



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 99

**An Act to amend the Environment
Quality Act and other legislative
provisions**

Introduction

**Introduced by
Mr André Boisclair
Minister of the Environment**

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EXPLANATORY NOTES

This bill proposes amendments to the Environment Quality Act that empower the Minister of the Environment to combine all the certificates of authorization issued by the Minister under section 22 of that Act and relating to the same works or establishment, the same activity or the same work into a single certificate, on the application of the holder of the certificates.

The bill provides that the Minister may not make any modification to the conditions set out in the certificates of authorization so combined that would have the effect of reducing the protection of the environment ensured by those conditions.

Lastly, the bill provides for the incorporation into a depollution attestation issued to an industrial establishment under Division IV.2 of the Environment Quality Act of conditions of operation initially set out in a certificate of authorization issued for that establishment under section 22 of that Act.

LEGISLATION AMENDED BY THIS BILL :

- Environment Quality Act (R.S.Q., chapter Q-2).

Bill 99

AN ACT TO AMEND THE ENVIRONMENT QUALITY ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The Environment Quality Act (R.S.Q., chapter Q-2) is amended by inserting the following sections after section 24 :

“24.1. On the application of the holder of several certificates of authorization issued under section 22 relating to the same works or establishment, the same activity or the same work, the Minister may, on the conditions the Minister determines, combine the certificates of authorization into a single certificate, referred to as an “administrative certificate”.

When issuing an administrative certificate, the Minister may not make any modification to the conditions set out in the certificates of authorization so combined that would have the effect of reducing the protection of the environment ensured by those conditions.

“24.2. From the date of its issue, the administrative certificate replaces the certificates of authorization it combines, which cease to have effect without prejudice, however, to any offences committed, proceedings instituted or penalties incurred before that date in relation to those certificates.

“24.3. Once issued, the administrative certificate stands in lieu of the certificate of authorization as if it had been issued under section 22 and is considered to be a certificate of authorization for the purposes of this Act.

“24.4. The Minister shall determine, by order, the fees that may be charged for the processing of an application to combine certificates of authorization and for the issue of an administrative certificate under section 24.1, as well as the manner of payment of those fees.

The fees may vary, in particular, according to the classes of sources of contamination involved, the number of certificates of authorization concerned and the complexity of the technical and environmental aspects pertaining to the application.”

2. Section 31.7 of the said Act is amended by replacing “or 70.11” at the end by “, 70.11 or in Division IV.2”.

3. Section 31.13 of the said Act is amended by adding the following after paragraph 5:

“(6) any other condition of operation applicable to the establishment including, where applicable, a condition contained in a certificate of authorization already issued under section 22 and determined by the Minister.

The Minister may, at the request of the holder of a depollution attestation issued before (*insert here the date of coming into force of this Act*), modify the attestation to add a condition of operation contained in a certificate of authorization issued under section 22.

Any condition contained in a certificate of authorization issued under section 22 ceases to be contained therein where it is incorporated into a depollution attestation under subparagraph 6 of the first paragraph or under the second paragraph of this section. The certificate of authorization shall be amended accordingly by the Minister.”

4. Section 31.26 of the said Act is amended by adding the following subparagraph after subparagraph 3 of the first paragraph:

“(4) where a modification to the conditions of operation becomes necessary following the issue of a certificate of authorization under section 22.”

5. Section 31.41 of the said Act is amended

(1) by inserting “or the application for a modification to the attestation made under the second paragraph of section 31.13” after “attestation” in the second line of paragraph 6;

(2) by adding the following subparagraph after subparagraph *c* of paragraph 6:

“(d) the complexity of the processing of the application, in particular the fact that the conditions of operation contained in a certificate of authorization issued under section 22 must be incorporated into the attestation;”.

6. The certificates issued by the Minister of the Environment before the coming into force of this Act and whose object is to combine into a single certificate several certificates of authorization previously issued by the Minister under section 22 of the Environment Quality Act are validated, to the extent that the issue of the certificates was not authorized by law. Sections 24.2 and 24.3, enacted by section 1 of this Act, apply to certificates so validated as of the date on which the certificates are issued.

7. This Act comes into force on (*insert here the date of assent to this Act*).