

Bill 88

**An Act to amend the Environment
Quality Act as regards residual
materials management and to amend
the Regulation respecting compensation
for municipal services provided to
recover and reclaim residual materials**

Section 3

AMENDMENT:

Add the following paragraph at the end of section 53.4.1:

However, that order of precedence may be waived if justified by an analysis of the life cycle of the products and services that takes into account the global effects of their production and consumption and the resulting residual materials management.

*Adopté
VR*

Amendment 2 has been withdrawn and is now known as Am q.

AM 3
s. 9 (53.31.14)

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Section 9

AMENDMENT:

In proposed section 53.31.14, replace "or" in the paragraph introduced by paragraph 3 by "and".

*Adopté
vr*

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Section 7.1

AMENDMENT:

Insert the following section after section 7:

7.1. The Act is amended by inserting the following section after section 53.31.12:

“53.31.12.1. If, by regulation, the Government subjects newspapers to the compensation regime provided for in this division, it may determine on what conditions the amount of the annual compensation owed to the municipalities that is allotted to that class of materials may be paid in whole or in part through a contribution in goods or services, and prescribe the characteristics newspapers must possess to benefit from that mode of payment.

The contribution in goods or services must enable the Québec-wide, regional and local dissemination of information, awareness and educational messages on environmental matters and favour messages intended to promote the recovery and reclamation of residual materials.”

*Adopté
1/2*

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Section 7

AMENDMENT:

Replace paragraphs 3, 4 and 5 by the following paragraph:

(3) by striking out the third, fourth and fifth paragraphs.

*Adopté
VR*

Amendment 6 has been withdrawn and is now known as Am s.

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Section 17

AMENDMENT:

In proposed section 8, replace "municipalities of" everywhere it appears by "municipalities serving".

*Adopte
VR*

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Section 17

AMENDMENT:

In proposed section 8.4, replace “and 2011” in the third paragraph by “, 2011 and 2012”.

Adopté
WR

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Section 17

AMENDMENT:

In proposed section 8.6,

- (1) replace "April" in the first paragraph by "June";
- (2) replace the second paragraph by:

The declaration must be signed by the municipality's external auditor, who must state whether, in the external auditor's opinion, the declaration fairly presents the information it contains.

*Adopter
WZ*

Amendment 10 has been withdrawn and is now known as Am o.

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Section 17

AMENDMENT:

Replace proposed section 8.10 by:

“8.10. Not later than 31 October each year, a certified body must pay to the Société québécoise de récupération et de recyclage, an amount equivalent to at least 80% of the annual compensation owed to the municipalities for the year concerned. The balance of the compensation must be paid not later than 31 December of the same year.

However, if the schedule of contributions referred to in section 53.31.15 of the Environment Quality Act is published in the *Gazette officielle du Québec* after 31 May, the dates on which the payments provided for in the first paragraph are deferred to the end of the fifth and seventh months, respectively, following the publication of the schedule.

Despite the first and second paragraphs, the amount of the compensation owed to the municipalities for the years listed below and allotted to the containers and packaging class and the printed matter class must be paid to the Société by the certified body in the following manner:

(1) for the years 2010 and 2011: at least 70% of the amount due not later than 31 October 2012, and the balance, not later than 1 March 2013;

(2) for the year 2012: at least 80% of the amount due not later than 1 March 2013, and the balance, not later than 31 October 2013;

(3) for the year 2013: at least 80% of the amount due not later than 1 March 2014, and the balance, not later than 31 October 2014; and

(4) for the year 2014: at least 40% of the amount due not later than 31 October 2014, and the balance, not later than 1 March 2015.”

Adopté
VR

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Section 17

AMENDMENT:

Replace “the Act respecting the Ministère du Revenu (R.S.Q., c. M-31)” in proposed section 8.11 by “the Tax Administration Act (R.S.Q., c. A-6.002)”.

*Adopté
vr*

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Section 17

AMENDMENT:

Replace proposed section 8.14 by:

“8.14. The amount payable annually to the Société québécoise de récupération et de recyclage to indemnify it for its management costs and other expenses mentioned in section 53.31.18 of the Environment Quality Act is equal to the amount corresponding to the percentage given below of the annual compensation owed to the municipalities under this division:

- (1) for the year 2010: 3.25%;
- (2) for the year 2011: 2.75%;
- (3) for the year 2012: 2.25%; and
- (4) for each subsequent year: 2%.

Despite the first paragraph, the indemnity payable to the Société may in no case be greater than \$3,000,000.

The amount of the indemnity is divided among the materials or classes of materials subject to compensation, according to the share allotted to each by the Government under section 53.31.5 of the Environment Quality Act.

“8.15. A certified body must pay to the Société québécoise de récupération et de recyclage the amount due under section 8.14 not later than 31 December each year. Any sum not yet paid to the Société as of the expiry date bears interest at the rate determined under section 8.11.

Despite the first paragraph, for each of the years given below, the amount must be paid to the Société by the following deadlines:

- (1) for the years 2010 and 2011: not later than 1 March 2013;
- (2) for the year 2012: not later than 31 October 2013;
- (3) for the year 2013: not later than 31 October 2014; and
- (4) for the year 2014: not later than 1 March 2015.”

*Adopter
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Section 18

AMENDMENT:

Replace "the years 2008 and" by "the year".

*Adopté
WR*

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Section 19

AMENDMENT:

Replace by:

19. Despite section 7 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials, the calculation of the cost of the services provided by a municipality that is eligible for compensation for the year 2010 must be based on the net cost of the services provided that year.

*Adopté
VR*

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Section 3

AMENDMENT:

Add the following paragraph at the end of proposed section 53.4.1:

The thermal destruction of residual materials constitutes energy conversion insofar as the processing of the materials respects the regulatory standards prescribed by the Government, including a positive energy assessment and the minimum energy efficiency required, and contributes to the reduction of greenhouse gas emissions.

*Adopté
WR*

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Section 17

AMENDMENT:

Replace “municipalities for the management” and “an amount equivalent to 6.55%” in proposed section 8.5 by “municipalities both for the management” and “and for the purchase of the containers required to collect them, an amount equivalent to 8.55%”, respectively.

*Adopte
VR*

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Section 17

AMENDMENT:

In proposed section 8.8, replace paragraphs 2 and 3 by:

- (2) for the year 2011: 80%; and
- (3) for the year 2012: 90%.

*Adopte
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Section 17

AMENDMENT:

In proposed section 8.9,

(1) replace paragraphs 3 and 4 by:

- (3) for the year 2013: \$6,460,000;
- (4) for the year 2014: \$6,840,000; and
- (5) for the year 2015: \$7,600,000.

(2) add the following paragraph:

For each of the subsequent years, the amount of the annual compensation may not exceed the amount set in subparagraph 5 of the first paragraph, increased by 10% annually, until, for a given year, that amount is equal to or greater than the amount corresponding to the share of the compensation allotted to that class of materials under the first paragraph of section 53.31.5 of the Environment Quality Act, in which case this section ceases to apply.

*Adopte
VR*

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Section 17

AMENDMENT:

Replace proposed section 8.12 by:

“8.12. The amount of the annual compensation owed to the municipalities that is allotted to the newspapers class may be paid, in whole or in part, through a contribution in goods or services.

However, if it is to be paid through a contribution in goods or services, the amount of the annual compensation may not exceed

- (1) for each of the years 2013 and 2014: \$3,420,000; and
- (2) for each subsequent year: \$3,800,000.

“8.12.1. The annual compensation may be paid through a contribution in goods or services, to the extent provided in section 8.12, provided the certified body proposed a schedule of contributions to the Société québécoise de récupération et de recyclage, in accordance with sections 53.31.14 and 53.31.15 of the Environment Quality Act, determining the contributions payable and the manner in which payment may be made.

The proposed schedule must provide for the Québec-wide, regional and local dissemination of the environmental information, awareness and educational messages prescribed by the second paragraph of section 53.31.12.1 of that Act, and determine the sanctions and other penalties applicable in the event of non-compliance with that section.

“8.12.2. The certified body must report to the Société québécoise de récupération et de recyclage on the implementation of the schedule determining a

contribution in goods or services within 30 days following the end of each calendar year covered by the schedule.

However, the certified body must report to the Société on the implementation of the schedule for the years 2010, 2011 and 2012 not later than 31 January 2013.

Adopté
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Section 17

AMENDMENT:

Add the following paragraph to proposed section 7:

Expenses incurred by a municipality for the purchase of containers, for information, awareness and educational activities or for the granting of service contracts and the follow-up on payments owed under such contracts are not included in the costs mentioned in the first paragraph.

*Adopte
VR*

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Section 5

AMENDMENT:

Replace proposed section 53.31.4, adopted as amended, by:

“53.31.4. For the purposes of section 53.31.3, the Government shall prescribe by regulation the information and documents a municipality is required to send to the Société québécoise de récupération et de recyclage not later than 30 June each year, and the other conditions under which they must be sent. The regulation must also specify the penalties applicable if those obligations are not met.

Should a municipality fail to send the required information or documents to the Société before 1 September of a given year, the cost of the services provided by the municipality that is eligible for compensation is determined in accordance with the rules set by regulation. For that purpose, the Société may estimate the quantity of materials subject to compensation that was recovered or reclaimed in that municipality’s territory by using the data from other municipalities in accordance with that regulation.

Such a regulation may also include specific calculation rules in the case where the Société deems that a municipality’s failure to comply results from special circumstances beyond its control.

*Adopter
VR*

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Section 17

AMENDMENT:

Replace proposed section 8.7 by:

“8.7. In accordance with section 53.31.4 of the Environment Quality Act, the compensation owed to a municipality that fails to send a declaration complying with the prescriptions of section 8.6 to the Société québécoise de récupération et de recyclage within the time set in that section is reduced by 10% as a penalty, unless the Société deems that the failure results from special circumstances beyond the municipality’s control.

If a municipality fails to file the declaration by 1 September of a given year, the cost eligible for compensation is calculated by applying the formula provided in the second paragraph of section 8.4, with the following modifications:

(1) the performance and efficiency factor “PE_G” is replaced by the smallest performance and efficiency factor calculated for a municipality that belongs to that same group and used for the calculation under paragraph 1 of section 8.3;

(2) the quantity of materials subject to compensation that was recovered or reclaimed during the year in the territory of the municipality in default is estimated by the Société on the basis of the most recent data it has on other municipalities in that same group; and

(3) the amount obtained is reduced by 15%.

The amount of the compensation calculated under the second paragraph may be paid only if a declaration has been filed for the year concerned.

However, the provisions of the second and third paragraphs do not apply if the Société deems, in accordance with the third paragraph of section 53.31.4 of the Environment Quality Act, that special circumstances beyond the municipality's control prevented the municipality from respecting the prescribed conditions when sending in its declaration. In such a case, the cost of the services provided by the municipality that is eligible for compensation for that year is calculated by the Société by applying the formula provided in the second paragraph of section 8.4. The quantity of materials subject to compensation is estimated by the Société in accordance with subparagraph 2 of the second paragraph of this section.

Even if compensation is paid, the municipality must file its declaration with the Société as soon as possible.

Adopté
WR

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Section 14

AMENDMENT:

Replace section 14, adopted as amended, by:

14. Section 2 of the Regulation is replaced by the following section:

“2. The compensation regime under subdivision 4.1 of Division VII of Chapter I of the Environment Quality Act (R.S.Q., c. Q-2) applies to the following classes of materials:

(1) containers and packaging: this class includes all types of flexible or rigid material, including paper, carton, plastic, glass or metal, used alone or in combination with other materials to contain, protect, wrap or present a product or a set of products at any stage in the movement of the product or set of products from the producer to the ultimate user or consumer.

However, this class excludes pallets designed to facilitate the handling and transport of a number of sales units or grouped packagings, and containers and packaging that are included in other classes of materials;

(2) newspapers: this class includes paper and other cellulosic fibres used as a medium for written current affairs periodicals published on newsprint, particularly dailies and weeklies.

This class also includes containers and packaging used to deliver newspapers directly to the ultimate consumer or recipient;

(3) printed matter: this class includes paper and other cellulosic fibres, whether or not they are used as a medium for text or images, except books and materials in the newspapers class of materials.

This class also includes containers or packaging used to deliver printed matter directly to the ultimate consumer or recipient."

Adopter
W2

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Sections 20, 20.1 and 20.2

AMENDMENT:

Replace section 20 by:

20. For the purpose of determining the amount of compensation owed to the municipalities for the years 2010 and 2011, the declaration under section 8.6 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials must be sent to the Société québécoise de récupération et de recyclage by every municipality not later than (*insert the date that occurs 120 days after the date of assent to this Act*).

If a municipality fails to file the declaration by that date, the cost eligible for compensation for those two years is calculated by applying the formula provided in the second paragraph of section 8.4 of the Regulation, with the following modifications:

(1) the performance and efficiency factor “PE_G” is replaced by the smallest performance and efficiency factor calculated for a municipality that belongs to that same group and used for the calculation under paragraph 1 of section 8.3;

(2) the quantity of materials subject to compensation that was recovered or reclaimed during the year in the territory of the municipality in default is estimated by the Société on the basis of the most recent data it has on other municipalities in that same group; and

(3) the amount obtained is reduced by 10%.

However, the provisions of the second paragraph do not apply if the Société deems, in accordance with the third paragraph of section 53.31.4 of the Environment Quality Act, that special circumstances beyond the municipality’s

control prevented the municipality from respecting the prescribed conditions when sending in its declaration. In such a case, the cost of the services provided by the municipality that is eligible for compensation for those two years is calculated by the Société by applying the formula provided in the fourth paragraph of section 8.7 of the Regulation respecting compensation for municipal services provided to recover and reclaim residual materials.

20.1. The annual compensation owed to the municipalities and the amount payable to the Société québécoise de récupération et de recyclage to indemnify it for its management costs and other expenses mentioned in section 53.31.18 of the Environment Quality Act for the years 2010, 2011 and 2012 are divided among the materials or classes of materials subject to compensation in the following proportions:

- (1) 60% for containers and packaging;
- (2) 30% for printed matter; and
- (3) 10% for newspapers.

20.2. For the purpose of determining the contributions a certified body may collect from its members and from the persons mentioned in section 53.31.13 of the Environment Quality Act for the years 2010, 2011 and 2012, the certified body must send both the proposed schedule of contributions for those three years and the consultation report, required under section 53.31.15 of that Act, to the Société québécoise de récupération et de recyclage not later than (*insert the date that occurs 180 days after the date of assent to this Act*). If the certified body fails to send the documents within the time prescribed, the third paragraph of section 53.31.15 applies.

The certified body must also send to the Société, before that date, the proposed schedule under which the amount of the annual compensation owed to the municipalities for those years and allotted to the newspapers class may be paid in whole or in part through a contribution in goods or services.

Adopté
v2