2000, s. 6.

9. (Revoked).

O.C. 29-92, s. 9; O.C. 492-2000, s. 6.

10. (Revoked).

O.C. 29-92, s. 10; O.C. 492-2000, s. 6.

11. (Revoked).

O.C. 29-92, s. 11; O.C. 918-2000, s. 6.

12. (Revoked).

O.C. 29-92, s. 12; O.C. 492-2000, s. 6; O.C. 918-2000, s. 6.

DIVISION IV GUARANTEE

13. A reclamation business storing used tires shall provide the Minister of Sustainable Development, Environment and Parks with a guarantee that complies with the provisions of sections 14 to 20.

The amount of the guarantee shall be \$2 per tire stored on 24 August 2000 up to \$100,000. Notwithstanding the foregoing, in the case of the holder of a certificate of authorization issued under section 22 of the Act, the amount of the guarantee shall be \$2 per tire that the holder is authorized to store up to \$100,000.

That guarantee shall remain in force as long as used tires are stored and until the conditions for closing the storage site provided for in section 1.4 are fulfilled.

O.C. 29-92, s. 13; O.C. 492-2000, s. 6; O.C. 918-2000, s. 7; O.C. 667-2013, s. 9.

14. The guarantee shall ensure that:

- (1) the storage site will be set up in accordance with the Act, the regulations and the orders made under the Act;
- (2) the Minister will be reimbursed for the cost of works that the Minister executes or causes to be executed in the cases mentioned in sections 113, 115 and 115.1 of the Act.

O.C. 29-92, s. 14; O.C. 492-2000, s. 6; O.C. 918-2000, s. 8.

15. The guarantee shall be furnished in the form of:

- (1) cash or a certified cheque made out to the Minister of Finance;
- (2) bearer bonds, realizable at any time, issued or guaranteed by the Government of Canada, of Québec or of the person's province of origin, or by a municipality, and having a market value at least equal to the amount of the guarantee required;
- (3) a solidary deed in the form of security or of a guarantee policy, with a waiver of the benefits of discussion and of division, issued by a banking institution, a savings and credit union or an insurer holding a permit issued under Chapter I of Title IV of the Act respecting insurance (chapter A-32);
- (4) an irrevocable letter of credit issued by a banking institution or a savings and credit union.

O.C. 29-92, s. 15; O.C. 492-2000, s. 6; O.C. 918-2000, s. 9.

16. Where the guarantee is furnished in cash, by certified cheque or in the form of bearer bonds, the sum of money or the securities shall remain on deposit with the Minister of Finance as long as used tires are stored to ensure that the conditions for closing the storage site, provided for in section 1.4, are fulfilled.

O.C. 29-92, s. 16; O.C. 492-2000, s. 6; O.C. 918-2000, s. 10; O.C. 667-2013, s. 10.

17. A reclamation business storing used tires shall notify the Minister of Sustainable Development, Environment and Parks of the date on which the site will close, at least 4 months before the expiry of the period during which the guarantee remains on deposit with the Minister of Finance.

O.C. 29-92, s. 17; O.C. 492-2000, s. 6; O.C. 918-2000, s. 11; O.C. 667-2013, s. 11.

18. Where the guarantee is provided in the form of security, a guarantee policy or a letter of credit, it shall have a term of at least 12 months.

The guarantee shall include a clause fixing a limit of not less than 6 months following the expiry of the guarantee during which time a claim may be filed relative to the person or the municipality storing used tires failing to perform a secured action before the expiry of the guarantee or relative to the person or the municipality storing used tires failing to comply with the conditions for closing the storage site provided for in section 1.4.

At least 15 days before the expiry of the guarantee, the reclamation business storing used tires shall forward a renewed guarantee with a term of at least 12 months. Failing such renewal, the permit holder shall provide an equivalent guarantee in one of the forms described in section 15.

O.C. 29-92, s. 18; O.C. 492-2000, s. 6; O.C. 918-2000, s. 12; O.C. 667-2013, s. 12.

19. (Revoked).

O.C. 29-92, s. 19; O.C. 918-2000, s. 13; O.C. 667-2013, s. 13.

20. Where a guarantee contract contains a revocation, termination or cancellation clause, it shall also provide that the guarantor will inform the Minister of such revocation, termination or cancellation at least 2 months before the day on which that clause is to take effect.

O.C. 29-92, s. 20.

DIVISION V (Revoked)

O.C. 29-92 ; O.C. 918-2000, s. 14.

21. (Revoked).

O.C. 29-92, s. 21; O.C. 918-2000, s. 14.

DIVISION VI
INSTALLATION STANDARDS

22. (Revoked).

O.C. 29-92, s. 22; O.C. 918-2000, s. 15; O.C. 667-2013, s. 14.

23. (Revoked).

O.C. 29-92, s. 23; O.C. 918-2000, s. 16; O.C. 667-2013, s. 14.

24. (Revoked).

O.C. 29-92, s. 24; O.C. 918-2000, s. 17; O.C. 667-2013, s. 14.

25. (Revoked).

O.C. 29-92, s. 25; O.C. 918-2000, s. 17; O.C. 667-2013, s. 14.

26. (Revoked).

O.C. 29-92, s. 26; O.C. 918-2000, s. 17; O.C. 667-2013, s. 14.

27. (Revoked).

O.C. 29-92, s. 27; O.C. 918-2000, s. 17; O.C. 667-2013, s. 14.

28. (Revoked).

O.C. 29-92, s. 28; O.C. 918-2000, s. 17; O.C. 667-2013, s. 14.

29. (Revoked).

O.C. 29-92, s. 29; O.C. 918-2000, s. 18; O.C. 667-2013, s. 14.

30. (Revoked).

O.C. 29-92, s. 30; O.C. 918-2000, s. 19; O.C. 667-2013, s. 14.

31. (Revoked).

O.C. 29-92, s. 31; O.C. 918-2000, s. 19; O.C. 667-2013, s. 14.

32. (Revoked).

O.C. 29-92, s. 32; O.C. 918-2000, s. 19; O.C. 667-2013, s. 14.

33. (Revoked).

O.C. 29-92, s. 33; O.C. 918-2000, s. 19; O.C. 667-2013, s. 14.

DIVISION VII (Revoked)

O.C. 667-2013, s. 14.

34. (Revoked).

O.C. 29-92, s. 34; O.C. 918-2000, s. 19; O.C. 667-2013, s. 14.

35. (Revoked).

O.C. 29-92, s. 35; O.C. 918-2000, s. 19; O.C. 667-2013, s. 14.

36. (Revoked).

O.C. 29-92, s. 36; O.C. 918-2000, s. 19; O.C. 667-2013, s. 14.

37. (Revoked).

O.C. 29-92, s. 37; O.C. 918-2000, s. 20.

38. (Revoked).

O.C. 29-92, s. 38; O.C. 918-2000, s. 20.

39. (Revoked).

O.C. 29-92, s. 39; O.C. 918-2000, s. 21; O.C. 667-2013, s. 14.

40. (Revoked).

O.C. 29-92, s. 40; O.C. 918-2000, s. 21; O.C. 667-2013, s. 14.

41. (Revoked).

O.C. 29-92, s. 41; O.C. 918-2000, s. 21; O.C. 667-2013, s. 14.

42. (Revoked).

O.C. 29-92, s. 42; O.C. 918-2000, s. 22; O.C. 667-2013, s. 14.

43. (Revoked).

O.C. 29-92, s. 43; O.C. 918-2000, s. 23; O.C. 667-2013, s. 14.

DIVISION VIII (Revoked)

O.C. 29-92, Div. VIII; O.C. 667-2013, s. 14.

44. (Revoked).

O.C. 29-92, s. 44; O.C. 918-2000, s. 24; O.C. 667-2013, s. 14.

DIVISION VIII.1

MONETARY ADMINISTRATIVE PENALTIES

O.C. 667-2013, s. 15.

44.1. A monetary administrative penalty of \$250 in the case of a natural person or \$1,000 in other cases may be imposed on any person who fails to keep, on the storage site, a copy of the fire prevention and emergency measures plan and its changes in accordance with section 4.

O.C. 667-2013, s. 15.

44.2. 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 submit to the Minister a fire prevention and emergency measures plan containing the information and documents prescribed by section 2;

(2) to forward in writing to any person referred to in section 3 the fire prevention plan required or any changes to the plan in accordance with that section;

(3) to notify in writing the Minister of any change to the information or documents referred to in section 5 within the period provided for in that section.

O.C. 667-2013, s. 15.

44.3. 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

(1) stores more tires than necessary for the person's operation for a period not exceeding 6 months, in contravention of section 1.5;

(2) fails to provide the Minister with or keep in force a guarantee in accordance with the conditions provided for in section 13;

(3) fails to forward a guarantee renewal or, where applicable, an equivalent guarantee within the period and on the conditions provided for in the third paragraph of section 18.

O.C. 667-2013, s. 15.

44.4. A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in other cases may be imposed on any person who fails to notify the Minister of the closing of a storage site on the conditions prescribed by the second paragraph of section 17.

O.C. 667-2013, s. 15.

44.5. A monetary administrative penalty of \$1,500 in the case of a natural person or \$7,500 in other cases may be imposed on any person who stores used tires without meeting the conditions provided for in section 1.2.

O.C. 667-2013, s. 15.

44.6. A monetary administrative penalty of \$2,000 in the case of a natural person or \$10,000 in other cases may be imposed on any person who fails

(1) to clear a storage site or restore the site to the conditions it was in before it was used for storing used tires in accordance with section 1.4;

(2) to take, without delay, any of the measures to fight fire prescribed by section 5.1.

O.C. 667-2013, s. 15.

DIVISION IX PENAL SANCTIONS

O.C. 29-92, Div. IX; O.C. 667-2013, s. 16.

45. Every person who contravenes section 4 commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 or, in other cases, to a fine of \$3,000 to \$600,000.

O.C. 29-92, s. 45; O.C. 492-2000, s. 6; O.C. 918-2000, s. 25; O.C. 667-2013, s. 17.

46. Every person who contravenes section 2, 3 or 5 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. 29-92, s. 46; O.C. 918-2000, s. 26; O.C. 667-2013, s. 17.

47. Every person who contravenes section 1.5 or 13 or the third paragraph of section 18 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. 29-92, s. 47; O.C. 918-2000, s. 27; O.C. 667-2013, s. 17.

47.1. Every person who

(1) contravenes the second paragraph of section 17,

(2) 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. 667-2013, s. 17.

47.2. Every person who contravenes section 1.2 commits an offence and is liable, in the case of a natural person, to a fine of \$8,000 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 \$24,000 to \$3,000,000.

O.C. 667-2013, s. 17.

47.3. Every person who contravenes section 1.4 or 5.1 commits an offence and is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or to both the fine and imprisonment, or, in other cases, to a fine of \$30,000 to \$6,000,000.

O.C. 667-2013, s. 17.

47.4. Every person who contravenes any other requirement imposed by this Regulation also commits an offence and is liable, where no other penalty is provided for by 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, in other cases, to a fine of \$3,000 to \$600,000.

O.C. 667-2013, s. 17.

DIVISION X TRANSITIONAL AND FINAL

48. (Revoked).

O.C. 29-92, s. 48; O.C. 918-2000, s. 28; O.C. 667-2013, s. 18.

49. (Obsolete).

O.C. 29-92, s. 49; O.C. 918-2000, s. 28.

50. (Revoked).

O.C. 29-92, s. 50; O.C. 918-2000, s. 29.

51. (Obsolete).

O.C. 29-92, s. 51.

52. This Regulation applies to the 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. 29-92, s. 52.

53. (Omitted).

O.C. 29-92, s. 53.

REFERENCES

O.C. 29-92, 1992 G.O. 2, 485

O.C. 492-2000, 2000 G.O. 2, 2090

O.C. 918-2000, 2000 G.O. 2, 4182

O.C. 667-2013, 2013 G.O. 2, 1772