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**Part**

**2**

**No. 13**

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**Laws and Regulations**

Volume 145

**Summary**

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### Contents

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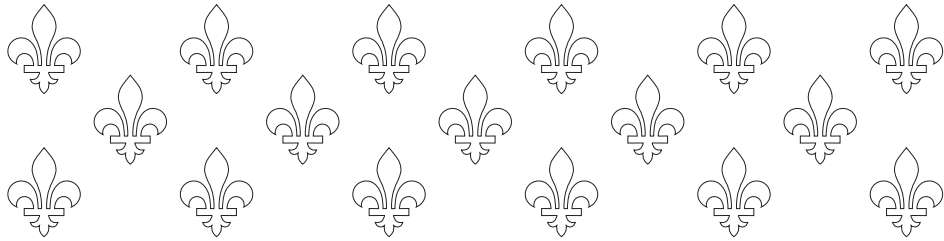
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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTIETH LEGISLATURE

Bill 15  
(2012, chapter 32)

**An Act to provide for the establishment of  
target-benefit pension plans in certain pulp  
and paper sector enterprises**

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**Introduced 30 November 2012  
Passed in principle 4 December 2012  
Passed 6 December 2012  
Assented to 7 December 2012**

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**EXPLANATORY NOTES**

*This Act defines the circumstances and the conditions under which a target-benefit pension plan may be established in certain enterprises in the pulp and paper sector.*

## **Bill 15**

### **AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF TARGET-BENEFIT PENSION PLANS IN CERTAIN PULP AND PAPER SECTOR ENTERPRISES**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** In exceptional circumstances, the first paragraph of section 14.1 of the Supplemental Pension Plans Act (chapter R-15.1) does not apply in respect of pension plans that meet the conditions and observe the rules prescribed by a regulation made by the Government under the second paragraph of section 2 of that Act, if the following circumstances coexist:

(1) the regulation provides for the establishment of a target-benefit pension plan under which employer contributions and, where applicable, member contributions, or the method used for calculating them, are set in advance and the normal pension payable is based on the financial position of the pension plan;

(2) the employer who is a party to the pension plan is in the pulp and paper sector; and

(3) the employer who is a party to the pension plan entered into an agreement with a union to establish a target-benefit pension plan while that employer or another employer whose assets it acquired was subject to an order under the Companies' Creditors Arrangement Act (Revised Statutes of Canada, 1985, chapter C-36).

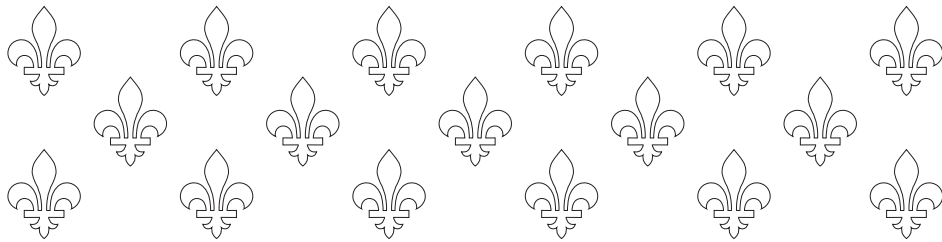
**2.** Despite the third paragraph of section 2 of the Supplemental Pension Plans Act, a regulation referred to in section 1 may, if it so provides, have retroactive effect from a date not prior to 31 December 2010.

**3.** The Minister of Employment and Social Solidarity is responsible for the administration of this Act.

**4.** This Act comes into force on 7 December 2012.







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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTIETH LEGISLATURE

Bill 200  
(Private)

**An Act respecting Ville de Saint-Hyacinthe**

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**Introduced 15 November 2012  
Passed in principle 7 December 2012  
Passed 7 December 2012  
Assented to 7 December 2012**

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**Québec Official Publisher  
2012**



## **Bill 200**

(Private)

### **AN ACT RESPECTING VILLE DE SAINT-HYACINTHE**

AS Ville de Saint-Hyacinthe was constituted by Order in Council 1480-2001 (2001, G.O. 2, 6988);

AS Ville de Saint-Hyacinthe resulted from the amalgamation of Ville de Saint-Hyacinthe, Ville de Sainte-Rosalie and the parishes of Notre-Dame-de-Saint-Hyacinthe, Sainte-Rosalie, Saint-Hyacinthe-le-Confesseur and Saint-Thomas-d'Aquin following the filing of a joint application by those municipalities;

AS Order in Council 1480-2001 set out the obligation for the new city to limit to 5% the variation in the amount of the general property tax for a fiscal year, compared to the preceding fiscal year, in respect of all the units of assessment in the territory of each of the former municipalities, regardless of the reason for the increase, for a maximum period of 10 years, that is until 1 January 2011;

AS, under section 173 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14), this period was extended to 20 years, that is until 1 January 2021;

AS, for the fiscal year 2012, Ville de Saint-Hyacinthe increased the general property tax rate for the part of its territory constituted by the territories of the former parishes of Notre-Dame-de-Saint-Hyacinthe, Sainte-Rosalie, Saint-Hyacinthe-le-Confesseur and Saint-Thomas-d'Aquin and of Ville de Sainte-Rosalie in order to harmonize that rate with the rate in force in the territory of the former Ville de Saint-Hyacinthe, as initially provided for in Order in Council 1480-2001 and despite section 173 of chapter 14 of the statutes of 2003;

AS it is in the interest of Ville de Saint-Hyacinthe that the harmonization period for the general property tax rates be kept at 10 years and that the imposition of the general property tax ordered for the 2012 fiscal year be confirmed and ratified;

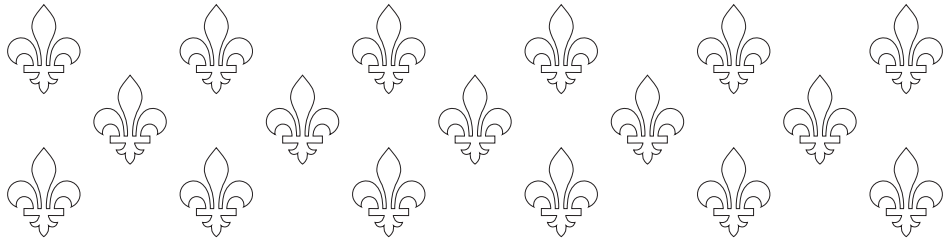
**THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:**

**1.** Section 173 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14) does not apply to the general property tax rate harmonization provided for in section 24 of Order in Council 1480-2001 (2001, G.O. 2, 6988) respecting the amalgamation of Ville de Saint-Hyacinthe, Ville de Sainte-Rosalie and the

parishes of Notre-Dame-de-Saint-Hyacinthe, Sainte-Rosalie, Saint-Hyacinthe-le-Confesseur and Saint-Thomas-d'Aquin.

The general property tax ordered and imposed by Ville de Saint-Hyacinthe for the 2012 fiscal year is validated insofar as it was imposed without regard to the 5% limit for increases in the amount of the general property tax.

**2.** This Act comes into force on 7 December 2012.



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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTIETH LEGISLATURE

Bill 201  
(Private)

## **An Act to establish Mutuelle de microfinance (Québec)**

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**Introduced 15 November 2012  
Passed in principle 7 December 2012  
Passed 7 December 2012  
Assented to 7 December 2012**

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**Québec Official Publisher  
2012**



## **Bill 201**

(Private)

### **AN ACT TO ESTABLISH MUTUELLE DE MICROFINANCE (QUÉBEC)**

AS there is reason to allow a microfinance mutual to be established to meet the needs of individuals who have difficulty gaining access to financial products and services adapted to their reality;

AS it is appropriate to create a solidarity-based financial tool;

AS the mutual's mission should also include improving financial literacy among individuals who have difficulty gaining access to traditional financing networks;

AS it is appropriate to facilitate access to financial products and services and establish an assistance and education process for such individuals;

AS the non-profit organizations known as the Fonds d'emprunt économique communautaire (Québec) and Fonds 2 propose to transfer a significant part of their lending activities to the mutual;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **ESTABLISHMENT AND MISSION**

**1.** A microfinance mutual is established under the name "Mutuelle de microfinance (Québec)" (the Mutual).

The Mutual is a legal person established for a private interest.

**2.** The Mutual's head office is located in the territory of Ville de Québec.

**3.** The Mutual's mission is to offer financial products and services to individuals who have difficulty gaining access to traditional financial networks, and to establish an assistance and education process aimed at developing their financial autonomy and security.

**4.** The Mutual may, in accordance with the applicable legislative provisions,

(1) offer its members financial products and services, including credit and savings products;

(2) assist its members by offering adequate technical support in preparing their business plans;

(3) promote the economic literacy of its members, including with respect to sound savings, insurance and investment habits; and

(4) encourage its members to adopt sound governance practices in their business endeavours.

**5.** Despite its legal structure, the Mutual may carry on activities reserved for a legal person under the Act respecting trust companies and savings companies (chapter S-29.01), provided it obtains the required authorization from the Autorité des marchés financiers and meets all other requirements provided for by that Act. In such a case, the provisions of Chapter X of this Act apply to the Mutual.

The Mutual may receive deposits of funds from its members without the authorization referred to in the first paragraph, provided it does so as a mandatary of a financial institution registered for the purposes of the Deposit Insurance Act (chapter A-26) and designated by the Mutual's board of directors.

**6.** The Mutual must identify itself by its own name, which must appear on all of its negotiable instruments, contracts, invoices and purchase orders for goods or services.

**7.** Third persons may presume

(1) that the Mutual is exercising its powers in accordance with its constituting Act and its internal by-laws;

(2) that the documents relating to the Mutual that are deposited in the enterprise register contain accurate information;

(3) that the directors and officers of the Mutual validly hold office and lawfully exercise the powers of their office; and

(4) that the documents of the Mutual issued by a director, officer or other mandatary of the Mutual are valid.

## **CHAPTER II**

### **ORGANIZATION MEETING**

**8.** Within 90 days after the Mutual is established, it holds its organization meeting.



A representative of the Fonds d'emprunt économique communautaire (Québec), a representative of Fonds 2 and any person who, on the date the meeting is called, is a borrower from the Fonds d'emprunt économique communautaire (Québec) or Fonds 2 participate in the meeting.

**9.** The meeting is called by the Fonds d'emprunt économique communautaire (Québec) or, if it fails to do so, by any person referred to in the second paragraph of section 8.

A notice stating the items of business on the agenda must be sent to every participant at least 10 days before the meeting.

**10.** The quorum at the organization meeting is 15 participants.

**11.** During the organization meeting, the participants must

(1) adopt internal by-laws; and

(2) elect the first directors taking into account the third paragraph of section 55.

The participants may also adopt any other by-law and take any measure relating to the Mutual's affairs.

### **CHAPTER III**

#### **RECORDS**

**12.** The Mutual prepares and maintains, at its head office, records containing

(1) the by-laws;

(2) the minutes and resolutions of the meetings of its members;

(3) the names and domiciles of the directors, and the dates of the beginning and end of their term of office; and

(4) a register of common shares and preferred shares.

The members may examine the Mutual's records during its regular office hours and obtain extracts from them without charge.

**13.** The Mutual prepares and maintains accounting records and records containing the minutes of meetings and the resolutions of the board of directors and its committees. The records are kept at the Mutual's head office or at any other place designated by the board.

The Mutual is required to preserve all accounting records for a period of six years after the end of the fiscal year to which they relate.

Except as otherwise provided by law, only the directors, the auditor and any other person authorized by the Mutual's board of directors may have access to the records referred to in the first paragraph.

## **CHAPTER IV**

### **SHARE CAPITAL**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

**14.** The share capital of the Mutual is unlimited. It consists of a single class of common shares and one or more classes of preferred shares.

**15.** The rights of the holders of shares of the same class are equal in all respects, subject to the order in which the shares are repaid in the event of liquidation.

**16.** Shares must be paid for in cash. Only fully paid shares may be issued.

**17.** Shares are registered, and may only be transferred on the conditions and in the manner prescribed in the Mutual's internal by-laws.

**18.** The Mutual must, by by-law, determine

(1) the price of shares;

(2) the maximum interest that may be paid on shares; and

(3) the conditions under which holders may request repayment of their shares and the order, among holders of the same class, in which shares are repaid in the event of the dissolution or liquidation of the Mutual.

In the event of liquidation or dissolution, shares cannot entitle their holder to be repaid before the liquidator has performed the Mutual's obligations, obtained forgiveness of those obligations or otherwise made provision for them.

**19.** The Mutual issues certificates attesting the existence of shares.

**20.** Any amendment to the Mutual's internal by-laws must be approved by the vote of at least two thirds of the members present.

All other by-laws and any amendments to them must also be approved by the vote of at least two thirds of the members present.

**DIVISION II****COMMON SHARES**

**21.** Common shares may be issued only to members.

The price of such shares may not be less than \$5.

**22.** In the event of the death or expulsion of a member, the Mutual repays the sums paid to obtain the member's common shares.

At the request of a member and on the conditions prescribed in its by-laws, the Mutual may repay to the member the sums paid to obtain the member's common share.

**DIVISION III****PREFERRED SHARES**

**23.** The Mutual may issue preferred shares by resolution of the board of directors if authorized to do so by the Mutual's by-laws.

The Mutual's by-laws must also establish the classes of preferred shares, the preferences, rights and restrictions attaching to each class of shares and the conditions of their redemption.

**24.** Certificates attesting the existence of preferred shares must state the amount of, the interest payable on and the preferences, rights and restrictions attaching to those shares and the conditions of their redemption or repayment.

**25.** In the event of the dissolution or liquidation of the Mutual, preferred shares take precedence over common shares and entitle their holders to be repaid first.

**26.** Preferred shares cannot entitle their holder to repayment before the expiry of five years after their issue.

**27.** Preferred shares cannot entitle their holder to receive notice of a general meeting, attend or vote at such a meeting or be eligible for any office within the Mutual.

**DIVISION IV****MAINTENANCE OF SHARE CAPITAL**

**28.** The Mutual may not repay a share if repayment would cause its capital base or liquid assets to become inadequate.

Directors who authorize repayment of a share contrary to the first paragraph are solidarily liable for the sums involved and not recovered.

## **CHAPTER V**

### **MEMBERS**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

**29.** To become a member of the Mutual, a person or partnership must

- (1) borrow sums from the Mutual under the terms of a contract;
- (2) deposit funds with the Mutual, which, in accordance with section 5, receives the funds on its own behalf or as a mandatary of another financial institution; or
- (3) take out and maintain in force an individual insurance policy with an insurer designated by the Mutual's board of directors.

In addition, every member must purchase a common share and undertake to comply with the Mutual's by-laws.

**30.** Provided they purchase a common share and undertake to comply with the Mutual's by-laws, the following are also members of the Mutual:

- (1) the Fonds d'emprunt économique communautaire (Québec); and
- (2) any holder of preferred shares of the Mutual having paid over \$1,000,000 in consideration for the issue of those shares.

#### **DIVISION II**

##### **SUSPENSION AND EXPULSION**

**31.** A member described in section 29 who ceases to hold a valid contract as a borrower, depositor or policyholder is automatically expelled from the Mutual.

**32.** A member described in paragraph 2 of section 30 who ceases to hold issued and outstanding preferred shares for a consideration of over \$1,000,000 is automatically expelled as a member of the Mutual.

**33.** The board of directors may suspend or expel a member who fails to comply with the Mutual's by-laws. Before doing so, the board of directors must inform the member of its intention and the reasons invoked for its decision, and give the member an opportunity to submit observations.

**34.** The minutes of the meeting of the board of directors at which a member is suspended or expelled must record the facts justifying the decision.

The Mutual must mail the member a written and signed notice, with reasons, within 15 days after the meeting.

**35.** A member's suspension period may not exceed six months.

**36.** A suspended or expelled member loses the right to receive notice of the meetings of the Mutual and to attend and vote at such meetings.

However, contracts between the Mutual and the member entered into before the suspension or expulsion remain in force.

**37.** The suspension or expulsion of a member takes effect on the adoption of the resolution of the board of directors.

## CHAPTER VI

### MEETING OF THE MEMBERS

#### DIVISION I

##### GENERAL PROVISIONS

**38.** The members of the Mutual, whether assembled at an annual meeting or a special meeting, constitute the Mutual's general meeting.

**39.** Unless the Mutual's internal by-laws provide for a greater number, the quorum at a general meeting is one tenth of the Mutual's members if the Mutual has 500 members or less, or 50 members if the Mutual has more than 500 members.

There is no quorum at a meeting if more than one half of the members present are directors, mandataries or paid staff members of the Mutual.

Any meeting that has been called twice but has not been held due to a lack of quorum may be called again; on that occasion, the members present constitute a quorum.

**40.** Notice of a general meeting must be given at least 15 days and not more than 45 days before the meeting, by mail or in at least one daily or weekly newspaper circulated in the judicial district in which the Mutual has its head office.

The notice must state the place, date and time of the meeting and, if applicable, give a summary of any draft by-law submitted for adoption or of any amendment proposed to the Mutual's by-laws.

**41.** A member may, in writing, waive notice of a general meeting of the members. The member's attendance at the meeting is a waiver unless the member attends the meeting for the sole purpose of objecting to the holding of the meeting on the grounds that it was not lawfully called.

**42.** Each member has only one vote.

If the Mutual's internal by-laws so provide, a member's vote may be cast by a representative holding a proxy, whether or not the representative is a member of the Mutual. To be valid, the proxy must have been given in the year preceding the meeting and must be presented to the secretary at least 10 days before the meeting. The proxy may be used only at that meeting or its adjournments.

**43.** A legal person or partnership that is a member of the Mutual may be represented at a general meeting.

No person may, however, represent more than one legal person or partnership.

**44.** No member who has been a member for less than 60 days may vote at a general meeting of the Mutual.

**45.** Unless otherwise provided in this Act, decisions are made by a majority of the votes cast by the members present.

In the case of a tie, the chair of the meeting has a casting vote.

## **DIVISION II**

### **ANNUAL MEETING**

**46.** The annual meeting of the Mutual must be held within four months after the end of its fiscal year. The members are convened to

(1) examine the annual report;

(2) elect the directors; and

(3) make any other decision reserved for the general meeting under the laws governing the activities of the Mutual for which it holds a permit issued by the Autorité des marchés financiers.

## **DIVISION III**

### **SPECIAL MEETING**

**47.** The board of directors, the president or the vice-president of the Mutual may call a special meeting whenever it is considered necessary.

**48.** The Mutual's board of directors must call a special meeting to make any decision requiring the vote of at least two thirds of the members present.

**49.** The board of directors must call a special meeting if requested to do so by 50 members if the Mutual has 500 members or more, or by at least one tenth of the members if it has fewer than 500 members.

**50.** The request must include an agenda stating the items of business to be submitted to the members at the meeting and must be sent to every member of the board of directors and to the Mutual, at its head office.

**51.** If the board of directors fails to call the meeting within 30 days after receipt of the request, two signatories of the request may call the meeting.

The Mutual reimburses the persons who called the meeting for any reasonable expenses they incurred to hold it, unless the members object by resolution at the meeting.

**52.** Nothing may be considered or decided at a special meeting except the items of business mentioned in the notice calling the meeting.

## **CHAPTER VII**

### **DIRECTORS**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

**53.** The board of directors of the Mutual is composed of at least seven directors.

The number of directors is determined by the Mutual's internal by-laws.

**54.** Any natural person may be a director of the Mutual.

The following may not be directors of the Mutual:

(1) an employee of the Mutual;

(2) an undischarged bankrupt;

(3) a minor;

(4) a person of full age under protective supervision, a person prohibited by the court from holding such office or a person declared incapable by a decision of a court of another jurisdiction; and

(5) a person found guilty in the last five years of an offence or an indictable offence involving fraud or dishonesty, unless the person has obtained a pardon.

A person need not be a member in order to be a director of the Mutual.

**55.** The term of office of a director is three years.

The internal by-laws must provide for a mode of rotation by which one third of the directors, to the nearest whole number, are replaced each year.

For that purpose, the Mutual may shorten the term of office of the directors elected at the organization meeting or elected following a change in the number of directors.

**56.** A quorum of directors may fill a vacancy on the board for the unexpired portion of the term of office.

If there is no quorum or if there has been a failure to elect the minimum number of directors required, the directors in office must call a special meeting as soon as possible to fill any vacancy.

Any member of the Mutual may call the special meeting if the directors refuse or fail to do so or if there are no directors in office.

The Mutual must reimburse the persons who called the meeting for any reasonable expenses they incurred to hold it, unless the members object by resolution at the meeting.

**57.** Despite the expiry of a director's term of office, the director remains in office until re-elected or replaced.

**58.** The board of directors of the Mutual adopts a by-law to determine the total amount of remuneration that may be paid to the directors for a specified period. No director may receive any remuneration in that capacity before the by-law is adopted.

The by-law must be approved by the vote of at least two thirds of the members present at a meeting called for that purpose.

**59.** The Mutual assumes the defence of its directors or officers sued by a third person for an act done in the performance of their duties and pays any damages awarded as compensation for any injury resulting from that act, unless they have committed a grievous offence or a personal offence separable from the performance of their duties.

However, in a penal or criminal proceeding, the Mutual assumes payment of the expenses of its directors or officers only if they had reasonable grounds to believe that their conduct was in compliance with the law or if they have been freed or acquitted.



The Mutual assumes the expenses of its directors and officers if, having sued them for an act done in the performance of their duties, it loses its case and the court so decides.

If the Mutual wins its case only in part, the court may determine the amount of the expenses the Mutual must assume.

## **DIVISION II**

### **POWERS AND DUTIES**

**60.** The board of directors administers the affairs of the Mutual.

The board exercises all the powers necessary to manage, or supervise the management of, the business and internal affairs of the Mutual.

**61.** The board of directors must, among other things,

- (1) comply and ensure compliance with the Mutual's by-laws;
- (2) prepare, maintain and preserve the Mutual's records and registers;
- (3) determine the rate of interest on common shares and preferred shares within the limit prescribed by by-law of the Mutual;
- (4) adopt an investment policy and ensure that the Mutual's investments are made in accordance with it;
- (5) rule annually on the distribution of the yearly surplus among the members;
- (6) designate the persons authorized to sign contracts or other documents on behalf of the Mutual; and
- (7) at the annual meeting, give an account of its management and submit the annual report.

**62.** The board of directors appoints a general manager for an indefinite term.

## **DIVISION III**

### **MEETINGS**

**63.** Subject to the internal by-laws, meetings of the board of directors are called by a notice given at least five days before they are to be held.

**64.** The general manager of the Mutual may attend the meetings of the board of directors and be heard.

**65.** A director may waive notice of a meeting of the board of directors in writing.

The director's attendance at the meeting is a waiver unless the director attends the meeting for the sole purpose of objecting to the holding of the meeting on the grounds that it was not lawfully called.

**66.** The quorum at meetings of the board of directors is a majority of the directors.

**67.** The decisions of the board of directors are made by a majority of the votes cast by the directors present. In the case of a tie, the chair of the meeting has a casting vote.

**68.** Subject to the internal by-laws, if all the directors agree, they may participate in a meeting of the board of directors by means of equipment enabling all participants to communicate directly with one another. In such a case, they are deemed to have attended the meeting.

**69.** A resolution in writing signed by all the directors is as valid as if it had been passed at a meeting of the board.

A copy of the resolution is kept with the minutes of the meetings of the board.

**70.** A director who was present at a meeting of the board of directors is deemed to have consented to every resolution passed during the meeting unless

(1) the director requested at the meeting that his or her dissent be recorded in the minutes; or

(2) the director sent a written dissent to the secretary of the meeting before the adjournment or closing of the meeting.

**71.** A director who was not present at a meeting at which a resolution was passed is deemed to have consented to the resolution unless the director records his or her dissent in accordance with section 70 within seven days after becoming aware of the resolution.

## **DIVISION IV**

### **REMOVAL OF A DIRECTOR**

**72.** A director may be removed at a special meeting called for that purpose.

**73.** A vacancy resulting from the removal of a director may be filled at the meeting at which the removal takes place.

**74.** A director may not be removed at the meeting unless the director has been informed in writing, within the same time limit as that prescribed for calling the meeting, of the grounds invoked and of the place, date and time of the meeting.

The director may be heard at the meeting or may explain in a written statement read by the chair of the meeting why he or she opposes the removal.

**75.** The minutes of the meeting at which a director is removed must record the facts which justify the decision.

The Mutual sends the director a written and signed notice of the removal, with reasons, by registered or certified mail within 15 days after the meeting.

The Mutual also sends a notice of the removal, as soon as possible, by filing a declaration to that effect in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1).

## CHAPTER VIII

### EXECUTIVE COMMITTEE

**76.** The board of directors of the Mutual may, if so authorized by the internal by-laws, establish an executive committee consisting of at least three directors, including the chair and vice-chair of the board.

However, the executive committee cannot be delegated the power

- (1) to submit a question to the members that requires their approval;
- (2) to fill a vacancy on the board of directors;
- (3) to fill a vacancy in the office of auditor, if applicable;
- (4) to issue preferred shares;
- (5) to issue bonds or other debt securities;
- (6) to declare a distribution of the yearly surplus;
- (7) to redeem preferred shares issued by the Mutual;
- (8) to approve the financial statements; or
- (9) to adopt, amend or repeal by-laws.

The number of members of the executive committee may not exceed one half of the number of directors.

**77.** The executive committee exercises the powers of the board of directors to the extent determined in the internal by-laws.

**78.** The board of directors may replace any member of the executive committee.

**79.** Sections 63 to 71 apply, with the necessary modifications, to the executive committee.

## CHAPTER IX

### DISSOLUTION AND LIQUIDATION

**80.** Subject to this chapter, Divisions II and III of the Winding-up Act (chapter L-4) apply, with the necessary modifications, to the Mutual.

**81.** The dissolution of the Mutual may be decided by a resolution adopted by at least three quarters of the members present at a special meeting called for that purpose.

The special meeting then, by a resolution adopted by a majority of the votes cast by the members present, appoints a liquidator or liquidators, who take custody and control of all the assets of the Mutual. The board of directors then ceases to exist.

**82.** If the Mutual no longer has any members, its dissolution may be decided by a resolution adopted by its board of directors during a meeting called for that purpose.

**83.** Once the board of directors has ceased to exist, every action or suit against the property of the Mutual, in particular by seizure by garnishment, seizure before judgment or seizure in execution, must be suspended.

The costs incurred by a creditor after becoming aware of the liquidation, personally or through the creditor's attorney, cannot be collocated out of the proceeds of the property of the Mutual distributed as a result of the liquidation.

A judge of the Superior Court for the district in which the head office of the Mutual is located may nevertheless authorize the institution or continuance of any action or proceeding, on the conditions the judge considers suitable.

**84.** The liquidator must, without delay, send a notice of the liquidation, together with a certified copy of the decision to dissolve, to the enterprise registrar for deposit in the register provided for in Chapter II of the Act respecting the legal publicity of enterprises. The notice must also be published in a daily newspaper circulating in the territory of Ville de Québec.

The notice must state the name and address of the liquidator and the postal address where interested persons may send claims.

**85.** After performing or obtaining forgiveness of the obligations of the Mutual or otherwise making provision for them, the liquidator redeems the shares in accordance with the Mutual's by-laws and remits its remaining property to an organization that pursues objectives similar to those of the Mutual.

If it is impossible to remit the remaining property as provided for in the first paragraph, the property devolves to the State.

## CHAPTER X

### APPLICATION OF THE ACT RESPECTING TRUST COMPANIES AND SAVINGS COMPANIES

**86.** This chapter applies only to the extent provided for in section 5.

**87.** The Act respecting trust companies and savings companies, except sections 5, 11 to 46, 59, 64 to 66, the second paragraph of section 67, sections 68 to 85, 88 to 91, 95, 99 to 101, 103, 105, 113 and 169 to 169.2, applies, with the necessary modifications, to the Mutual as if it were constituted as a business corporation.

**88.** Unless the context indicates otherwise, for the purposes of the Act respecting trust companies and savings companies,

(1) "share" means a security interest. However, for the purposes of the first paragraph of section 67 of the Act respecting trust companies and savings companies, it means a preferred share;

(2) "shareholders" means the members of the Mutual;

(3) "common shareholders' equity" means the equity of common shareholders and preferred shareholders;

(4) "capital" means the equity of common shareholders and preferred shareholders;

(5) "capital stock" means share capital; and

(6) "dividends" means distributed yearly surpluses.

**89.** Despite section 120 of the Act respecting trust companies and savings companies, the Mutual may make a loan to a director, an officer, the spouse or child of a director or officer, or an employee of the Mutual, provided that such a loan is made under terms and conditions comparable or similar to those offered to the Mutual's members in a similar or analogous situation.

**CHAPTER XI****MISCELLANEOUS AND FINAL PROVISIONS**

**90.** The capital shares of the Mutual, issued to members or aspiring members, provided that the subscription was neither solicited nor received by a remunerated salesperson or canvasser, are exempted from the application of Titles II to VIII of the Securities Act (chapter V-1.1).

**91.** This Act comes into force on 7 December 2012.

## Regulations and other Acts

### Notice

Natural Heritage Conservation Act  
(chapter C-61.01)

#### **Permanent protection status as “Réserve écologique du Mont-Gosford” assigned to the portion of Mont Gosford forming part of the Municipalité régionale de comté du Granit in the Estrie Administrative Region**

Notice is hereby given, in accordance with Section 44 of the Natural Heritage Conservation Act (chapter C-61.01), that the Government made Order in Council 180-2013 dated 13 March 2013, establishing the Réserve écologique du Mont-Gosford, as shown on the plan for this area and the conservation plan attached to this Order in Council.

CLÉMENT D'ASTOUS,  
*Deputy Minister*

Gouvernement du Québec

#### **O.C. 180-2013, 13 March 2013**

Natural Heritage Conservation Act  
(chapter C-61.01)

#### **Réserve écologique du Mont-Gosford — Establishment and approval of its conservation plan**

Establishment of the Réserve écologique du Mont-Gosford and approval of its conservation plan

WHEREAS, under section 43 of the Natural Heritage Conservation Act (chapter C-61.01), the Minister of Sustainable Development, Environment, Wildlife and Parks may recommend to the Government that permanent ecological reserve status be assigned to all or part of land set aside for that purpose and that the applicable conservation plan be approved;

WHEREAS, under Order in Council 297-2009 dated 25 March 2009, the Government authorized the Minister of Sustainable Development, Environment and Parks to assign the status of proposed ecological reserve to the upper portion of Mont Gosford and approved the plan of the area and its conservation plan;

WHEREAS, in accordance with section 27 of the Natural Heritage Conservation Act, the Minister of Sustainable Development, Environment and Parks assigned, by Minister's Order dated 31 March 2009, temporary protection status as a proposed ecological reserve to a portion of Mont Gosford for a term of four years commencing on 15 April 2009;

WHEREAS, in accordance with sections 29 and 38 of the Act, with a view to consulting the public after the setting aside of the upper portion of Mont Gosford as a proposed ecological reserve, a notice was published in *L'Écho de Frontenac* and *The Record*, and also in Part 2 of the *Gazette officielle du Québec* of 15 April 2009 stating that the area could be assigned permanent protection status as an ecological reserve on the expiry of 60 days following that publication;

WHEREAS, in response to a comment received in connection with the public consultation, the boundaries of the proposed ecological reserve have been slightly changed so as to exclude a small portion of less than 100 square metres allowing the establishment of a lookout on the outline of the trail crossing the ecological reserve, but excluded from that reserve;

WHEREAS the land included in the territory forms part of the domain of the State and it is not included in an agricultural zone within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

WHEREAS Municipalité régionale de comté du Granit has certified that the proposed ecological reserve is consistent with its land use planning;

WHEREAS the Commission de toponymie has approved the use of the name “Réserve écologique du Mont-Gosford”;

WHEREAS, in view of the ecological value of the land, it is expedient to assign permanent ecological reserve status to the land whose plan and technical description are attached to this Order in Council, under the name “Réserve écologique du Mont-Gosford” and to approve the proposed conservation plan for the ecological reserve;

WHEREAS section 45 of the Natural Heritage Conservation Act provides that permanent protection status for land and the applicable conservation plan take effect on the date of publication of the order in the *Gazette officielle du Québec* or on any later date specified in the order;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment, Wildlife and Parks:

THAT permanent ecological reserve status be assigned to the land whose plan and technical description are attached to this Order in Council, under the name “Réserve écologique du Mont-Gosford”;

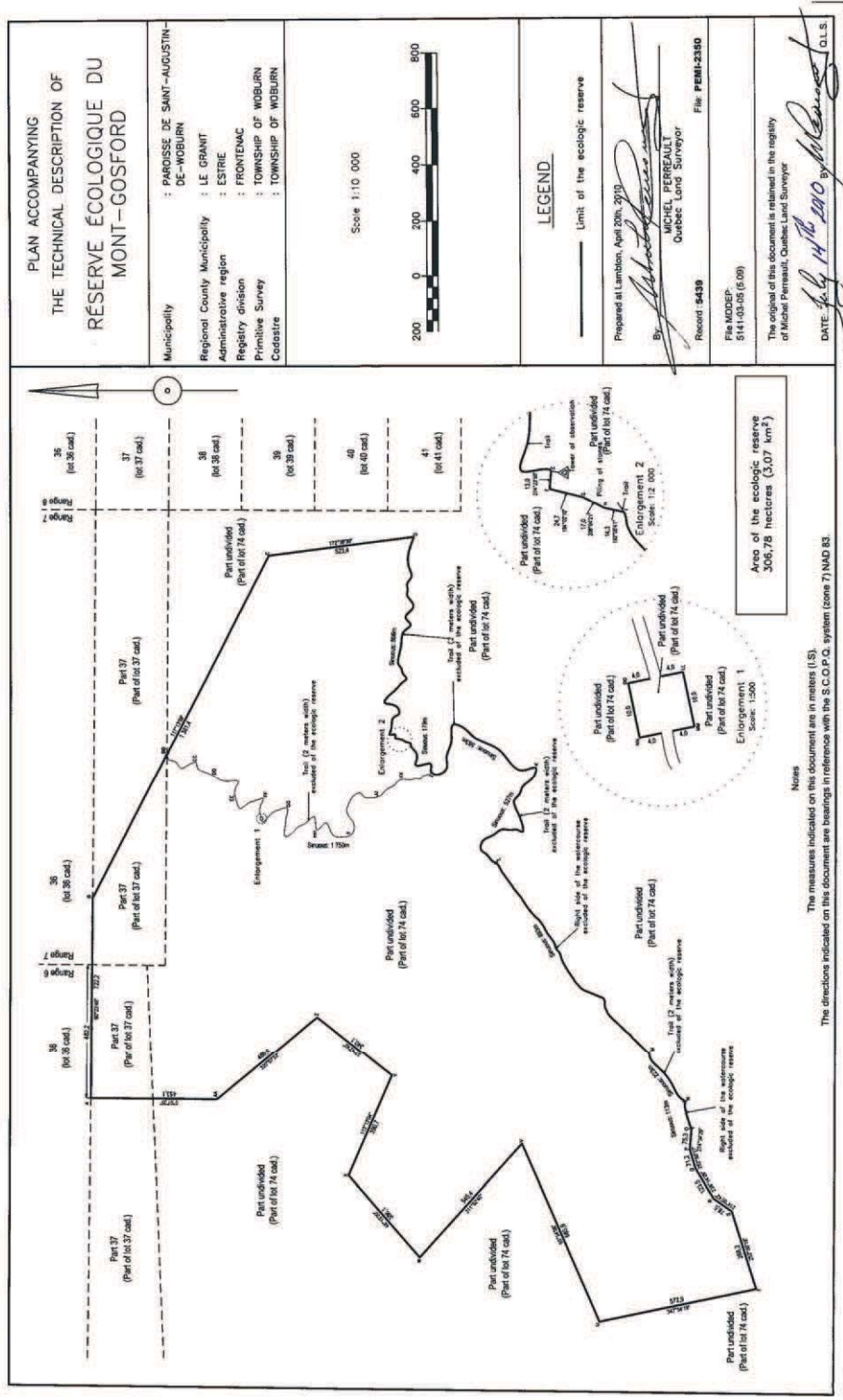
THAT the proposed conservation plan for the area, the text of which is attached to this Order in Council, be approved;

THAT the ecological reserve status and the conservation plan of the reserve come into force on the fifteenth day following the date of publication of this Order in Council in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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**CANADA  
PROVINCE OF QUÉBEC  
MUNICIPALITÉ RÉGIONALE DE COMTÉ LE GRANIT**

**TECHNICAL DESCRIPTION**

**RÉSERVE ÉCOLOGIQUE DU MONT-GOSFORD**

**CADASTRE: Canton de Woburn  
MUNICIPALITY: Paroisse de Saint-Augustin-de-Woburn  
REGISTRATION DIVISION: Frontenac**

A territory situated on Mont Gosford and comprising, in reference to the original survey, part of lot 37 (part of lot 37 cad.) of Rang VI, part of lot 37 (part of lot 37 cad.) of Rang VII and two undivided parts (two parts of lot 74 cad.) of Canton de Woburn.

The perimeter of that territory may be described as follows:

Starting at the point of intersection of the dividing line between ranges 6 and 7 with the dividing line between lots 36 and 37; thence, westerly on a bearing of 270°23'48", for a distance of 482.2 metres to the northwest corner of the territory, being Point A.

Starting at Point A, thence, easterly on a bearing of 90°23'48", for a distance of 722.2 metres to Point B;

From that point, southeasterly, on a bearing of 117°13'59", for a distance of 1,381.4 metres to Point C;

From that point, southerly, on a bearing of 172°38'39", for a distance of 523.4 metres to Point D, situated on the north side of a path;

From that point, in a general westerly direction, along the north side of a path, along a sinuous line for a distance of 866 metres to Point E;

From that point, westerly, on a bearing of 274°23'55", for a distance of 13.0 metres to Point F;

From that point, southerly, on a bearing of 194°02'10", for a distance of 24.7 metres to Point G;

From that point, southwesterly, on a bearing of 208°04'21", for a distance of 17.0 metres to Point H;

From that point, southerly, on a bearing of 192°05'41", for a distance of 14.3 metres to Point I;

From that point, in a general southwesterly direction, along the northwest side of a path to its intersection with another path, along a sinuous line for a distance of 179 metres to Point J;

From that point, in a general southerly direction, along the west side of a path, along a sinuous line for a distance of 583 metres to Point K;

From that point, in a general northwesterly direction, along the northeast side of a path to its intersection with the northwest limit of Ruisseau du Cap, along a sinuous line for a distance of 527 metres to Point L;

From that point, in a general southwesterly direction, along the northwest side of Ruisseau du Cap to its intersection with the northwest side of a path, along a sinuous line for a distance of 893 metres to Point M;

From that point, in a general southwesterly direction, along the northwest side of a path to its intersection with the north side of Ruisseau du Cap, along a sinuous line for a distance of 223 metres to Point N;

From that point, in a general westerly direction along the north side of Ruisseau du Cap to its intersection with the northwest side of a path, along a sinuous line for a distance of 113 metres to Point O;

From that point, westerly, on a bearing of 274°34'26", for a distance of 75.3 metres to Point P;

From that point, westerly, on a bearing of 252°50'17", for a distance of 71.2 metres to Point Q;

From that point, southwesterly, on a bearing of 238°14'26", for a distance of 123.5 metres to Point R;

From that point, southwesterly, on a bearing of 214°05'42", for a distance of 78.5 metres to Point S;

From that point, westerly, on a bearing of 252°00'19", for a distance of 288.2 metres to Point T;

From that point, northerly, on a bearing of 347°54'19", for a distance of 572.9 metres to Point U;

From that point, northeasterly, on a bearing of 65°54'06", for a distance of 685.9 metres to Point V;

From that point, northwesterly, on a bearing of 311°52'40", for a distance of 545.4 metres to Point W;

From that point, northeasterly, on a bearing of 48°15'20", for a distance of 386.1 metres to Point X;

From that point, southeasterly, on a bearing of 113°13'04", for a distance of 390.7 metres to Point Y;

From that point, northeasterly, on a bearing of 37°42'45", for a distance of 340.1 metres to Point Z;

From that point, northwesterly, on a bearing of 320°07'53", for a distance of 466.6 metres to Point AA;

From that point, northerly, on a bearing of 0°07'35", for a distance of 453.1 metres to Point A, that point being the starting point.

The approximate SCOPQ coordinates for the points on the perimeter described above are:

Point "A" 5 019 126 m NORTH, 274 729 m EAST;  
Point "B" 5 019 121 m NORTH, 275 451 m EAST;  
Point "C" 5 018 488 m NORTH, 276 679 m EAST;  
Point "D" 5 017 969 m NORTH, 276 745 m EAST;  
Point "E" 5 018 035 m NORTH, 276 040 m EAST;  
Point "F" 5 018 036 m NORTH, 276 027 m EAST;  
Point "G" 5 018 012 m NORTH, 276 021 m EAST;  
Point "H" 5 017 997 m NORTH, 276 013 m EAST;  
Point "I" 5 017 983 m NORTH, 276 010 m EAST;  
Point "J" 5 017 904 m NORTH, 275 903 m EAST;  
Point "K" 5 017 533 m NORTH, 275 920 m EAST;  
Point "L" 5 017 674 m NORTH, 275 581 m EAST;  
Point "M" 5 017 127 m NORTH, 274 908 m EAST;  
Point "N" 5 016 998 m NORTH, 274 731 m EAST;  
Point "O" 5 016 973 m NORTH, 274 637 m EAST;  
Point "P" 5 016 979 m NORTH, 274 562 m EAST;  
Point "Q" 5 016 958 m NORTH, 274 494 m EAST;  
Point "R" 5 016 893 m NORTH, 274 388 m EAST;  
Point "S" 5 016 828 m NORTH, 274 344 m EAST;  
Point "T" 5 016 739 m NORTH, 274 070 m EAST;  
Point "U" 5 017 300 m NORTH, 273 951 m EAST;  
Point "V" 5 017 579 m NORTH, 274 577 m EAST;  
Point "W" 5 017 943 m NORTH, 274 171 m EAST;  
Point "X" 5 018 200 m NORTH, 274 459 m EAST;  
Point "Y" 5 018 046 m NORTH, 274 818 m EAST;  
Point "Z" 5 018 315 m NORTH, 275 026 m EAST;  
Point "AA" 5 018 673 m NORTH, 274 728 m EAST.

TO BE WITHDRAWN from that territory two parcels of land.

A path of irregular shape having a width of 2 metres, running across part of the territory of the ecological reserve in a sinuous line for a distance of 1,750 metres, with the following approximate SCOPQ coordinates for certain points:

Point "BB" 5 018 855 m NORTH, 275 967 m EAST;  
Point "CC" 5 018 750 m NORTH, 275 938 m EAST;  
Point "DD" 5 018 683 m NORTH, 275 886 m EAST;  
Point "EE" 5 018 606 m NORTH, 275 799 m EAST;  
Point "FF" 5 018 508 m NORTH, 275 808 m EAST;  
Point "GG" 5 018 423 m NORTH, 275 772 m EAST;  
Point "HH" 5 018 317 m NORTH, 275 696 m EAST;  
Point "II" 5 018 202 m NORTH, 275 675 m EAST;  
Point "JJ" 5 018 101 m NORTH, 275 813 m EAST;  
Point "KK" 5 018 011 m NORTH, 275 879 m EAST;  
Point "J" 5 017 904 m NORTH, 275 903 m EAST.

A place situated along the path described above and measuring 10 metres by 10 metres, and whose apexes are identified by the following approximate SCOPQ coordinates:

Point "LL" 5 018 512 m NORTH, 275 741 m EAST;  
Point "MM" 5 018 510 m NORTH, 275 731 m EAST;  
Point "NN" 5 018 520 m NORTH, 275 729 m EAST;  
Point "OO" 5 018 522 m NORTH, 275 739 m EAST.

The territory of the ecological reserve has a total area of 306.78 hectares.

The whole as shown on the attached plan prepared by the undersigned on this date. The plan is an integral part of the present description.

All measures in this technical description and in the attached plan are in metres (S.I.). The directions are bearings in reference to the SCOPQ coordinates (zone 7) (MTM) NAD 83.

NOTE: A survey of the boundaries of the territory will improve the accuracy of the perimeter of the ecological reserve.

PREPARED AT LAMBTON, on the twentieth day of the month of April of the year two thousand and ten, under number five thousand four hundred and thirty-nine (5439) of my minutes.

**Dossier/File:** LM100407  
(PEMI-2350)  
**Minute:** 5439

Michel Perreault  
Land surveyor



# Protected areas in Québec:

A Lifelong Heritage

## Réserve écologique du Mont-Gosford



CONSERVATION PLAN

Québec 

**Production Team****Direction du patrimoine écologique et des parcs****Writing:** Guy Paré, Gildo Lavoie**Revision:** Réal Carpentier, Andrée Giroux**Cartography:** Yves Lachance**Publishing:** Yves Lachance**Photographic Credits:**

Réal Carpentier, MDDEFP: photos 1 and 2

Christian Savard: photo 3

**Bibliographical Reference:**

Gouvernement du Québec, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, Direction du patrimoine écologique et des parcs. Réserve écologique du Mont-Gosford, Conservation Plan, 2013. 10 p.

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## 1. Official Toponym

Official name: Réserve écologique du Mont-Gosford, in reference to Mont-Gosford, where the reserve is located.

## 2. Plan and Description

### 2.1. Geographical location, boundaries and dimensions

The reserve is located in the municipality of Saint-Augustin-de-Woburn, Municipalité régionale de comté (MRC) du Granit (Figure 1), and covers an area of 306.78 ha. It mainly covers the northern and western slopes of the Massif du mont Gosford, from its peak at about 1,183 m down to an altitude of approximately 720 m (Figure 2).



Figure 1. Location of Réserve écologique du Mont-Gosford

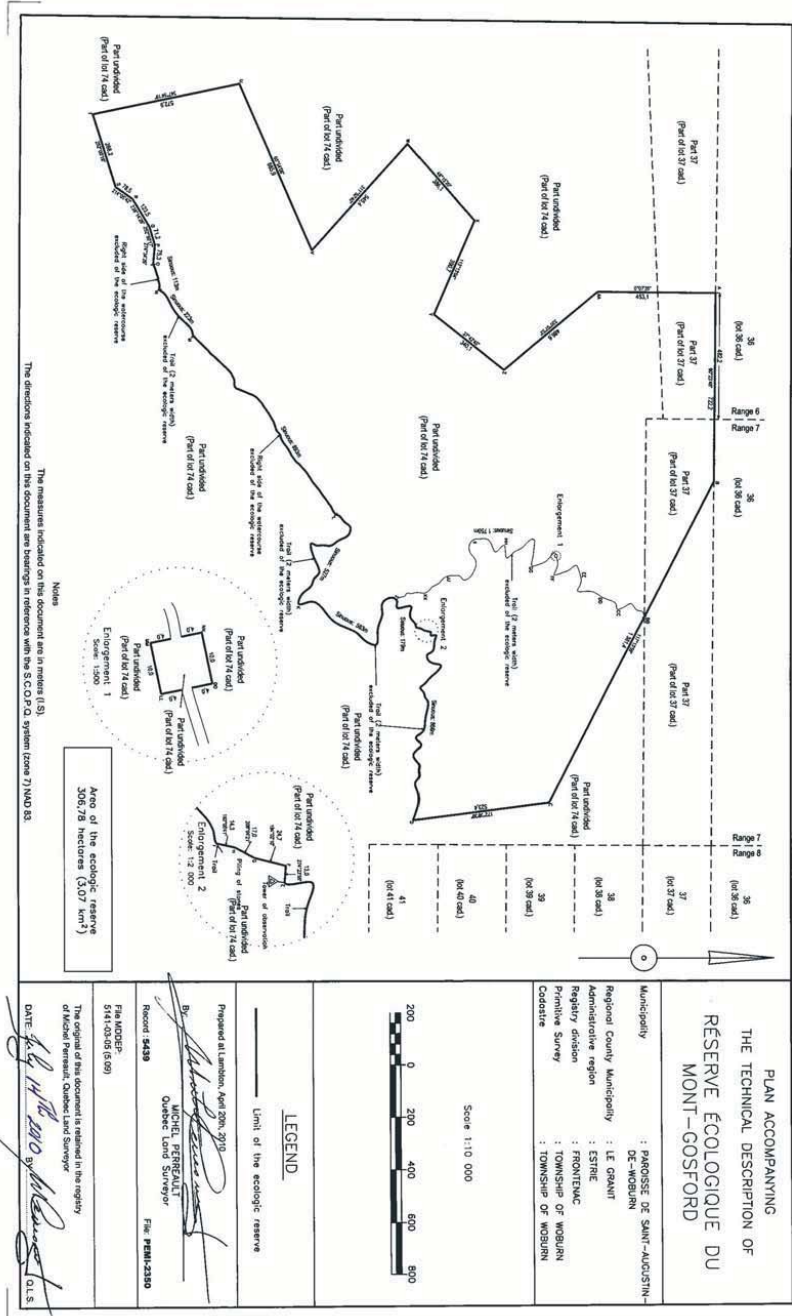


Figure 2. Plan of the Réserve écologique du Mont-Gosford

## 2.2. Ecological overview

The Réserve écologique du Mont-Gosford contains representative and outstanding elements of the territory in which it is located.

### 2.2.1. Representative elements

**Ecological frame of reference:** The Réserve écologique du Mont-Gosford constitutes a representative sample of the upper portion of the peaks encircling the natural region of the White Mountains, one of the five regions of the natural province of the northern Appalachians (Ecological Reference Framework for Québec). This region extends across the border into the United States.

**Relief and geology:** Mont-Gosford is the highest peak in southern Québec and the seventh highest in the province. Due to the relief, the soil is very shallow and composed of till. The geology of the mountain and the surrounding area is unique in Estrie. The area forms part of the Chain Lakes massif, a supracrustal block that long remained a puzzling element in the orogenesis of the Appalachians. The massif is constituted mainly of meta-sediments and some metavolcanic rock. During the Paleozoic Era, between approximately 685 and 483 million years ago, sediments were deposited in a fore-arc basin on the western shore of the Iapetus Ocean. Around 470 million years ago, magma intrusions related to the formation of the arc provoked the partial fusion of the sediments and their transformation into diatexite. From a physiographic viewpoint, the Chain Lakes massif is an extension of the White Mountains of New Hampshire and Maine.



Photo 1: Mountain-top detritus on the summit of Mont Gosford, formed by in-situ alteration of the rock.

**Vegetation:** The ecological reserve forms part of the sugar maple–yellow birch bioclimatic domain (Ministère des Ressources naturelles (MRN)). However, due to its high altitude, above 720 m, the vegetation is mainly coniferous and closely resembles that of more northern bioclimatic domains. In fact, only the last stages of vegetation on Mont-Gosford are represented in the ecological reserve. Balsam fir and wood sorrel grow on the uppermost part of the mountain, above 950 m altitude, while balsam fir and red spruce occupy the high and the steep slopes (50% incline or more). Although balsam fir–red spruce stands are almost nonexistent in the Laurentians and Gaspésie, they are characteristic at high altitudes in the Appalachian mountains south of the border. A little lower, one can find balsam fir–white birch and white birch–balsam fir stands. These different forest types are representative of the region’s high peaks.



Photo 2: Carpet of common woodsorrel.

### 2.2.2. Outstanding elements

The representative forest types associated with the Réserve écologique du Mont-Gosford also have outstanding features. Wood sorrel and red spruce stands are rare in Québec, and white birch and white birch–balsam fir stands are rare in the region.

The ecological reserve constitutes one of the rare recorded southern Québec nesting grounds for certain birds characteristic of the boreal forest, such as the spruce grouse, the gray jay, the fox sparrow and the blackpoll warbler. Bicknell's thrush, which has been designated vulnerable in Québec and is considered threatened in Canada, also nests in the reserve.



Photo 3. Bicknell's thrush.

There are no recorded archaeological sites but the existence of such sites in the vicinity indicates the potential for finding some in the reserve

### 2.3. Land occupation and uses

The land is publicly owned and is surrounded by the zone d'exploitation contrôlée Louise-Gosford. The boundaries of the ZEC, a forest management contract and a trapline have been changed to allow the creation of an ecological reserve. A two-metre-wide hiking trail crosses but is not part of the reserve.

### 3. Protection Status

A master's study carried out on Mont-Gosford in the mid-1990s highlighted the relevance of establishing an ecological reserve to protect softwood forests that are typical of the higher Appalachian peaks and rare in Québec and in the region. The reserve is similar to the nearby Réserve écologique Samuel-Brisson and characterized by the same forests. However, given how rare and fragile those forests are and how small an area they cover, establishing the Réserve écologique du Mont-Gosford for their protection is a complementary measure. The Réserve écologique Samuel-Brisson is located in a different

natural province (Plateau d'Estrie–Beauce) and its geological nature—an intrusion that forms part of the Montérégie hills—is completely different. The Réserve écologique du Mont-Gosford is currently the only ecological reserve in the natural province of the White Mountains.

The ecological reserve covers the peak and the northern face of the mountain. The contour was adjusted to better cover the rare forests mapped by the MRN and recognized by the department as outstanding forest ecosystems.

#### **4. Framework for prohibited and permitted activities**

The following activities are prohibited in an ecological reserve:

- forest anagement within the meaning of section 3 of the Forest Act (chapter F-4.1);
- Mining, and gas and petroleum development;
- Mining, gas, or petroleum exploration, brine or underground reservoir exploration, prospecting, digging or drilling;
- Development of hydraulic resources and production of energy on a commercial or industrial basis; and
- Hunting, trapping, fishing, excavation or construction activities, agricultural, industrial, or commercial activities and, generally, any activity that could alter the state or the nature of the ecosystems.

No person may be in an ecological reserve, except for an inspection or to carry on an activity authorized by law.

Under the Natural Heritage Conservation Act (chapter C-61.01), the Minister of Sustainable Development, Environment, Wildlife and Parks may authorize, in writing and on the conditions the Minister determines, any activity consistent with the purposes or the management of an ecological reserve.

## 5. Role of the Minister

The Minister of Sustainable Development, Environment, Wildlife and Parks is responsible for the administration of the Natural Heritage Conservation Act, as well as the management of the ecological reserve. The Minister sees to the monitoring and follow-up of the measures provided for in that Act with respect to prohibited and permitted activities. Moreover, the Minister holds authority over these lands, which form part of the domain of the State.

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Gouvernement du Québec

## O.C. 232-2013, 20 March 2013

Building Act  
(chapter B-1.1)

### Safety Code — Amendment

Regulation to amend the Safety Code

WHEREAS, under section 175 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec adopts by regulation a safety code containing safety standards for buildings, facilities intended for use by the public, installations independent of a building and petroleum equipment installations and their vicinity, and standards for their maintenance, use, state of repair, operation and hygiene;

WHEREAS, under paragraph 33 of section 185 of the Act, the Board may, by regulation, prescribe the form, content and manner of forwarding of the register of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations that each owner must place at its disposal;

WHEREAS, under section 192 of the Act, the contents of the Safety Code may vary according to the classes of persons, contractors, owner-builders, manufacturers of pressure installations, owners of buildings, facilities intended for use by the public, installations independent of a building or petroleum equipment installations, owners or operators of gas or petroleum product distribution undertakings and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Safety Code was published in Part 2 of the *Gazette officielle du Québec* of 16 January 2013 with a notice that it could be approved with or without amendment on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every code or regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS, at its sitting of 5 March 2013, the Board adopted the Regulation to amend the Safety Code;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Safety Code, attached hereto, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Safety Code

Building Act  
(chapter B-1.1, ss. 175, 176.1, 185, 1st par., subpars. 33 and 38, and s. 192)

**1.** The Safety Code (chapter B-1.1, r. 3) is amended by adding the following after section 340:

“Despite the exemption provided for in the first paragraph and in section 341, the requirements respecting water cooling towers provided for in Division VII apply to the water cooling tower of every building.”

**2.** The following is inserted after Division VI of Chapter VIII:

### “DIVISION VII PROVISIONS RESPECTING THE MAINTENANCE OF WATER COOLING TOWERS

#### I. Maintenance

**401.** The facilities and equipment of water cooling towers of a building must be maintained according to a maintenance program.

**402.** The maintenance program must be drawn up and signed by one or more members of a professional order according to their field of practice and whose activities are related to the field of water cooling towers. The program must contain

(1) the procedure for winterizing and re-starting, if applicable;

(2) the procedure for stopping and re-starting during the operation period;

(3) the procedure for decontamination;

(4) the measures for reducing corrosion, scaling and the accumulation of organic matter;



(5) a schematic plan of the network of cooling water flow;

(6) the procedure for maintaining the quality of the water in order to minimize the development of bacteria including bacteria of the Legionella species;

(7) the list of the chemical products and substances to be used and their description, if applicable; and

(8) the measures for verifying the mechanical components of the facility and equipment of water cooling towers.

The program must be drawn up by taking into account the documents in Schedule III.

**403.** The program must take into account the history of the facility, including

(1) a major breakdown;

(2) the repairs made following the breakdown;

(3) the use of the decontamination procedure when the quality of the water reaches a health risk threshold justifying immediate action; and

(4) the replacement of a device or equipment.

**404.** The program must be revised, by one or more members of a professional order according to their field of practice and whose activities are related to the field of water cooling towers, ever 5 years or following one of the following events:

(1) a major alteration of the facility or the replacement of equipment;

(2) a change in the procedure for maintaining the quality of water;

(3) the use of the decontamination procedure when the quality of the water reaches a health risk threshold justifying immediate action.

**405.** Owners of water cooling towers must send to the Board, within 30 days of the tower's initial start-up,

(1) the address where the water cooling tower is located;

(2) the name and contact information of the owner of the water cooling tower;

(3) the name of the member or members of a professional order who drew up the maintenance program; and

(4) a brief description of the type of facility.

Owners of water cooling towers must immediately inform the Board of any change to the information provided under this section.

## II. Register

**406.** The following information and documents relating to a water cooling tower must be entered in a register, available on the premises for consultation by the Board, during the existence of a building:

(1) the name and contact information of the owner;

(2) if available, the copy of the plans for the design and installation of the water cooling towers as executed, and any technical document or information related to the alterations made to the plans;

(3) the manufacturer's operation and maintenance manual;

(4) the maintenance programs;

(5) the results of the water analyses for the past 2 years;

(6) the history and description of the maintenance, repairs, replacements and alterations made;

(7) the name of the person responsible for and of the personnel assigned to the maintenance and their telephone number.».

**3.** For water cooling towers already in operation, the owners must send to the Board the information required under section 405, introduced by section 2 of this Regulation, on 12 May 2013.

**4.** This Regulation comes into force on 12 May 2013.

## SCHEDULE III

### WATER COOLING TOWER MAINTENANCE PROGRAM

The documents to be taken into account for the maintenance program provided for in section 402 are

(1) the manufacturer's operation and maintenance manual;

(2) the guides recognized for the maintenance of water cooling towers such as:

(a) Guideline-WTB-148(08)-Best Practices for Control of Legionella published by the Cooling Technology Institute (CTI);

(b) the manuals of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), including Guideline-12-2000-Minimizing the Risk of Legionellosis Associated with Building Water Systems;

(c) Legionella 2003: An Update and Statement by the Association of Water technologies (AWT).

2581

## Notice

An Act respecting legal aid and the provision of certain legal services  
(chapter A-14)

### Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure

Notice is hereby given that the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure, appearing below, was entered into on 19 March 2013.

In accordance with section 83.21 of the Act respecting legal aid and the provision of certain legal services (chapter A-14), the Agreement has force of law and takes effect on the date of its publication in the *Gazette officielle du Québec*.

BERTRAND ST-ARNAUD,  
*Minister of Justice*

### Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates rendering services in criminal and penal matters and the dispute settlement procedure

An Act respecting legal aid and the provision of certain other legal services  
(chapter A-14, s. 83.21)

## PRELIMINARY

**1.** This Agreement establishes the tariff of fees applicable to advocates in private practice who render services in criminal and penal matters to persons who receive legal aid or other legal services under the Act respecting legal aid and the provision of certain other legal services (chapter A-14), except advocates who entered into a professional services contract with the Commission des services juridiques.

The Agreement also provides rules concerning expenses and dispute settlement.

## PART I TARIFF OF FEES

### CHAPTER I GENERAL

**2.** A day may comprise a maximum of 3 work periods, one in the morning, one in the afternoon and one in the evening. Morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

A preparation period, a period of participation in a conference ordered or convened by a judge and a hearing period are considered work periods.

**3.** For the purposes of this Agreement,

(1) a trial held before judge only begins with the presentation of the prosecutor's evidence and a trial held before jury begins by jury selection;

(2) a trial ends with a decision on a conviction.

**4.** The following fees apply to the services rendered by an advocate:

(1) if the court refuses or is unable to proceed in the presence of the parties on the day fixed for the hearing: \$100;

(2) all professional services related to an application for an extension concerning the execution of a sentence or order of the court: \$80;

(3) when to cease representing, the advocate must file a motion: \$60;

(4) when the advocate is replaced at a hearing: \$60.

**5.** For services rendered during a facilitation conference in criminal and penal matters, the fees are \$275 per period.

**6.** The Commission determines the fees applicable to services not included in the tariff by taking into account the fees provided for in this Agreement for similar services, if applicable.

## CHAPTER II SPECIAL RULES

### DIVISION I FEES APPLICABLE UNDER THE LEGAL AID PLAN AND FOLLOWING A COURT DESIGNATION ORDER ISSUED PURSUANT TO THE CRIMINAL CODE (R.S.C., 1985, c. C-46) OR FOLLOWING DETERMINATION BY THE COMMISSION PURSUANT TO SECTION 83.12 OF THE ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

#### §1. *General*

**7.** Subject to section 23, a flat fee includes up to 2 hearing periods in the same day, that is, one in the morning and one in the afternoon.

If, once under way, the hearing or conference may not end before 6:00 p.m. in the same day, the advocate is entitled, for the evening and for each additional work period, to fees of:

(1) in first instance: \$275;

(2) in appeal: \$285.

**8.** An advocate who receives a mandate during the proceedings and who sees a case through is entitled to the full remuneration where a flat fee is provided and no other advocate has rendered services in the record.

Where a mandate is entrusted following an order issued pursuant to the Criminal Code, the advocate is entitled to the full flat-rate remuneration upon completion of the mandate.

**9.** Where a flat fee is prescribed for all services and more than one advocate has rendered services, each advocate, if in private practice, is entitled to the part of the flat rate corresponding to the services rendered by the advocate, subject to sections 81.1 and 104 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 4).

**10.** Where a recipient's legal aid is suspended or withdrawn or a recipient ceases to be eligible for legal aid or waives it, the advocate is remunerated for the services rendered until reception of the notice provided for in section 74 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services and for the legal services rendered subsequently for the performance of conservatory acts necessary for the preservation of the rights of the recipient or required by the court.

**11.** Services rendered on a finding or a plea of guilty to a less and included offence are remunerated according to the tariff applicable in respect of the offence charged.

**12.** Where an advocate represents a client indicted by more than one information and the trial or a hearing during which the accused pleads guilty to the various charges is held in the same court and on the same day, the advocate is entitled to the full remuneration for the best paid information and to one-half of the prescribed tariff for each other information.

**13.** An advocate who represents 2 or more persons charged with the same offence or with a like offence arising from the same course of events and for which the proceedings are held in the same court at or about the same time is entitled to the remuneration applicable to a mandate, increased by the following percentage according to the number of represented persons:

(1) 2 persons: 50%;

(2) 3 persons: 100%;

(3) 4 persons: 150%;

(4) 5 persons or more: 200%.

**14.** Where the mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case, the advocate may submit an application for special consideration so that the Commission determines the excess fees.

**15.** Where the advocate must, at the director general's request, justify in writing an application for a legal aid mandate, fees in the amount of \$75 are payable if the mandate is granted.

**16.** All services rendered under a consultation mandate: \$65.

**17.** To represent, for appearance, a person arrested under a warrant issued in another judicial district, regardless of the technological means used: \$100.

**18.** To represent a detained person for the purposes of section 503 of the Criminal Code, where the appearance is held using technological means, outside regular court house hours and under a presiding justice of the peace: \$150.

**19.** Release hearing actually held: \$150.

**20.** All services related to a granted request to change location, where the advocate subsequently ceases to act: \$80.

**21.** Where an advocate pleads in writing, at the court's request or under its authorization, fees of \$160 are payable.

*§2. Tariff of fees for certain services in first instance*

**22.** For all services rendered to persons charged with indictable offences under section 553 of the Criminal Code or summary conviction offences under Part XXVII of the Code, until sentencing, if applicable: \$330.

**23.** For all services rendered to persons charged with indictable offences other than those referred to in section 22 of this Agreement or section 239 of the Criminal Code, or within the exclusive jurisdiction of the Superior Court, under section 469 of the Code, until sentencing, if applicable: \$550.

The tariff includes up to 2 hearing periods for the preliminary inquiry and up to 2 hearing periods for the trial, where in each case, the hearings are held on the same day. The other hearing periods are remunerated \$275 each for the preliminary inquiry and for trial before judge only and \$400 each for trial before judge and jury.

Exceptionally, the tariff provided for in this section is also applicable to the services referred to in section 22 when they are rendered to a person liable to a minimum term of imprisonment or charged with a sexual offence.

*§3. Tariff of fees for services rendered to persons charged with indictable offences under section 239 of the Criminal Code, or offences within the exclusive jurisdiction of the Superior Court under section 469 of the Code*

**24.** Sections 13, 14 and 19 do not apply to this subdivision.

**25.** For preparation of hearings and conferences held before trial, and during those hearings and conferences, the fees are \$275 per period.

The number of preparation periods an advocate has is limited to 5 periods per application heard by the court.

**26.** For preparation of trial, the fees are \$275 per period.

The number of preparation periods for trial an advocate has is limited to

(1) 3 periods for each day of hearing scheduled for the presentation of the prosecution's evidence as established during the pre-trial conference or as indicated in the court's record;

(2) 1 period for each day of hearing during the trial.

**27.** If the trial is interrupted for more than 3 consecutive weeks, an advocate has a maximum of 8 additional preparation periods to be worked during the interruption.

**28.** Where an advocate represents more than one accused in a single trial, the number of preparation periods to which the advocate is entitled is established by subparagraph 1 of the second paragraph of section 26, increased by 50%, regardless of the number of accused the advocate represents.

**29.** The Commission may, at the advocate's request, reconsider the number of preparation periods to which the advocate was entitled pursuant to subparagraph 1 of the second paragraph of section 26 or section 28 where the number of hearing days actually held for the trial is greater than one and a half the number of hearing days scheduled for the presentation of the prosecution's evidence.

The advocate submits his or her request in the advocate's final statement of fees.

**30.** Where an advocate replaces, during the proceedings, an advocate whose remuneration is governed by this subdivision, the advocate must submit to the Commission a detailed application of the preparation time the advocate deems necessary to represent his or her client.

The Commission examines the application by taking into account the circumstances of the case and determines the maximum number of preparation periods which the advocate has instead of the preparation periods provided for in subparagraph 1 of the second paragraph of section 26 or section 28.

**31.** During the trial, the fees are \$400 per hearing period.

**32.** For services rendered during representations on sentence, the fees are \$275 per period.

*§4. Tariff of fees of services other than in criminal and penal matters*

**33.** Where a judgment orders the designation of an attorney: \$150.

**34.** All services rendered before a Review Board under sections 672.38 et seq. of the Criminal Code: \$500.

**35.** All services rendered until sentencing, if applicable, for hearings held under

(1) section 742.6 of the Criminal Code: \$200;

(2) sections 110, 111, 112, 810.01 (5) and 810.2 (5) of the Criminal Code: \$200.

**36.** In matters of extraordinary remedies provided for in the Criminal Code,

(1) for preparation and service of the proceeding: \$300;

(2) per hearing period: \$275.

**37.** For services rendered following an order under section 486.3 of the Criminal Code: \$275 per work period. The advocate is entitled to 3 preparation periods per day of hearing already held when the mandate is entrusted to the advocate and to a maximum of 4 additional preparation periods.

For all services rendered following an order under section 672.24 of the Criminal Code: \$330.

**38.** All services rendered for an application for release from custody or for review of the decision rendered on release addressed to a judge of the Superior Court: \$200.

**39.** In matters of preventive detention,

(1) for the preparation of the record for a contestation of an application for preventive detention under Part XXIV of the Criminal Code, including interviews and other necessary services: \$1,000;

(2) per hearing period: \$275.

**40.** All services rendered for an application for a change of a probation order under section 732.2 (5) of the Criminal Code: \$150.

**41.** All services rendered for an application for the issue of an order of imprisonment for default of payment of fines under section 734.7 of the Criminal Code or article 346 of the Code of Penal Procedure (chapter C-25.1): \$220.

**42.** All services rendered until sentencing, if applicable, under the Youth Criminal Justice Act (S.C. 2002, c. 1)

(1) on an application for review under section 59 (1): \$185;

(2) on an application under section 64 (1): \$425.

*§5. Tariff of fees for services rendered in appeal*

**43.** Appeal on extraordinary remedies, appeal in matters of preventive detention or appeal from the decision on a conviction, sentence or both:

(1) preparation of all proceedings preliminary to the appeal, including drafting and filing of notice of appeal: \$600;

(2) hearing of application for leave to appeal: \$220;

(3) motion for extension of the time to appeal: \$200;

(4) preparation of factum: \$800;

(5) hearing of appeal: \$800.

**44.** All services rendered for an application for release from custody until the decision on the appeal: \$270.

**45.** For services rendered following an order made under section 684 of the Criminal Code, the fees are \$800 for the hearing at the Court of Appeal. The advocate is entitled to a maximum of 4 preparation periods remunerated \$275 each.

**46.** During appeal to the Supreme Court, the fees are the following:

(1) for the preparation of all proceedings preliminary to the appeal, including drafting and filing of notice of appeal or application for leave to appeal: \$3,000;

(2) preparation of factum: \$3,000;

(3) hearing of appeal: \$4,000.

**47.** For services rendered following an order made under section 694.1 of the Criminal Code, the fees are \$2,000 for the hearing at the Supreme Court. The advocate is entitled to a maximum of 8 preparation periods remunerated \$275 each.

## DIVISION II

### FEES APPLICABLE UNDER A LENGTHY AND COMPLEX CASE, FOLLOWING DETERMINATION BY THE COMMISSION PURSUANT TO SECTION 83.12 OF THE ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

**48.** For services rendered at hearings and conferences held before trial, the fees are \$275 per period.

**49.** For preparation of trial, the fees are \$275 per period.

The number of preparation periods an advocate has is limited to

(1) 3 periods for each day of hearing scheduled for the presentation of the prosecution's evidence as established during the pre-trial conference or as indicated in the court's record;

(2) 1 period for each day of hearing during the trial.

**50.** If the trial is interrupted for more than 3 consecutive weeks, an advocate has a maximum of 8 additional preparation periods to be worked during the interruption.

**51.** Where an advocate represents more than one accused in a single trial, the number of preparation periods to which the advocate is entitled is established by subparagraph 1 of the second paragraph of section 49, increased by 50%, regardless of the number of accused the advocate represents.

**52.** The Commission must, at the advocate's request, reconsider the number of preparation periods to which the advocate was entitled under subparagraph 1 of the second paragraph of section 49 or section 51 where the number of hearing days actually held for the trial is greater than one and a half the number of hearing days scheduled for the presentation of the prosecution's evidence.

The advocate submits his or her request in the advocate's final statement of fees.

**53.** Where an advocate replaces an advocate whose remuneration was governed by this Division or where an advocate's remuneration becomes governed by this Division during the proceedings, the advocate must submit to the Commission a detailed application of the preparation time the advocate deems necessary to represent his or her client.

The Commission examines the application by taking into account the circumstances of the case and determines the maximum number of preparation periods which the advocate has instead of the preparation periods provided for in subparagraph 1 of the second paragraph of section 49 or section 51.

**54.** During the trial, the fees are \$400 per hearing period.

**55.** Where an advocate pleads in writing, at the court's request or under its authorization, fees of \$275 are payable per work period, for a maximum of 10 periods.

**56.** For preparation and hearings of representations on sentence, the fees are \$275 per period.

The number of preparation periods is limited to 15 periods.

**57.** Subdivision 5 of Division I of this Chapter applies to appeals, with the necessary modifications.

## PART II EXPENSES

**58.** Expenses include travel allowances and fees authorized by the director general or the Commission, if applicable, in particular fees for expert reports. They also include other fees pertaining to proceedings incidental to the mandate.

The fees of a counsel and the fees pertaining to professional assistance services of a second advocate during hearing of the trial are treated as expert reports. Assistance fees are only eligible for the services rendered in accordance with Chapter II of the Act and are limited to \$175 per hearing period.

**59.** An advocate is entitled to a reimbursement of \$0.10 per page for photocopies made during written proceedings or to reproduce authorities.

**60.** At the end of a legal aid mandate, an advocate who sees the case through receives \$25 as a reimbursement of administrative overhead costs, except consultation mandates and mandates that end with a consultation.

The provision applies only to mandates entrusted since 1 April 2012 and the amount is increased to \$50 for mandates entrusted as of 1 April 2014.

**61.** An advocate is entitled to a travel allowance only if the destination is farther than a radius of 25 km from his or her office.

When using his or her personal motor vehicle, an advocate is entitled to the travel allowance per kilometre provided for in section 8 of the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 202754 dated 30 August 2005) as established under the Public Administration Act (chapter A-6.01), subject to the following special rules:

(1) according to the distance actually travelled, in the case of a trip made within the boundaries of the judicial district where the advocate has his or her office;

(2) according to the distance actually travelled up to a maximum of 200 km, in the case of a trip made within the boundaries of the judicial district where the advocate has his or her office;

(3) according to the distance actually travelled, in the case of a trip to the Supreme Court of Canada, the Court of Appeal of Québec, the Federal Court or to any court or body, exercising its jurisdiction outside the boundaries of the judicial district where the advocate has his or her office; despite the preceding, where the advocate's office is in a judicial district other than the district where the legal aid centre which issued the mandate is located, the advocate elects to receive either the reimbursement established in subparagraph 2 or a reimbursement established according to the distance between the place where the mandate was issued and that where the court in question sits;

(4) according to the distance actually travelled, in the case of a trip made with the authorization of the director general of the legal aid centre, outside the boundaries of the judicial district where the advocate has his or her office, where the nature or complexity of the matter requires that the mandate be entrusted to that advocate.

The advocate who is entitled to a travel allowance is also entitled to the reimbursement of the parking expenses incurred.

**62.** Subject to sections 59 and 60, expenses may not exceed the actual expenses actually incurred by the advocate and are paid on presentation of supporting documents.

## PART III

### DISPUTE SETTLEMENT PROCEDURE

#### CHAPTER I

##### SUBMISSION OF A DISPUTE AND CONCILIATION

**63.** A dispute means any disagreement concerning the interpretation or application of this Agreement, in particular on a claim for fees for a service not included or an application for special consideration, and any disagreement concerning a statement of fees or expenses submitted pursuant to the Regulation respecting the report relating to the services rendered by certain advocates and notaries (chapter A-14, r. 8).

A dispute must be submitted within 6 months of receiving the notice provided for in section 8 of the Regulation.

**64.** A dispute is submitted by an advocate by means of a notice addressed to the regional centre or, as the case may be, to the Commission. The notice must contain a summary of the facts and the relief sought.

**65.** The regional centre or, as the case may be, the Commission, answers in writing to any notice of dispute it receives.

**66.** Before submitting a dispute, an advocate may resort to conciliation by a written notice to the director general of the regional legal aid centre, to the Commission and to the section of the Barreau du Québec to which the advocate belongs.

**67.** Resorting to conciliation interrupts the 6-month prescription.

**68.** Within 15 days of receiving the notice provided for in section 66, the director general of the regional legal aid centre and the bâtonnier of the section each designate an advocate.

**69.** Within 30 days of their designation, the advocates so appointed and the advocate who applied for conciliation meet and endeavour to reach a settlement.

#### CHAPTER II

##### ARBITRATION

**70.** An advocate who submitted a dispute may, if no answer is received within 30 days of sending the notice or if the advocate is dissatisfied with the answer, submit the dispute to arbitration.

Resorting to arbitration is prescribed by 6 months.

The application for arbitration is made by a letter addressed to the chief judge of the Court of Québec, which is also sent to the regional centre, to the Commission and to the Barreau du Québec.

The chief judge designates one of the judges of that court to act as arbitrator.

**71.** After giving at least 30 days' notice to the Commission, the Barreau du Québec may either intervene or take up the defence for the advocate who submitted a dispute to arbitration.

**72.** Stenography fees and fees to reproduce a recording of the judicial hearings, if any, are borne by the regional centre or the Commission, as the case may be.

**73.** The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Agreement. The arbitrator may uphold, modify or rescind the disputed decision and, by the terms of the arbitration award, order a payment or determine compensation, restore a right or issue any other order the arbitrator considers fair in the circumstances.

The arbitration award is final and binding on the parties.

**74.** The arbitrator may issue an interim award at any time.

**75.** The arbitrator sends every arbitration award to the parties and the Barreau du Québec.

#### **PART IV** MISCELLANEOUS, TRANSITIONAL AND FINAL

**76.** This Agreement replaces, in criminal and penal matters, the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan (chapter. A-14, r. 6) entered into on 4 April 2008.

This Agreement takes effect on the date of its publication in the *Gazette officielle du Québec* and, subject to the exceptions in sections 77 and 78, applies to the services rendered under the legal aid mandates entrusted since 1 April 2010.

This Agreement does not have the effect of reducing fees already paid before its publication.

**77.** The tariffs provided for in the third paragraph of section 23 apply to services rendered under mandates entrusted as of the date on which this Agreement takes effect and under mandates entrusted previously if services are rendered after that date.

**78.** The tariffs provided for in sections 24 to 32 and 43 to 47 apply to the services rendered under mandates entrusted as of the date on which this Agreement takes effect.

For the services referred to in those sections and rendered under mandates entrusted between 1 April 2010 and that date, the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008 continue to apply despite their replacement.

The Regulation also continues to have effect for the services rendered under mandates entrusted between 1 April 2007 and 1 April 2010 and in the cases that are not referred to in section 77.

**79.** The maximum amount of fees that may be paid to an advocate who renders services under the legal aid plan is set at \$140,000 for mandates entrusted to the advocate between 1 April and 31 March of the years covered by this Agreement. Beyond that amount, the fees paid to the advocate are reduced by 35% for each mandate.

**80.** This Agreement also replaces the Regulation respecting the tariff of fees and expenses of advocates in the course of providing certain legal services and the dispute settlement procedure (chapter A-14, r. 9). It takes effect, as regards the fees payable for the services rendered under Chapter III of the Act respecting legal aid and the provision of certain other legal services, on the date of its publication in the *Gazette officielle du Québec*.

**81.** By exception, section 51 of this Agreement does not apply to the remuneration of an advocate who, on the day it comes into force, represents more than one accused in a long and complex trial. In such case, that advocate's remuneration continues to be adjusted pursuant to section 59 of the Regulation respecting the tariff of fees and expenses of advocates in the course of providing certain legal services and the dispute settlement procedure.

**82.** This Agreement ends on 30 September 2017, but continues to have effect until it is replaced.



## Notice

An Act respecting legal aid and the provision of certain legal services  
(chapter A-14)

### **Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure**

Notice is hereby given that the Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure, appearing below, was entered into on 19 March 2013.

In accordance with section 83.21 of the Act respecting legal aid and the provision of certain legal services (chapter A-14), the Agreement has force of law and takes effect on the date of its publication in the *Gazette officielle du Québec*.

BERTRAND ST-ARNAUD,  
*Minister of Justice*

### **Agreement between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure**

An Act respecting legal aid and the provision of certain legal services  
(chapter A-14, s. 83.21)

#### PRELIMINARY

**1.** This Agreement establishes the tariff of fees applicable to advocates in private practice to whom a legal aid mandate is entrusted, except for services rendered in criminal and penal matters.

This Agreement also provides rules concerning expenses as well as a dispute settlement procedure.

#### PART I TARIFF OF FEES

##### CHAPTER I GENERAL

**2.** A day may comprise a maximum of 3 work periods, 1 in the morning, 1 in the afternoon and 1 in the evening. Morning ends at 1:00 p.m. and evening starts at 6:00 p.m.

A period of participation in a conference and a hearing period are considered work periods.

**3.** Unless otherwise provided, a flat fee includes 2 work periods in the same day, that is, one in the morning and one in the afternoon.

If, once under way, the hearing, conference or conciliation or mediation session may not end before 6:00 p.m. in the same day, the advocate is entitled, for the evening and for each additional work period, to fees of:

- (1) at first instance: \$275;
- (2) in appeal: \$285.

**4.** Where a flat-rate remuneration is prescribed for all services and more than 1 advocate have rendered services, each advocate, if in private practice, is entitled to the part of the flat rate corresponding to the services rendered by the advocate, subject to section 81.1 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services (chapter A-14, r. 1, as amended).

**5.** Where the legal aid of a recipient is suspended or withdrawn or where a recipient is no longer eligible for or waives legal aid, the advocate is remunerated for the services rendered until receipt of the notice provided for in section 74 of the Regulation respecting the application of the Act respecting legal aid and the provision of certain other legal services and for legal services subsequently rendered for the delivery of conservatory measures necessary to safeguard the recipient's rights or requested by the court.

**6.** The Commission des services juridiques determines the fees applicable to a service not included in the tariff by taking into account the fees provided for in this Agreement for similar proceedings, if applicable.

**7.** Where the mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case, the advocate may submit an application for special consideration so that the Commission determines the excess fees.

**8.** Where the advocate must, at the director general's request, justify in writing an application for a legal aid mandate, fees in the amount of \$75 are payable if the mandate is granted.

**9.** The fees for all the services rendered under a consultation mandate are \$65. If the advocate's mandate is to write a formal demand, a letter or a notice, the fees are \$90.

**10.** The following fees apply to the services rendered by an advocate:

(1) if the court refuses or is unable to proceed in the presence of the parties on the day fixed for the hearing: \$100;

(2) for a notice to appoint another advocate: \$75;

(3) if the advocate must submit or file a notice of substitution of attorney, a notice of withdrawal of mandate, or a statement or motion to cease representing: \$60.

**11.** Where an advocate pleads in writing, at the court's request or under its authorization, fees of \$160 are payable.

**12.** For every participation of the advocate in a settlement conference, a special case management conference or a pre-trial conference provided for in article 279 of the Code of Civil Procedure (chapter C-25) (C.C.P.), the fees are \$275 per period.

## CHAPTER II TARIFF IN CIVIL MATTERS

### DIVISION I GENERAL

**13.** For the purposes of this Chapter, unless the context indicates otherwise, a settlement is considered to be reached when there is a discontinuance of the action, when a transaction takes place or when there is a total acquiescence in the demand. Cases that come to an end following a bankruptcy proceeding are also considered settled.

**14.** For an application to intervene under article 210 of the C.C.P, the fees are \$300 if there is no contestation and \$350 if there is contestation.

**15.** Where 2 or more defendants file separate contestations, the advocate of the plaintiff receives for each additional contestation half of the fees prescribed in section 39 or section 44, according to the stage of the proceedings.

For the purposes of this provision, the intervenor, the impleaded party and the defendant on warranty, if they ask for dismissal of the initial action, are each considered to be a defendant filing a separate contestation.

**16.** Where 2 or more incidental applications can be framed in a single proceeding, the fees are payable only once despite the multiplicity of proceedings.

**17.** An advocate must apply for costs in the application.

**18.** Where the advocate of a recipient is entitled to costs awarded against an adverse party who is not a recipient, the advocate may either collect his or her costs from the adverse party or claim payment from the legal aid body from which the advocate received the mandate.

**19.** The collecting of costs from an adverse party has the effect of a discharge by the advocate in favour of the legal aid body from which the advocate received the mandate.

Where the advocate chooses to claim payment from the legal aid body, the advocate subrogates that body in its rights up to the amount of the advocate's bill of costs duly taxed.

### DIVISION II CLASSES OF ACTIONS

**20.** Actions are classified according to the amount or value in dispute:

Class I: Less than \$3,000;

Class II: From \$3,000 to \$9,999.99;

Class III: From \$10,000 to \$24,999.99;

Class IV: From \$25,000 to \$49,999.99;

Class V: \$50,000 or more.

**21.** The tariff prescribed for Class II is applicable to the following actions, proceedings and matters:

(1) action for declaration or denial of a servitude;

(2) adoption;

(3) boundary delimitation, possessory or petitory proceedings;

(4) proceeding or action governed by the C.C.P., but not provided for in the tariff if the amount or value in dispute is indeterminable or inexistent;

(5) proceedings for legal persons provided for in the C.C.P.;

(6) extraordinary recourses provided for in the C.C.P.;

(7) sequestration.

**22.** In the matter of a decision on a question of law and a declaratory judgment, the interest in dispute, if it can be evaluated in money, determines the class of the action; otherwise, the fees are those prescribed for Class II actions.

**23.** An injunction applied for without other conclusions than those of article 751 of the C.C.P. is considered to be an action of Class III at first instance and Class II in appeal.

If other conclusions are sought, the tariff is that of the class prescribed for such conclusions, but is not less than that prescribed in the first paragraph.

**24.** For proceedings related to filiation, disavowal or the deprivation of parental authority, the tariff prescribed for Class III actions applies.

**25.** The procedure governing the sale of the property of others, provided for in Chapter X of Book VI of the C.C.P., the class of action is determined by the value of the property.

**26.** In expropriation proceedings, the class of action is determined by the amount of the compensation.

Contestation of the right to expropriation is a separate proceeding and the tariff prescribed for Class II actions applies.

**27.** Hypothecary actions are considered to be purely personal actions and the class of action is determined by the balance of the obligation.

**28.** In proceedings for judicial partition and licitation, the class of action is determined by the value of the matter in dispute.

**29.** In an action by a creditor to enforce a right to become the absolute owner of an immovable, the class of action is determined by the value of the immovable.

**30.** Unless otherwise provided by law, every action to set aside a contract or a will is classified according to the value of the contract or the succession; if in addition a sum of money is claimed, the class of action is determined by the total value of the application.

**31.** In the case of a review of taxation of a bill of costs, the class of action is determined by the amounts in dispute.

**32.** Where a cross demand is filed, an advocate receives only one amount of fees and the class of action is determined by the highest of the amounts that is granted.

### **DIVISION III** **TARIFF FOR PROCEEDINGS AT FIRST INSTANCE** **AND FOR NON-CONTENTION PROCEEDINGS**

**33.** For any application to amend the register of civil status, the fees are \$115.

For other non-contentious proceedings, the fees are \$100, with the exception of the procedure governing the sale of the property of others, for which the class is determined in accordance with section 25.

**34.** For every notice or putting in default preceding the service of the originating process:

- (1) required by law: \$75;
- (2) not required by law: \$50.

The fees in subparagraph 2 are payable only once per mandate.

**35.** For every seizure before judgment: \$100.

**36.** Where a settlement is reached before the service of the originating process, or after the originating process but before the service of a defence or contestation, the fees are as follows:

- (1) to the advocate representing the applicant:

Class I: \$170;  
Class II: \$205;  
Class III: \$275;  
Class IV: \$375;  
Class V: \$475;

- (2) to the advocate representing the defendant:

Class I: \$105;  
Class II: \$170;  
Class III: \$240;  
Class IV: \$375;  
Class V: \$440.

**37.** Where a judgment on the merits, by default to appear or to plead is rendered, the fees are as follows:

(1) to the advocate representing the applicant:

(a) without proof:

Class I: \$190;

Class II: \$240;

Class III: \$340;

Class IV: \$440;

Class V: \$540;

(b) with proof:

Class I: \$240;

Class II: \$310;

Class III: \$400;

Class IV: \$510;

Class V: \$610.

(2) to the advocate representing the defendant:

(a) if there is no proof or the advocate is not present:

Class I: \$70;

Class II: \$110;

Class III: \$140;

Class IV: \$180;

Class V: \$240;

(b) if there is proof and the advocate is present:

Class I: \$140;

Class II: \$205;

Class III: \$275;

Class IV: \$375;

Class V: \$475.

**38.** For the examination on discovery of a party before or after the defence is filed, excluding an examination during an incidental measure or the trial: \$100.

**39.** Where a settlement is reached after the service of a defence or contestation on the merits, or where an application is dismissed following a motion for dismissal, the fees are as follows:

Class I: \$340;

Class II: \$475;

Class III: \$610;

Class IV: \$750;

Class V: \$880.

**40.** For all services rendered in matters of incidental proceedings:

(1) if there is contestation: \$100;

(2) if the incidental proceeding terminates the dispute:

Class I: \$190;

Class II: \$240;

Class III: \$340;

Class IV: \$440;

Class V: \$540.

**41.** For registration in the appropriate register of the judgment or any other deed for the preservation of real rights: \$50.

**42.** For the preparation and registration in the land register of a prior claim, legal hypothec or demand, as prescribed in article 1743 of the Civil Code: \$100.

**43.** For the preparation and registration of an application for the cancellation of a registered right: \$50.

**44.** Where a judgment on the merits is rendered in a contested action, the fees are as follows:

Class I: \$475;

Class II: \$680;

Class III: \$950;

Class IV: \$1,085;

Class V: \$1,360.

Those fees are also applicable to a judgment on a motion for an interlocutory injunction that terminates the action or to a judgment on a motion for a permanent injunction that was not preceded by a judgment on an interlocutory injunction.

**45.** The fees provided for in section 44 are increased by 50% where a judgment on a motion for a permanent injunction is rendered following a judgment on an interlocutory injunction.

**46.** Where the recipient, acting as the plaintiff or the defendant, succeeds in a contested action where the amount claimed is greater than \$100,000, the following additional fees are payable to the advocate:

(1) 1% of the amount in excess of \$100,000, up to a \$1,000,000 conviction;

(2) where the amount of the judgment exceeds \$1,000,000, 1/10 of 1% of the amount in excess of \$1,000,000 is added to the amount provided for in subparagraph 1.

The additional fees are payable to the advocate only once, regardless of the number of applicants or defendants.

**47.** In an action referred to in section 46, the advocate of the recipient is entitled to 1/3 of the additional fees prescribed in that section where a settlement is reached before the filing of a defence, and 2/3 of those fees where the settlement is reached after the filing of a defence.

**48.** For the filing of a declaration of voluntary deposit and for a claim on seizure of salary or wages or on voluntary deposit: \$50.

**49.** For services rendered to obtain the issue of all writs of execution, regardless of their nature: \$50.

**50.** For the examination of the debtor after judgment: \$75.

**51.** For every judgment by default against a garnishee or on the garnishee's declaration: \$50.

**52.** For the taxation of a bill of costs:

(1) \$50 if not contested;

(2) \$115 if contested.

**53.** In adoption proceedings, an application for a declaration of eligibility for adoption, an application for placing a child and an application for adoption constitute separate proceedings. Any other application constitutes an incidental proceeding and is remunerated as such.

Where an advocate submits separate applications for two or more children in the same family and the grounds for the applications are identical, the fees payable for each additional application are \$100.

**54.** In expropriation proceedings, the fees are

(1) for any proceeding commenced under the Expropriation Act (chapter E-24) before a court other than the Administrative Tribunal of Québec, immovable property division: \$100;

(2) for any uncontested proceeding respecting payment of the money awarded: \$100.

Additional fees of 1% of the compensation are added to the fees prescribed in the first paragraph where it is demonstrated to the satisfaction of the Administrative Tribunal of Québec, on a motion accompanied by an affidavit of the advocate, that the advocate's services during the preparation of the case or at proof and hearing, or during the negotiations leading to a transaction so justify.

**55.** Where an advocate represents a minor following an order made pursuant to article 394.1 of the C.C.P., the fees are \$300 if not contested and \$350 if contested.

Those fees are applicable for every judgment ruling on the minor's rights and privileges and that required the intervention or presence of the advocate.

By exception, in the case of a judgment extending the application of the measures ordered by the preceding judgment or renewing it, the fees are \$85, for a maximum of 2 judgments in a same case.

**56.** For the purposes of section 55, if an advocate represents 2 or more minors in the same case, the fees for representing a minor are increased by the following percentage according to the number of minors represented:

(1) 2 minors: 50%;

(2) 3 minors or more: 100%.

**57.** In matters concerning confinement in an establishment or psychiatric evaluation:

(1) \$85 if there is discontinuance of suit;

(2) \$190 if a judgment on the merits is rendered.

#### **DIVISION IV** **TARIFF FOR PROCEEDINGS IN APPEAL**

**58.** For an application for leave to appeal, an application for dismissal of appeal or any other contested incidental proceeding, the fees are \$190.

**59.** For services rendered in appeal from any interlocutory judgment, excluding the injunction, extraordinary recourses and *habeas corpus*, the fees applicable are one half of the fees prescribed for a judgment on the merits, according to the class of action determined by the amount in dispute.

**60.** After the inscription in appeal for any action settled or appeal abandoned or dismissed, the fees are as follows:

Class I: \$190;

Class II: \$525;

Class III: \$560;

Class IV: \$750;

Class V: \$950.

**61.** For an application for extension of the time allowed to file the factum:

(1) \$100, if not contested;

(2) \$170, if contested.

**62.** For the filing of an additional factum on request by the court: \$280.

**63.** Where the action is settled or the appeal is abandoned, after filing of the factum of the appellant, the fees are as follows:

(1) to the advocate representing the appellant:

Class I: \$560;

Class II: \$850;

Class III: \$1,050;

Class IV: \$1,320;

Class V: \$1,600;

(2) to the advocate representing the respondent:

Class I: \$280;

Class II: \$560;

Class III: \$660;

Class IV: \$850;

Class V: \$1,050.

**64.** Where the action is settled or the appeal is abandoned, after filing of the factum of the appellant and before the hearing, the fees are as follows:

Class I: \$660;

Class II: \$950;

Class III: \$1,120;

Class IV: \$1,400;

Class V: \$1,700.

**65.** Where a judgment of the Court of Appeal on a motion for a permanent injunction is rendered after a judgment from that Court on a motion for an interlocutory injunction, the fees are as follows:

Class I: \$475;

Class II: \$700;

Class III: \$800;

Class IV: \$950;

Class V: \$1,120.

**66.** Where a judgment on the merits is rendered, the fees are as follows:

Class I: \$950;

Class II: \$1,400;

Class III: \$1,600;

Class IV: \$1,900;

Class V: \$2,240.

Those fees are also applicable to a judgment of the Court of Appeal rendered on a motion for an interlocutory injunction that terminates the action or to a judgment from that Court on a motion for a permanent injunction that was not preceded by a judgment on an interlocutory motion that it would have rendered.

**67.** During appeal to the Supreme Court, the fees are the following:

(1) for the preparation of all proceedings preliminary to the appeal, including drafting and filing of the notice of appeal or application for leave to appeal: \$3,000;

(2) preparation of factum: \$3,000;

(3) hearing of appeal: \$4,000.

### CHAPTER III SPECIAL TARIFF FOR CERTAIN FAMILY PROCEEDINGS

**68.** The tariff in civil matters provided for in Chapter II applies to proceedings referred to in this Chapter, subject to the special provisions prescribed therein.

#### DIVISION I APPLICATIONS BASED ON THE DIVORCE ACT (REVISED STATUTES OF CANADA (1985), CHAPTER 3, 2ND SUPPLEMENT) OR ON TITLES I AND 1.1 OF BOOK II OF THE CIVIL CODE

**69.** For every seizure before judgment: \$75.

**70.** An advocate who files evidence by affidavit without being present at the proof is entitled to the fees prescribed in subdivisions 1 to 3.

##### *§1. Applications to institute proceedings*

**71.** Where there is reconciliation, abandonment or discontinuance of proceedings, the fees are as follows:

(1) after the filing of the originating process with the Court, to the advocate representing the applicant: \$220;

(2) after appearance and before service of a contestation, to the advocate representing the defendant: \$220;

(3) in an action by agreement, to the advocate representing both parties: \$380.

**72.** Where there is reconciliation, abandonment or discontinuance of the proceedings after service of a contestation and before judgment on the merits, the fees are as follows, to the advocate representing

(1) the applicant: \$430;

(2) the defendant: \$325.

**73.** Where a judgment by default to appear or to plead is rendered, the fees are as follows, to the advocate representing

(1) the applicant: \$550;

(2) the defendant: \$380.

**74.** Where a judgment confirms an agreement filed in a joint application, to the advocate representing both parties: \$850.

**75.** Where a judgment on the merits is rendered in a contested action: \$850.

##### *§2. Orders to safeguard rights and provisional measures*

**76.** For the first judgment on the measures applicable during the proceedings, whether an order to safeguard rights or a judgment on provisional measures, the fees are as follows:

(1) after agreement or transaction: \$275;

(2) after proof: \$325.

**77.** For every judgment rendered on the measures applicable during the proceedings that amends the measures ordered or extended by the preceding judgment:

(1) after agreement or transaction: \$275;

(2) after proof: \$325.

If the special clerk refuses to confirm an agreement or transaction and refers the parties to the judge, the fees are \$325

**78.** For every judgment rendered on the measures applicable during the proceedings that extends the application of the measures ordered by the preceding judgment or that renews it, the advocate is entitled to the following fees for a maximum of 2 judgments in a single case: \$85.

**79.** If, for a same provisional measure or order to safeguard rights, a separate motion is filed by each party, a single amount of fees is payable regardless of the number of motions.

**80.** The fees of an advocate to whom a mandate is entrusted for the representation of an applicant in proceedings for separation from bed and board or for divorce are reduced by half where the advocate has already represented that party in similar proceedings during the previous year.

##### *§3. Execution of judgment*

**81.** For every seizure of movables and immovables after judgment: \$75.

**82.** For a seizure by garnishment, only one of the following fees may be claimed:

(1) for a requisition for a writ of seizure by garnishment after judgment: \$75;

(2) for a judgment for seizure by garnishment after judgment: \$100.

**83.** For registration of the judgment at the registry office: \$50.

*§4. Applications subsequent to judgment on merits*

**84.** The fees applicable for the appointment of a practitioner, the homologation of a practitioner's report or for inscription following an homologated report are \$50.

**85.** For every judgment

(1) relating to a motion for variation of support, custody of children, visitation and outing rights after proof and hearing: \$425;

(2) relating to a motion for change in the measures provided for in subparagraph 1, settled without proof and hearing: \$325.

This provision applies subject to the provisions of section 76.

**86.** For the drafting and registration in the land register of the declaration of family residence: \$100.

**DIVISION II**  
OTHER PROCEEDINGS IN FAMILY MATTERS

**87.** For any judgment that orders measures applicable during the proceedings:

(1) after agreement or transaction: \$300;

(2) after proof: \$400.

**88.** For a judgment ruling on the action on the merits, the advocate is entitled to the following fees, only once per case:

(1) without proof: \$400;

(2) after proof: \$500.

**89.** For a judgment extending the application during the proceedings of the measures ordered by the preceding judgment, or renewing the preceding judgment without amending it, an advocate is entitled to the following fees for a maximum of 2 judgments in a single case: \$85.

**DIVISION III**  
PROCEEDINGS IN APPEAL IN FAMILY MATTERS

**90.** For an application for leave to appeal, for dismissal of appeal or any other contested incidental proceeding: \$270.

**91.** For an appeal from any interlocutory judgment: \$657.50.

**92.** Where an action is settled or an appeal is abandoned or deemed abandoned after inscription in appeal: \$270.

**93.** For the filing of an additional factum on request by the court: \$270.

**94.** After the filing of the appellant's factum for any action settled, appeal abandoned or deemed abandoned, the fees are as follows:

(1) to the advocate representing the appellant: \$620;

(2) to the advocate representing the respondent: \$350.

**95.** Where an action is settled, the appeal abandoned or deemed abandoned after the filing of the respondent's factum and before the hearing: \$800.

**96.** Where a judgment on the merits is rendered: \$1,315.

**CHAPTER IV**  
TARIFF FOR MISCELLANEOUS PROCEEDINGS

**DIVISION I**  
GENERAL

**97.** Where an advocate represents two or more recipients who are joined in law or *de facto* and are parties to a dispute based on a cause of action of the same nature and heard before the same court or the same administrative body at or about the same time, the fees of the advocate are limited to those prescribed for professional services rendered to one recipient.

**98.** When an appeal is heard in the Court of Québec, the fees are based on those prescribed for Class II of the civil tariff at first instance.

**99.** Where an appeal is heard in Superior Court, the fees are based on those prescribed for Class III of the civil tariff at first instance.

**100.** When an appeal is heard in the Court of Appeal, the fees are based on those prescribed for Class II of the civil tariff for appeal proceedings.



## DIVISION II PROCEEDINGS IN MATTERS OF YOUTH PROTECTION

**101.** For the presence of the advocate for an intervention with the Director of Youth Protection, including an intervention to reach an agreement on the voluntary measures prior to intervention in court: \$100.

**102.** For any participation in a conciliation or mediation procedure, the fees are:

- (1) \$410 where the procedure settles the dispute;
- (2) \$275 per period if the procedure does not settle the dispute.

**103.** Where the court hears together the case of several children concerned by the proceedings of the Director of Youth Protection, the advocate who represents more than one child from a same parent or who represents a party is entitled to the remuneration prescribed for representing a person, increase by the following percentage if there are:

- (1) 2 children: 50%;
- (2) 3 children or more: 100%.

This provision also applies to the advocate of a person who is interested or intervenes.

**104.** The following fees apply where the presence of the advocate is required:

- (1) for a postponement: \$25;
- (2) for the rendering of a judgment: \$50.

**105.** For all services related to a motion for intervention provided for in section 81 of the Youth Protection Act (chapter P-34.1), the fees are \$140 if the judgement is rendered without contestation and \$300 if there is contestation.

**106.** For all services related to a motion for provisional measures or foster care or services related to a motion for the extension of immediate protective measures provided for in sections 47, 76.1 and 79 of the Youth Protection Act, the fees are as follows:

- (1) if there is discontinuance: \$80;
- (2) if a final decision is rendered: \$140.

**107.** For all services rendered, including in connection with measures on an application to have a child declared endangered under section 74.1 of the Youth Protection Act or an application for the review or extension of a decision or order under section 95 of that Act, the fees are as follows:

- (1) if there is discontinuance: \$175;
- (2) if the final decision is rendered by consent without witnesses being heard: \$205;
- (3) if a final decision is rendered: \$410.

## DIVISION III PROCEEDINGS IN MATTERS OF HOUSING

**108.** This Division applies solely to proceedings in matters of housing undertaken under the Act respecting the Régie du logement (chapter R-8.1).

**109.** For any participation in a conciliation procedure, the fees are:

- (1) \$450 where the procedure settles the dispute;
- (2) \$275 per period, if the procedure does not settle the dispute.

**110.** For an incidental application: \$80.

**111.** For all the other services rendered:

(1) if there is discontinuance, conclusion of an agreement or where the decision is rendered without contestation: \$225;

(2) if a final decision is rendered after contestation: \$450.

**112.** For an application for provisional execution of a decision of the Régie du logement: \$120.

**113.** For an application for revocation of a decision of the board: \$160.

**114.** For all services related to an application for a review under section 90 of the Act respecting the Régie du logement:

(1) if there is discontinuance or conclusion of an agreement or if the decision is rendered without contestation: \$160;

(2) where a final decision is rendered after contestation: \$300.

**115.** For all the services related to an application for leave to appeal to the Court of Québec under section 91 of the Act respecting the Régie du logement:

(1) if an agreement is concluded before the hearing: \$160;

(2) where judgment is rendered: \$215.

**116.** For an application to suspend the execution of a decision of the board: \$120.

#### **DIVISION IV PROCEEDINGS RELATED TO ADMINISTRATIVE DECISIONS**

**117.** This Division applies to the services for which legal aid is granted pursuant to section 44 of the Regulation respecting legal aid (chapter A-14, r. 2) and to property assessment proceedings.

**118.** For all the services related to an application for review of the decision of an administrative officer, until the final decision, the fees are \$235, except for a decision rendered pursuant to the Act respecting industrial accidents and occupational diseases (chapter A-3.001), in which case the fees are \$270.

**119.** For all services related to a recourse before an administrative tribunal of last instance, where there is discontinuance or conclusion of an agreement before proof and hearing, the fees are as follows:

(1) following a conciliation procedure: \$500;

(2) in the absence of a conciliation procedure: \$270.

**120.** For all services related to a recourse before an administrative tribunal of last instance where there is proof and hearing, the fees are as follows:

(1) following a conciliation procedure: \$500, plus \$275 per hearing period from the first period;

(2) in the absence of a conciliation procedure: \$500.

**121.** For all services related to an application for leave to appeal to the Court of Québec:

(1) where an agreement is reached before the hearing, the fees are \$165;

(2) where a judgment is rendered: \$220.

#### **DIVISION V BANKRUPTCY PROCEEDINGS**

**122.** For all services related to an application for discharge until the judgment on the merits, the fees are as follows:

(1) uncontested: \$110;

(2) contested: \$325.

**123.** For an incidental application: \$60.

**124.** For all services related to the contestation of an application for an order requiring payment of a part of salary to the trustee, until the judgment on the merits: \$110.

**125.** For all the services related to an application to withdraw property from the assets assigned to the creditors: \$110.

#### **DIVISION VI ASYLUM AND IMMIGRATION PROCEEDINGS**

##### *§1. Department of Citizenship and Immigration Canada and Canada Border Services Agency*

**126.** For the meeting with the claimant and preparation of the asylum claim: \$100.

**127.** For all services rendered during the interview concerning the eligibility of the asylum claim with an immigration officer: \$200.

**128.** For the preparation of the form to apply for permanent residence on humanitarian and compassionate or public policy grounds: \$200.

For the filing of additional written submissions: \$200.

##### *§2. Immigration and Refugee Board*

**129.** For the preparation of the Personal Information Form, the fees are \$200 for the refugee status claimant and \$75 for each other member of the family in the same file.

**130.** For all other services rendered, until the final decision: \$330.

**131.** For all services rendered before the Immigration Division during a hearing concerning detention: \$200.

**132.** For all services rendered before the Immigration Appeal Division, the fees are:

- (1) if there is discontinuance: \$285;
- (2) if there is a final decision: \$550.

**133.** For any participation in a conciliation or mediation procedure, the fees are:

- (1) those of section 129 or 131, as the case may be, where the procedure settles the dispute;
- (2) \$275 per period, where the procedure does not settle the dispute.

### §3. Federal Court

**134.** For the preparation of the application for authorization to institute judicial review proceedings: \$500.

**135.** For the preparation of the hearing on the merits: \$585.

**136.** For an application for stay: \$400.

**137.** For any contested incidental proceeding: \$120.

**138.** For the hearing on the merits, per period: \$275.

### §4. Federal Court of Appeal

**139.** For all the services rendered when the appeal is heard: \$1,130.

If there is no hearing after the notice of appeal has been filed, the fees are \$425.

## DIVISION VII PAROLE PROCEEDINGS

### §1. Commission québécoise des libérations conditionnelles

**140.** For all the services related to an application for examination of conditional release, an application for review of a condition or an application for re-examination (post suspension), until the final decision:

- (1) rendered following a standard hearing:
  - (a) for preparation: \$125;
  - (b) for the hearing, per period: \$275;
- (2) rendered following a hearing on record: \$225.

**141.** For all services rendered during a review: \$415.

**142.** For the application for the judicial review of a decision of the Commission québécoise des libérations conditionnelles, the fees are based on those of Class II prescribed in the civil tariff at first instance.

### §2. National Parole Board

**143.** For all the services related to an application for the examination of parole or an application for the review of a condition, until the final decision:

- (1) rendered following a standard hearing:
  - (a) for preparation: \$375;
  - (b) for the hearing, per period: \$275;
- (2) rendered following a hearing on record: \$475.

**144.** For all services related to an application for re-examination (post suspension), until the final decision:

- (1) rendered following a standard hearing:
  - (a) for preparation: \$125;
  - (b) for the hearing, per period: \$200;
- (2) rendered following a hearing on record: \$225.

**145.** For a postponement

- (1) where the National Parole Board has not begun to hear the case: \$30.
- (2) where the Board has begun to hear the case: \$275 per hearing period.

**146.** For all services rendered during an appeal: \$865.

**147.** For services related to an application for judicial review by the Federal Court of a decision of the National Parole Board or Correctional Service Canada, including its disciplinary tribunal:

- (1) for preparation: \$1,000;
- (2) for any presence required before the Court, including the presentation of the file, per period: \$275;
- (3) for the examination or cross-examination of a declarant: \$150.

**148.** For all services related to an application for judicial review, concerning the reduction in the number of years of imprisonment without eligibility for parole, made pursuant to subsection 745.6(1) of the Criminal Code: \$250.

For all services related to a proceeding under section 745.61 of the Criminal Code: \$550.

The fees are \$400 for any additional hearing period.

#### **DIVISION VIII PROCEEDINGS IN CORRECTIONAL LAW**

**149.** For a disciplinary hearing:

- (1) for the preparation: \$130;
- (2) for the hearing: \$20.

However, when the advocate represents a recipient in respect of offences that are related to each other, the fees for the services rendered during the hearings, in each file, are reduced by half from the second file if the hearings take place during the same period and before the same administrative authority.

**150.** The postponement rules prescribed in section 145 apply with the necessary modifications.

**151.** For the contestation of a detainee's transfer: \$200.

#### **DIVISION IX OTHER PROCEEDINGS**

**152.** For the hearing before the review committee of the Commission des services juridiques if the advocate succeeds: \$110.

**153.** For an administrative application for a change of name: \$110.

#### **PART II EXPENSES**

**154.** Expenses include travel allowances and fees authorized by the director general, in particular fees for expert reports and other fees pertaining to proceedings incidental to the mandate.

The services of a counsel are treated as fees for expert reports. The foregoing also applies to the fees for the professional services of an advocate assisting during the hearing provided for in section 148, which are limited to \$175 per hearing period.

**155.** For each mandate entrusted to the advocate, the advocate receives \$11 as reimbursement of photocopy, fax, courier and postage expenses.

**156.** At the end of his or her mandate, an advocate who sees a case through receives \$25 as reimbursement of administrative overhead costs, except consultation and formal demand mandates or those ending with a consultation.

This provision applies only to mandates entrusted as of 1 April 2012 and the amount will be increased to \$50 for mandates entrusted as of 1 April 2014.

**157.** An advocate is entitled to a travel allowance only if the destination is farther than a radius of 25 km from his or her office.

When using his or her personal motor vehicle, an advocate is entitled to the travel allowance per kilometre provided for in section 8 of the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 202754 dated 30 August 2005) as established under the Public Administration Act (chapter A-6.01), subject to the following special rules:

(1) according to the distance actually travelled, in the case of a trip made within the boundaries of the judicial district where the advocate has his or her office;

(2) according to the distance actually travelled up to a maximum of 200 km, in the case of a trip made within the boundaries of the judicial district where the advocate has his or her office;

(3) according to the distance actually travelled, in the case of a trip to the Supreme Court of Canada, the Court of Appeal of Québec, the Federal Court or to any court or body, made outside the boundaries of the judicial district where the advocate has his or her office; despite the preceding, where the advocate's office is in a judicial district other than the district where the legal aid centre which issued the mandate is located, the advocate elects to receive either the reimbursement established in subparagraph 2 or a reimbursement established according to the distance between the place where the mandate was issued and that where the court in question sits;

(4) according to the distance actually travelled, in the case of a trip made with the authorization of the director general of the legal aid centre, outside the boundaries of the judicial district where the advocate has his or her office, where the nature or complexity of the matter requires that the mandate be entrusted to that advocate.

The advocate who is entitled to a travel allowance is also entitled to the reimbursement of the parking expenses incurred.

**158.** Subject to sections 155 and 156, expenses may not exceed the actual expenses actually incurred by the advocate and are paid on presentation of supporting documents.

### **PART III** DISPUTE SETTLEMENT PROCEDURE

#### **CHAPTER I** SUBMISSION OF A DISPUTE AND CONCILIATION

**159.** A dispute means any disagreement concerning the interpretation or application of this Agreement, including any disagreement concerning a statement of fees or expenses submitted pursuant to the Regulation respecting the report relating to the services rendered by certain advocates and notaries (chapter A-14, r. 8).

A dispute must be submitted within 6 months of receiving the notice provided for in section 8 of the Regulation.

**160.** A dispute is submitted by an advocate by means of a notice addressed to the regional centre or, as the case may be, to the Commission. The notice must contain a summary of the facts and the relief sought.

**161.** The regional centre or, as the case may be, the Commission answers in writing to any notice of dispute it receives.

**162.** Before submitting a dispute, an advocate may resort to conciliation by a written notice to the director general of the regional centre, to the Commission and to the section of the Barreau du Québec to which the advocate belongs.

**163.** Resorting to conciliation interrupts the 6-month prescription.

**164.** Within 15 days of receiving the notice provided for in section 162, the director general of the regional centre and the bâtonnier of the section each designate an advocate.

**165.** Within 30 days of their designation, the advocates so appointed and the advocate who applied for conciliation meet and endeavour to reach a settlement.

#### **CHAPTER II** ARBITRATION

**166.** An advocate who submitted a dispute may, if no answer is received within 30 days of sending the notice or if the advocate is dissatisfied with the answer, submit the dispute to arbitration.

Resorting to arbitration is prescribed by 6 months.

The application for arbitration is made by a letter addressed to the chief judge of the Court of Québec, which is also sent to the regional centre, to the Commission and to the Barreau du Québec.

The chief judge designates one of the judges of that court to act as arbitrator.

**167.** After giving at least 30 days' notice to the Commission, the Barreau du Québec may either intervene, or take up the defence of an advocate who submits a dispute to arbitration.

**168.** Stenography fees and fees to reproduce a recording of the hearings, if any, are borne by the regional centre or the Commission, as the case may be.

**169.** The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Agreement. The arbitrator may uphold, modify or rescind the disputed decision and, by the terms of the arbitration award, order a payment or determine compensation, restore a right or issue any other order the arbitrator considers fair in the circumstances.

The arbitration award is final and binding on the parties.

**170.** The arbitrator may issue an interim award at any time.

**171.** The arbitrator sends every arbitration award to the parties and the Barreau du Québec.

#### **PART IV** MISCELLANEOUS, TRANSITIONAL AND FINAL

**172.** This Agreement replaces the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan (chapter A-14, r. 6) entered into on 4 April 2008, except to the extent that it applies to criminal and penal matters.

This Agreement takes effect on the date of its publication in the *Gazette officielle du Québec* and applies to services rendered under legal aid mandates entrusted as of 1 April 2010.

However, this Agreement does not have the effect of reducing the fees already paid before its publication.

**173.** By exception to the second paragraph of section 172, the fees provided for in sections 55, 56, 67 and 149 apply to services rendered under mandates entrusted as of the effective date of this Agreement. For the services referred to in those sections and rendered under mandates entrusted between 1 April 2010 and the effective date, the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 4 April 2008 continues to apply despite its replacement.

That Regulation also continues to have effect for mandates entrusted between 1 April 2007 and 1 April 2010 and for mandates entrusted between 1 January 2008 and 1 April 2010 for which the fees are provided for in sections T201.1 and T201.2 of that Regulation.

**174.** The maximum level of the fees that may be paid to an advocate who renders services under the legal aid plan is set at \$140,000 for mandates entrusted to the advocate between 1 April and 31 March of the years covered by this Agreement. Beyond that amount, the fees paid to an advocate are reduced by 35% for each mandate.

**175.** This Agreement expires on 30 September 2017; it continues to apply until it is replaced.

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**M.O., 2013**

**Order number 2013-01 of the Minister of Culture and Communications dated 15 March 2013**

Cultural Heritage Act  
(chapter P-9.002)

### **Archaeological Research**

THE MINISTER OF CULTURE AND COMMUNICATIONS

CONSIDERING paragraph 2 of section 81 of the Cultural Heritage Act (chapter P-9.002), which allows the Minister of Culture and Communications to make regulations to determine conditions under which archaeological research

permits are issued or revoked and the content and manner of presentation of the annual activity report required under section 72 of the Act;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Archaeological Research Regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 December 2012 with a notice that it could be made by the Minister of Culture and Communications on the expiry of 45 days following that publication and that any interested person could submit comments within that period;

CONSIDERING that the 45-day period has expired and comments have been received and examined;

CONSIDERING that it is expedient to make the Archaeological Research Regulation with amendments;

ORDERS AS FOLLOWS:

The Archaeological Research Regulation, attached to this Order, is hereby made.

Québec, 15 March 2013

MAKA KOTTO,  
*Minister of Culture and Communications*

## **Archaeological Research Regulation**

Cultural Heritage Act  
(chapter P-9.002, s. 81, par. 2)

### **DIVISION I DEFINITIONS**

**1.** In this Regulation, unless otherwise indicated by the context,

(1) “ecofact” means a material relic from the animal, vegetal or mineral kingdom that was not made by man but testifies to human occupancy, including bones, seeds or coal;

(2) “archaeological operation” means the excavations and surveys for the purposes of finding archaeological property or sites, including monitoring, trial excavation and collecting activities;

(3) “person in charge of the archaeological operation” means any natural person who supervises the operation on the site and takes part in the carrying out of that operation and in the drafting of the archaeological research report.

## **DIVISION II**

### **ISSUE OF AN ARCHAEOLOGICAL RESEARCH PERMIT**

**2.** An archaeological research permit may be issued by the Minister to a person who applies for it if the following conditions are met:

(1) the applicant provides, in addition to the written consent of the immovable's owner or of any other interested person, an agreement entered into with that owner or interested person concerning the nature and duration of the work, and the measures for conservation of objects that will be uncovered;

(2) the Minister has received every annual archaeological research report related to a permit now expired or revoked that was held by that person;

(3) the applicant submits an archaeological research project that includes

(a) the place of the archaeological operation, including the precise perimeter of the operation and the archaeological sites already known in that perimeter on a plan or topographic map;

(b) the nature of the archaeological operation, including details on the context and its objectives, and a history of the prior archaeological researches in the perimeter of the planned operation;

(c) the planned duration of the archaeological research with the dates scheduled for the beginning and end of the operation;

(d) the composition of the team that will carry out the archaeological operation: the name of all the persons in charge of the archaeological operation, assistants and specialists, and the number of technicians;

(e) except for technicians, the record of qualification of each member of the archaeological operation team, including education or university training and relevant experience and, for all the persons in charge of the archaeological operation, a list of their scientific publications, a list of the bodies to which they have been attached since the end of their training and their position in each body;

(f) the methods that the person plans to use to operate on the site and to record data;

(g) if the application concerns an archaeological site to which a Borden code has been given by the Ministère de la Culture et des Communications, the strategies that the

person plans to use, on the site and in the laboratory, to preventively preserve or restore the movable and immovable relics;

(h) the places and circumstances in which collections and data will be treated and analyzed and, in the case of an archaeological operation on land in the domain of the State, the proposed place for the deposit of collections;

(i) a description of the material means for the research, in particular the equipment and premises; and

(j) the name of the persons and bodies that provided funds, the amounts obtained for the research project and an itemized budget for the financial resources at the person's disposal at each stage of the research, such as on-site operation, the treatment of objects uncovered, the analysis and the drafting of the archaeological research report.

**3.** In addition to the conditions provided for in the Cultural Heritage Act, an archaeological research permit is issued conditional on the following:

(1) all the persons in charge of the archaeological research who are mentioned in the permit application are the persons who, during the archaeological operation, perform the tasks identified under their name in the permit application;

(2) the permit holder informs the Minister in writing of the nature of and reasons for any permit modification desired by the permit holder.

Any permit modification granted by the Minister forms, as a condition, part of the initial permit of the permit holder.

## **DIVISION III**

### **REVOCATION OF AN ARCHAEOLOGICAL RESEARCH PERMIT**

**4.** In addition to the cases provided for in the Cultural Heritage Act for the revocation of an archaeological research permit, any permit issued by the Minister may be revoked if the information provided by its holder under section 2 is inaccurate or incomplete.

## **DIVISION IV**

### **ANNUAL ARCHAEOLOGICAL RESEARCH REPORT**

**5.** The annual archaeological research report provided for in section 72 of the Cultural Heritage Act must be submitted to the Minister before the expiry of 1 year from the date of issue of the permit.

**6.** The archaeological research report must contain the following elements: the context, information on the archaeological operation, the results of the research, the conclusions and recommendations, and schedules.

**7.** The context given in the report must include the following information on the site of the archaeological operation:

(1) the ancient and current environmental framework in connection with the findings, that is, information on the evolution of wildlife, flora, geology and landscape;

(2) the historic and prehistoric framework, presenting the various cultural periods, that was used for interpreting the results;

(3) maps, ancient plans and iconography, if any;

(4) a history of the previous archaeological researches.

**8.** The archaeological research information that must be exposed in the report is

(1) a summary, not exceeding 2 pages, of the work performed and of the results and conclusions;

(2) the nature and duration of the archaeological operation and the dates on which that operation is to begin and end on the site;

(3) the name of the permit holder, the permit number and the permit holder's professional contact information;

(4) the name of the promoters;

(5) the composition of the team for the archaeological operation, the analysis and the drafting of the report, including each person's responsibility;

(6) the location of the archaeological operation site on a topographic map;

(7) a description of each place of operation or archaeological site concerned;

(8) the methods for each type of operation and the methods of recording field data, including the grid layout and the on-site establishment strategy; and

(9) the measures taken for the protection and preservation of the archaeological objects and relics.

**9.** The results of the research must be presented in a detailed manner in the archaeological research report and include

(1) the location of the site and its limits defined by geographical coordinates on a topographic map, for all the archaeological sites affected by the operation;

(2) an aerial photograph or a space map showing the site's limits;

(3) for every site where archaeological property has been uncovered, a plan showing the areas having been the subject of excavations or surveys including the location of negative and positive trial excavations and any information on the presence of vegetation, watercourses, railway, road and public utility infrastructures and buildings;

(4) a spatial distribution plan of the traces of settlement and vestiges found, with the orientation indicated;

(5) representative stratigraphic sections with elevations, exposing the natural and man-made stratigraphic layers necessary for understanding the place of operation, with the orientation indicated;

(6) color photographs of the operation site and, if applicable, for each site, stratigraphies, traces of settlement and significant artifacts from each cultural period with, for each photograph of stratigraphies and traces of settlement, with the orientation indicated;

(7) the event-based description, analysis and interpretation of the content in terms of artifacts, ecofacts and architectural vestiges in the operation site and at each stratigraphic level, including their chronologic and cultural attribution and the integration of the results of specialized studies made, for instance, in animal ecology, bioarchaeology, material culture, sedimentology, archaeobotany, palynology and carbon-14 dating; and

(8) for each archaeological site affected by the operation, an appraisal of its heritage values and archaeological importance.

**10.** The conclusions and recommendations in the research report must include a summary of the results of the research, the general conclusions, recommendations as to the follow-up to be given to the archaeological operation and a statement of the development potential of the operation site.

**11.** The schedules that the research report must contain are

(1) for each archaeological site, a summary of the following information: the identification of the site and its location, the Borden code, the cultural periods associated with it, the work carried out, the analyses made, the archaeological values associated with the site, the



recommendations, the nature, dating and function of the immovable vestiges, and the nature and dating of the artifacts and ecofacts;

(2) a legible copy of field notes, plans and drawings;

(3) a copy of the specialized study carried out;

(4) for each archaeological site, a detailed inventory of artifacts and ecofacts and the objects' catalogue cards, if any.

**12.** Until (*insert the date that occurs one year after the date of the day prior to the date of coming into force of this Regulation*) and despite sections 6 to 11, the holder of a permit issued before (*insert the date of coming into force of this Regulation*) may, in lieu of the report provided for in those sections, submit to the Minister, within the period provided for in section 5, an annual report complying with section 11 of the Regulation respecting archaeological research (chapter P-9.002, r. 2).

**13.** This Regulation replaces the Regulation respecting archaeological research (chapter P-9.002, r. 2).

**14.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## M.O., 2013

### Order of the Minister of Sustainable Development, Environment, Wildlife and Parks dated 13 March 2013

Natural Heritage Conservation Act  
(chapter C-61.01)

Extension of the setting aside of land for two proposed aquatic reserves and of land for twenty-seven proposed biodiversity reserve

THE MINISTER OF SUSTAINABLE DEVELOPMENT,  
ENVIRONMENT, WILDLIFE AND PARKS,

CONSIDERING the Minister's Order dated 31 March 2009 (2009, *G.O.* 2, 1309), made in accordance with the Natural Heritage Conservation Act (chapter C-61.01), by which the following land has been set aside for a term of four years beginning on 15 April 2009:

Proposed biodiversity reserves:

- du Fjord-Tursukattaq;
- de Kangiqsujuaq;
- de la Rivière-Vachon;
- de Quaqtak-Kangirsuk;
- de l'Estuaire-des-Rivières-Koktac-et-Nauberakvik;
- des Drumlins-du-Lac-Viennaux;
- de la Rivière-Delay;
- du Lac-Sérigny;
- Hironnelle;
- du Domaine-La-Vérendrye;
- de la Station-de-Biologie-des-Laurentides;
- de Grandes-Piles;

CONSIDERING the first paragraph of section 16 of the Act respecting the boundaries of the waters in the domain of the State and the protection of wetlands along part of the Richelieu River (2009, chapter 31), under which the territory of the proposed Réserve de biodiversité Samuel-De Champlain was set aside and is deemed to be constituted as such in accordance with Title III of the Natural Heritage Conservation Act, for a term of 4 years beginning on 19 June 2009;

CONSIDERING the Minister's Order dated 27 July 2005 (2005, *G.O.* 2, 4072), made in accordance with the Natural Heritage Conservation Act by which the following land has been set aside for a term of 4 years beginning on 7 September 2005:

Proposed aquatic reserves:

- du lac au Foin;
- de la vallée de la rivière Sainte-Marguerite;

Proposed biodiversity reserves:

- du ruisseau Niquet;
- du lac Saint-Cyr;
- du lac Wetetnagami;
- du lac Plétipi;
- du lac Onistagane;
- du lac Berté;
- Paul-Provencher;
- de la vallée de la rivière Godbout;
- du brûlis du lac Frégate;
- des îles de l'est du Pipmuacan;
- Akumunan;
- du lac Ménistouc;
- de la rivière de la Racine de Bouleau;
- des drumlins du lac Clérac;

CONSIDERING the Minister's Order dated 17 July 2009 (2009, *G.O.* 2, 2233), made in accordance with the Natural Heritage Conservation Act, by which the term of

setting aside of the above-mentioned proposed aquatic and biodiversity reserves was the subject of an extension of 4 years beginning on 7 September 2009;

CONSIDERING the ecological value of the land and the necessity to extend their setting aside for a term of eight years to complete the steps to assign permanent protection status to all that land;

CONSIDERING section 28 of the Natural Heritage Conservation Act, which provides that the renewals or extensions of the setting aside of land may not, unless so authorized by the Government, be such that the term of the setting aside exceeds six years;

CONSIDERING Order in Council 1183-2012 dated 12 December 2012, by which the Government authorized the Minister of Sustainable Development, Environment, Wildlife and Parks to extend the setting aside of the land for a term of eight years;

ORDERS AS FOLLOWS:

The setting aside of the following land is hereby extended for a term of eight years beginning on 15 April 2013:

Proposed biodiversity reserves:

- du Fjord-Tursukattaq;
- de Kangiqsujuaq;
- de la Rivière-Vachon;
- de Quaqaq-Kangirsuk;
- de l'Estuaire-des-Rivières-Koktac-et-Nauberakvik;
- des Drumlins-du-Lac-Viennaux;
- de la Rivière-Delay;
- du Lac-Sérigny;
- Hironnelle;
- du Domaine-La-Vérendrye;
- de la Station-de-Biologie-des-Laurentides;
- de Grandes-Piles;

The setting aside of the land of the proposed Réserve de biodiversité Samuel-De Champlain is hereby extended for a term of eight years beginning on 19 June 2013;

The setting aside of the following land is hereby extended for a term of eight years beginning on 7 September 2013:

Proposed aquatic reserves:

- du lac au Foin;
- de la vallée de la rivière Sainte-Marguerite;

Proposed biodiversity reserves:

- du ruisseau Niquet;
- du lac Saint-Cyr;
- du lac Wetetnagami;
- du lac Plétipi;
- du lac Onistagane;
- du lac Berté;
- Paul-Provencher;
- de la vallée de la rivière Godbout;
- du brûlis du lac Frégate;
- des îles de l'est du Pipmuacan;
- Akumunan;
- du lac Ménistouc;
- de la rivière de la Racine de Bouleau;
- des drumlins du lac Clérac.

Québec, 13 March 2013

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

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**M.D., 2013-02**

**Order number D-9.2-2013-02 of the Minister of Finance and the Economy, March 14, 2013**

Act respecting the distribution of financial products and services  
(chapter D-9.2)

CONCERNING the Regulation to amend the Regulation respecting the issuance and renewal of representatives' certificates

WHEREAS subparagraphs 1 to 5, 6, 7 and 9 of section 200 and subparagraphs 1 and 3 to 6 of section 203 of the Act respecting the distribution of financial products and services (chapter D-9.2) stipulate that the *Autorité des marchés financiers* may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the first and the third paragraphs of section 217 of such Act stipulates, in particular, that a regulation made by the *Autorité des marchés financiers* under this Act must be submitted to the Minister of Finance for approval with or without amendment and that a draft of a regulation referred to in the first paragraph may not be submitted for approval and the regulation may not be made before 30 days have elapsed since the publication of the draft, that the regulation comes into force on the date of its

publication in the *Gazette officielle du Québec* or on any later date specified in the regulation and that sections 4, 8, 11 and 17 to 19 of the Regulations Act (chapter R-18.1) do not apply to the regulation;

WHEREAS on January 26, 2010, by the decision n° 2010-PDG-0025, the *Autorité des marchés financiers* made the Regulation respecting the issuance and renewal of representatives' certificates;

WHEREAS there is cause to amend this regulation;

WHEREAS the draft Regulation to amend the Regulation respecting the issuance and renewal of representatives' certificates was published in the *Bulletin de l'Autorité des marchés financiers*, volume 10, no. 1 of January 10, 2013;

WHEREAS on February 20, 2013, by the decision n° 2013-PDG-0018, the *Autorité des marchés financiers* made the Regulation to amend Regulation respecting the issuance and renewal of representatives' certificates;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance and the Economy approves without amendment the Regulation to amend the Regulation respecting the issuance and renewal of representatives' certificates appended hereto.

March 14, 2013

*Minister of Finance and the Economy,*  
NICOLAS MARCEAU

## Regulation to amend the Regulation respecting the issuance and renewal of representatives' certificates

An Act respecting the distribution of financial products and services  
(chapter D-9.2, s. 200, pars. (1) to (5), (6), (7) and (9),  
and s. 203, pars. (1) and (3) to (6))

**1.** Section 12 of the Regulation respecting the issuance and renewal of representatives' certificates (chapter D-9.2, r. 7) is replaced by the following:

“**12.** A representative authorized to act in the financial planning sector under a certificate issued by the Authority, in accordance with section 57 of An Act respecting the distribution of financial products and services (chapter D-9.2), uses the title “financial planner” or the abbreviation “F. Pl.”.

With the exception of paragraphs 4 to 6 of section 13 and sections 13.1 and 13.2, Divisions I to VI of Chapter II and the first, second and fourth paragraphs of section 55 hereof do not apply to financial planners.”.

**2.** Section 13 of the Regulation is replaced by the following:

“**13.** The Authority issues a certificate to a candidate who satisfies the following conditions:

(1) he holds the minimum qualifications under Division II of this Chapter, where applicable;

(2) he has passed the examinations prescribed by the Authority in accordance with Division III of this Chapter, where applicable;

(3) he has successfully completed the probationary period under Division IV of this Chapter, where applicable;

(4) he has submitted an application for a certificate in accordance with section 55;

(5) he has complied with the requirements and conditions of issuance of a certificate prescribed in Divisions VII and VIII of this Chapter;

(6) in the case of a foreign national, he holds a work permit issued by a competent authority allowing him to hold employment in Québec for which a certificate from the Authority is required.

“**13.1.** In addition to the conditions mentioned in paragraphs 4 to 6 of section 13 and section 57 of the Act, a candidate in the financial planning sector must have passed the examination of the Institut québécois de planification financière leading to the diploma referred to in section 57 of the Act in the 6 years preceding his application for a certificate.

“**13.2.** Where an application for a certificate is received by the Authority more than 6 years after the examination referred to in section 13.1 is passed, a candidate holding a diploma conferred by the Institut québécois de planification financière is exempt from having to pass the examination again, provided that he satisfies the following conditions:

(1) he held a certificate issued by the Authority in the “financial planning” sector for at least 2 years in the 6 years preceding his application for a certificate, and he satisfied the requirements pertaining to compulsory professional development;

(2) he took part in professional development activities corresponding to those provided for under the Regulation respecting the compulsory professional development of financial planners (chapter D-9.2, r. 14.1) and accumulated the equivalent of at least 40 professional development units, apportioned in the manner set out in section 3 thereof, in the 6 years preceding his application for a certificate;

(3) he was a member of a professional order with which the Authority entered into an agreement pursuant to section 59 of the Act, and he was authorized, under such agreement, to use the title of “financial planner” for at least 2 years in the 6 years preceding his application for a certificate.”

**3.** Section 16 of the Regulation is amended by replacing the words “at least 3 years of prior full-time employment” in paragraph 4 with the words “have worked full-time for at least 3 years within the past 10 years”.

**4.** Section 17 of the Regulation is amended:

(1) by replacing the words “if he held a certificate for a period of at least 1 year” with the words “if, for a period of at least 1 year, he held a certificate”;

(2) by adding “and he acted as a representative” after “2002”.

**5.** Section 19 of the Regulation is replaced by the following:

“**19.** A candidate must, for each sector or sector class for which he is applying for a certificate, pass the examinations prescribed by the Authority to demonstrate that he has the required competencies to comply with the legislation applicable to pursuing activities as a representative and, depending on the sector, that he has the following competencies:

(1) for the damage insurance sector, the insurance of persons sector or the group insurance of persons sector or any sector class thereof, recommend or propose, as applicable, a product adapted to the client’s needs;

(2) for the insurance of persons sector or the group insurance of persons sector or any sector class thereof, evaluate the tax impacts of an insurance contract or an annuity contract, as applicable;

(3) for the claims adjustment sector or any sector class thereof, settle a claim based on the coverage subscribed for by the client.”

**6.** Section 20 of the Regulation is replaced by the following:

“**20.** A candidate who submits an application and satisfies the following conditions may take the examinations pertaining to a sector or sector class:

(1) he holds the minimum qualifications hereunder, as applicable;

(2) he is not in any of the situations set out in sections 219 and 220 of the Act;

(3) he has paid the fees prescribed under the Regulation respecting fees and contributions payable (chapter D-9.2, r. 9).

As soon as a candidate referred to in the second paragraph of section 14 has completed a course recognized in an agreement entered into for that purpose between the Authority and a training body, he may register for the examination corresponding to that course.”

**7.** Section 22 of the Regulation is amended:

(1) by deleting the words “duly completed and”;

(2) by replacing the words “previously issued by the Authority authorizing him to act as a representative” with the words “held by him”.

**8.** Section 23 of the Regulation is amended:

(1) by replacing the words “he forwards his application for a certificate to the Authority” with the words “his application for a certificate is received by the Authority”;

(2) by replacing the words “held for at least 1 year authorizing him to act as a representative” with the words “and he acted as a representative for at least 1 year”.

**9.** Section 24 of the Regulation is amended by replacing the word “in” with the words “to pass”.

**10.** Section 28 of the Regulation is amended by replacing the word “forward” in the second paragraph with the word “submit”.

**11.** Section 29 of the Regulation is replaced by the following:

“**29.** A candidate who submits an application and satisfies the following conditions may undertake a probationary period pertaining to a sector or sector class if:

(1) he has passed each of the examinations prescribed by the Authority and such examinations are valid at the time the probationary period is undertaken;

(2) he is not in any of the situations set out in sections 219 and 220 of the Act;

(3) in the case of a foreign national, he holds a work permit issued by a competent authority allowing him to hold employment in Québec for which a certificate from the Authority is required;

(4) he has paid the fees prescribed under the Regulation respecting fees and contributions payable (chapter D-9.2, r. 9).

However, a candidate whose examinations are no longer valid at the beginning of the probationary period may undertake a probationary period where warranted by exceptional circumstances.

An application for probationary period eligibility must be submitted to the Authority by the firm, independent representative or independent partnership with which the candidate undertakes such probationary period.

**“29.1.** To be eligible for a new probationary period, a candidate who has not successfully completed his probationary period must submit to the Authority the means he intends to use to correct the shortfalls noted in the supervisor’s report or by the Authority.

After completing 2 probationary periods unsuccessfully, a candidate may only undertake a new probationary period under the responsibility of another supervisor.”.

**12.** Section 31 of the Regulation is replaced by the following:

**“31.** The Authority issues a probationary certificate to a candidate who meets the conditions set out in sections 29 and 29.1.

The certificate includes the information necessary to identify the candidate and the information related to the validity period of the probationary certificate.”.

**13.** Section 32 of the Regulation is amended:

(1) by replacing the words “holder of a probationary certificate” in the introductory portion of section 32 with the word “trainee”;

(2) by replacing paragraph 1 with the following:

“(1) in the insurance of persons sector or the group insurance of persons sector or any sector class thereof, gather information, conduct needs analyses and propose to his supervisor the products or services that may be adapted to the client’s needs, before proposing and selling them to the client;”;

(3) by replacing the words “and recommend and sell them to the client” in paragraph 3 with the words “before proposing and selling them to the client”;

(4) by replacing paragraph 4 with the following:

“(4) in the claims adjustment sector or any sector class thereof, gather information, propose to his supervisor the components of a claims investigation, the assessment of damage or the negotiation of a settlement, present to the insured the components of the negotiation of a settlement once they are approved by his supervisor and assist his supervisor in negotiating a settlement.”.

**14.** Section 33 of the Regulation is amended:

(1) by replacing the first paragraph with the following:

“A trainee must, upon first meeting a client, give the client a document, such as a business card, which must indicate the following”;

(2) by replacing subparagraph (2) with the following:

“(2) his business address, business telephone number and electronic mail address, if any;”;

(3) by replacing the words “pursues activities” in subparagraph 4 with the word “acts”;

(4) by replacing subparagraph 5 with the following:

“(5) his title as trainee.”

(5) by replacing the word “holder” in the second paragraph with the word “trainee”.

**15.** Section 36 of the Regulation is amended by replacing the word “candidate” with the word “trainee”.

**16.** Section 37 of the Regulation is amended:

(1) by replacing the words “holder of a probationary certificate” in the first paragraph with the word “trainee”;

(2) by replacing the word “holder” in the second paragraph with the word “trainee”.

**17.** Section 38 of the Regulation is amended:

(1) by replacing the words “holder of a probationary certificate” in the first paragraph with the word “trainee”;

(2) by replacing the word “abandoned” with the word “discontinued”.

**18.** Section 39 of the Regulation is amended:

(1) by replacing the words “holder of a probationary certificate” in the first paragraph with the word “trainee”;

(2) by replacing the word “holder” in the second paragraph with the word “trainee” and replacing the word “transmettant” in the second paragraph of the French version with the word “présentant”.

**19.** Section 40 is amended by replacing the words “holder of a probationary certificate” with the word “trainee”.**20.** Section 41 of the Regulation is amended:

(1) by deleting the words “duly completed and”;

(2) by replacing the words “issued to him by the Authority whereby he was authorized to act as a representative” with the words “held”.

**21.** Section 42 of the Regulation is amended:

(1) by deleting the words “duly completed and”;

(2) by replacing the words “held for at least 1 year as a representative” with the words “and he has acted as a representative for at least 1 year”.

**22.** Section 44 of the Regulation is replaced by the following:

“44. A supervisor is a representative authorized to act at the time of the probationary period who, for at least 24 of the 36 months preceding the probationary period, was the holder of a certificate and acted as a representative in the same sector or sector class as that covered by the probationary period applied for.”

**23.** Section 45 of the Regulation is amended by replacing the words “completes the prescribed form” in the introductory portion of section 45 with the words “submits his application”.**24.** The Regulation is amended by inserting the following after section 45:

“45.1. A supervisor who has received 2 written notices from the Authority for failing to fulfill the obligations prescribed in sections 46 to 50 hereof may not act as a supervisor for 1 year as of the date of the last notice.”

**25.** Section 47 of the Regulation is replaced by the following:

“47. Where a supervisor is absent, he is replaced by a replacement supervisor who must have submitted an application to this effect in accordance with section 45. The replacement supervisor must have the same qualifications and fulfill the same obligations as those imposed on the supervisor.

A supervisor registered with the Authority as an independent representative may not be replaced by a replacement supervisor unless the Authority so consents in writing.”

**26.** Section 48 of the Regulation is amended:

(1) by replacing the words “holder of a probationary certificate” in the first paragraph with the word “trainee”;

(2) by replacing the words “client’s file” in the first paragraph with the words “client file”;

(3) by replacing the second paragraph with the following:

“For the damage insurance sector, where products and services pertaining to personal-lines damage insurance are offered, or for the personal-lines damage insurance sector class, the supervisor must, within the next business day, review the trainee’s work and enter the review in the client file.

“For the claims adjustment sector or any sector class thereof, the supervisor must verify the information gathered by the trainee, approve the components of a claims investigation, the assessment of damage or the negotiation of a settlement, enter the approval in the client file, accompany and assist the trainee when presenting these components to the insured and may be assisted by the trainee during the negotiation of the settlement.”

**27.** The Regulation is amended by inserting the following after section 48:

“48.1. The supervisor must provide the trainee with the guidance he needs to adequately pursue activities as a representative in the sector or sector class for which he is applying.

To this effect, the supervisor must ensure that the trainee complies with the legislation, rules of ethics and rules of professional conduct and that he has the knowledge, skills, behaviours and attitudes necessary to pursue activities as a representative.

The supervisor must also provide the trainee with a working environment conducive to learning and developing his competencies and help him to gradually pursue the activities reserved for representatives, as set out in section 32.”

**28.** Section 49 of the Regulation is replaced by the following:

“49. The supervisor must personally perform the tasks set out in section 48 as well as any other task related to his role as supervisor, including the following:

(1) determine the tasks the trainee must carry out, specifying the time limits in which they must be completed;

(2) at least once a week, evaluate and review the tasks carried out by the trainee;

(3) make a recommendation as to whether or not the probationary period has been successfully completed.

The recommendation referred to in subparagraph 3 is received by the Authority within 10 days following the end of the probationary period, along with a report containing the information required by the Authority.

The report covers, among other things, whether the expectations set out in section 48.1 were met and what shortfalls were noted, as applicable. The recommendation and report must be approved by management of the supervisor’s firm or independent partnership, as applicable.”

**29.** Section 50 of the Regulation is amended by replacing the word “holder” with the word “trainee”.

**30.** Section 53 of the Regulation is amended:

(1) by replacing the words “subparagraphs 2 of the first and second paragraphs” in the introductory portion of section 53 with the words “paragraphs 1 and 3”;

(2) by replacing the words “referred to in subparagraphs 1 of the first and second paragraphs” in subparagraph 2 with the words “prescribed by the Authority to demonstrate that he has the required competencies to comply with the legislation applicable to pursuing activities as a representative and that he has the competency prescribed in paragraph 2”;

(3) by adding the word “successfully” before the word “completed” in subparagraph 3;

(4) by replacing subparagraph 4 with the following:

“(4) he has submitted an application for a certificate to the Authority.”

**31.** Section 55 of the Regulation is amended:

(1) by replacing the first and second paragraphs with the following:

“A candidate’s application for a representative’s certificate under paragraph 4 of section 13 must be received by the Authority prior to the expiry of the validity period of his examinations.

Where the validity period of the examinations expires during the probationary period, the certificate application must be received by the Authority within 30 days following the end of the probationary period.”;

(2) by deleting the words “forward the prescribed form and” in the third paragraph.

**32.** The Regulation is amended by inserting the following after section 55:

“55.1. For the purpose of section 55, the probationary certificate remains in effect for 30 days as of the end of the probationary period.

During the processing of the certificate application and if the certificate application is received by the Authority within 30 days following the end of the probationary period, the probationary certificate remains in effect for up to an additional 15 days.

Upon issuance of a representative’s certificate or where the probationary period was not successfully completed, the corresponding probationary certificate expires.”

**33.** The Regulation is amended by inserting the following after section 56:

“56.1. To be issued a certificate, a candidate referred to in paragraph 6 of section 13 who is in the situation set out in paragraph *u* of section 186 of the Immigration and Refugee Protection Regulations (SOR/2002-227) must act on behalf of a firm or be employed by an independent partnership.”

**34.** Section 57 of the Regulation is amended by replacing the words “held as a representative” with the words “he held”.

**35.** Sections 58 and 59 of the Regulation are repealed.

**36.** Section 60 of the Regulation is amended by replacing the words “professional titles he is authorized to use” with the words “titles he is authorized to use under the Act”.

**37.** Section 63 of the Regulation is replaced by the following:

“**63.** The Authority renews the certificate of a representative who has submitted a renewal application and who satisfies the conditions prescribed under paragraphs 4 to 6 of section 13, section 13.1 and the provisions of Division VII of Chapter II.”

**38.** Section 64 of the Regulation is amended:

(1) by replacing the words “A representative must renew his certificate prior to expiry thereof” in the first paragraph with the words “A certificate renewal application must be received by the Authority prior to expiry of the certificate”;

(2) by adding, following the word “renewal” at the end of the second paragraph, the words “or until a decision of the Authority refusing the renewal.”

**39.** Section 65 of the Regulation is replaced by the following:

“**65.** To be admissible, any application referred to hereunder must be duly submitted on the form provided by the Authority and received by it within the prescribed time period. The application must be accompanied, as applicable, by the required documents and information stipulated in the form and the related fees and contributions required by the Authority under the Regulation respecting fees and contributions payable (chapter D-9.2, r. 9).”

**40.** Sections 69 to 72 of the Regulation are repealed.

**41.** The Regulation is amended by replacing the words “skill” and “skills” with, respectively, “competency” and “competencies”, wherever they appear.

**42.** The provisions of this Regulation will come into force on 1 April 2013, except for those under sections 13.1 and 13.2, which will come into force 1 April 2014.

## Regulation of the Ethics Commissioner

Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1)

Executive Power Act (chapter E-18)

### Office staff of ministers — Rules of conduct

CONCERNING the Regulation respecting the rules of conduct applicable to the office staff of ministers

AS, under section 11.7 of the Executive Power Act (chapter E-18), the Ethics Commissioner shall, by regulation, after consultation with the Premier, adopt rules of ethics applicable to office staff;

AS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting the rules of conduct applicable to the office staff of ministers was published in Part 2 of the *Gazette officielle du Québec* on 5 December 2012, with notice that the regulation could be made by the Ethics Commissioner, with or without amendments, on the expiry of 45 days following that publication;

AS the 45-day period has expired;

AS it is expedient to make the regulation, without amendments;

THEREFORE, the Ethics Commissioner, after consultation with the Premier, adopts the Regulation respecting the rules of conduct applicable to the office staff of ministers, attached to this notice.

In accordance with section 17 of the Regulations Act (chapter R-18.1) and section 44 of the regulation, the regulation comes into force on 30 April 2013.

15 March 2013

JACQUES SAINT-LAURENT,  
*Ethics Commissioner*

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## Regulation respecting the rules of conduct applicable to the office staff of ministers

Code of ethics and conduct of the Members of the National Assembly  
(chapter C-23.1, s. 123)

Executive Powers Act  
(chapter E-18, s. 11.7)

### CHAPTER I APPLICATION

**1.** The purpose of this regulation is to set out rules of conduct for the office staff of ministers.

**2.** The regulation applies to the executive secretary and other office staff, including electoral division staff and regional staff, if applicable, appointed by a minister in accordance with section 11.5 of the Executive Powers Act (chapter E-18).

The rules of conduct for the office staff of the House officers of the National Assembly and the staff of the Members are adopted by the Office of the National Assembly, in accordance with section 124.3 of the Act respecting the National Assembly (chapter A-23.1).

**3.** For the purposes of this regulation, “public body” and “family member” have the meanings given in section 5 of the Code of ethics and conduct of the Members of the National Assembly (chapter C-23.1).

The “Ethics Commissioner” is the Ethics Commissioner appointed under section 62 of the Code.

### CHAPTER II VALUES AND ETHICAL PRINCIPLES

**4.** Office staff adhere to the values of the National Assembly stated in section 6 of the Code.

**5.** Office staff recognize that these values must guide them in carrying out the duties of their position and in determining the rules of conduct applicable to them, and be taken into account in interpreting this regulation. They strive for consistency between their actions and the values of the National Assembly, even when their actions do not in themselves contravene the applicable rules of conduct.

### CHAPTER III RULES OF CONDUCT

#### DIVISION I CONFLICT OF INTEREST

**6.** In the exercise of their functions, office staff may not

(1) place themselves in a situation where there is a conflict between their private interests and the duties of their position;

(2) act, attempt to act, or refrain from acting, so as to further their private interests or those of a family member, or to improperly further another person’s private interests; or

(3) use their position to influence or attempt to influence another person’s decision so as to further their private interests or those of a family member, or to improperly further another person’s private interests.

**7.** Office staff may not use, communicate or attempt to use or communicate information obtained in or in connection with the carrying out of the duties of their position that is not generally available to the public so as to further their or another person’s private interests.

**8.** Office staff may not, directly or indirectly, be party to a contract with the Government or a department or public body.

However, they may

(1) have interests in an enterprise that is party to such a contract, provided that the extent of the interests and the circumstances in which the contract is entered into make collusion or undue influence unlikely;

(2) receive a loan, a reimbursement, a grant, an indemnity or any other benefit from the Government or a department or public body under any Act, regulation or program; and

(3) hold securities issued by the Government or a public body on the same terms as are applicable to all.

**9.** Office staff who find themselves in a conflict of interest must put an end to the situation immediately.

As long as the situation remains unresolved, the staff member concerned may not discuss, even privately, any file that may be seen, however remotely, as being related to the interest in question, and must not exert or attempt to exert, directly or indirectly, any influence with regard to such a file.

**10.** An office staff member who simultaneously holds another position must avoid any conflict between the duties of the two positions.

## **DIVISION II GIFTS AND BENEFITS**

**11.** Office staff must not solicit, elicit, accept or receive any benefit, whether for themselves or for another person, in exchange for intervening or taking a certain position on any issue they may be called upon to intervene or take a position on as part of their duties.

**12.** Office staff must refuse or, at the first opportunity, return to the donor or deliver to the Ethics Commissioner any gift, hospitality or other benefit, whatever its value, that may impair their independence of judgment in carrying out the duties of their position, or that may compromise their integrity or that of the office for which they work.

**13.** Office staff who have received, directly or indirectly, a gift, hospitality or other benefit that has a value of more than \$200 and choose not to return it to the donor or deliver it to the Ethics Commissioner must, within 30 days, file with the Ethics Commissioner a disclosure statement containing an accurate description of the gift, hospitality or other benefit received and specifying the name of the donor and the date on which and circumstances under which it was received.

**14.** For the purposes of section 13, the repeated receipt of gifts, hospitality and other benefits from the same source must be taken into account.

For the purposes of section 13, the \$200 is computed over a 12-month period.

**15.** Section 13 does not apply to gifts, hospitality or other benefits received by an office staff member in the context of a purely personal relationship.

**16.** Things received by the Ethics Commissioner under this Division are disposed of in accordance with section 34 of the Code.

## **DIVISION III USE OF STATE PROPERTY AND SERVICES**

**17.** Office staff use State property, including property leased by the State and services made available to them by the State, for activities related to the carrying out of the duties of their position.

## **DIVISION IV DISCLOSURE STATEMENT**

**18.** This division applies to executive secretaries.

**19.** Within 60 days after the notice of their appointment, and annually on or before the date set by the Ethics Commissioner, executive secretaries must file with the Ethics Commissioner a disclosure statement that

(1) gives the name of any enterprise, association or body, whether non-profit or for-profit, in which they or a family member have an interest, including shares, stocks, pecuniary benefits, claims, priorities or hypothecs;

(2) states the nature of any professional, commercial or industrial position, office or activity engaged in by them or a family member since the previous disclosure statement was made or since their appointment as executive secretary, and states the name of the enterprise, association or body, whether non-profit or for-profit, on whose behalf the position, office or activity was engaged in, or the fact that it was engaged in on their or the family member's own account;

(3) describes any other fact, situation or event of a personal, professional or philanthropic nature that could place them in a conflict of interest situation or be reasonably perceived as doing so;

(4) gives any other information requested by the Ethics Commissioner.

An executive secretary who has no information to provide under subparagraphs 1 to 3 must fill out a statement to that effect and file it with the Ethics Commissioner.

**20.** Executive secretaries must inform the Ethics Commissioner in writing of any material change in the information required in their disclosure statement within 60 days after the change occurs.

**21.** After reviewing a disclosure statement filed under section 19, the Ethics Commissioner may request a meeting with the executive secretary concerned to ensure that adequate disclosure has been made and to discuss the executive secretary's obligations under this regulation.

## **DIVISION V POST-TERM RULES**

**22.** This division does not apply to support staff.

**23.** Former office staff must conduct themselves so as not to obtain undue benefit from their prior position.

**24.** Former office staff must not disclose confidential information obtained in or in connection with the carrying out of the duties of their former position, and must not give advice to any person based on information not available to the public, obtained in or in connection with the carrying out of those duties.

**25.** Office staff who acted in connection with a proceeding, negotiation or other transaction may not act for or on behalf of anyone else in the same proceeding, negotiation or other transaction after leaving their position.

**26.** Office staff may not, in the year after they leave their position,

(1) accept any appointment to a board of directors or as a member of any body, agency, enterprise or other entity that is not a State entity within the meaning of section 56 of the Code and with which they had official, direct and significant dealings in the year preceding their leaving the position, or accept employment, a position or any other post within such a body, agency, enterprise or entity; or

(2) intervene on behalf of anyone else with any department or other State entity within the meaning of section 56 of the Code and with which they had official, direct and significant dealings in the year prior to their leaving the position.

## CHAPTER IV ADMINISTRATION AND ENFORCEMENT

### DIVISION I ETHICS COMMISSIONER

**27.** The Ethics Commissioner is responsible for the administration of this regulation.

**28.** In exercising the duties of office, the Ethics Commissioner focuses on information and prevention and maintains high standards of confidentiality, objectivity and impartiality.

In all interventions and more particularly in determining the rules of conduct applicable to the office staff of ministers, the Ethics Commissioner takes into account their adherence to the values of the National Assembly.

**29.** The Ethics Commissioner retains authority in respect of former office staff for a period of one year after they have left their position. Even after the expiry of that period, the Ethics Commissioner may continue an inquiry that had already begun.

**30.** The Ethics Commissioner must retain all documents relating to a office staff member for a period of 12 months after he or she has left the position of office

staff member. The documents are then to be destroyed unless an inquiry under this regulation is in progress or has been suspended or a charge has been laid against the office staff member, and the documents may be relevant.

### DIVISION II ADVISORY OPINIONS OF THE ETHICS COMMISSIONER

**31.** In response to a request in writing from an office staff member on any matter respecting his or her obligations under this regulation, the Ethics Commissioner provides him or her with a written advisory opinion containing reasons and any recommendations the Ethics Commissioner considers appropriate.

The advisory opinion is confidential and may only be made public by the person who requested it or with that person's written consent, subject to the Ethics Commissioner's power to conduct an inquiry and report on the facts alleged in or discovered in connection with the person's request.

**32.** An act or omission by an office staff member is deemed not to be a breach of this regulation if he or she had previously requested an advisory opinion from the Ethics Commissioner and the advisory opinion concluded that the act or omission did not contravene this regulation, so long as the facts relevant to the request were fully and accurately presented to the Ethics Commissioner.

**33.** The Ethics Commissioner may publish guidelines for office staff regarding the application of this regulation, provided that no personal information is included.

### DIVISION III INQUIRY AND REPORT

**34.** In response to a written request from the Premier or the Minister concerned, or on the Ethics Commissioner's own initiative, and after giving the office staff member concerned reasonable written notice, the Ethics Commissioner may conduct an inquiry to determine whether the office staff member has violated the rules of conduct set out in this regulation.

**35.** After receiving a request for an inquiry to determine whether there has been a violation of the rules of conduct set out in this regulation, the Ethics Commissioner informs the office staff member concerned.

**36.** If the Ethics Commissioner considers it necessary, the Ethics Commissioner may specially authorize a person to conduct an inquiry.

**37.** The Ethics Commissioner and any person specially authorized by the Ethics Commissioner have, for the purposes of an inquiry and in accordance with section 93 of the Code, the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

**38.** The Ethics Commissioner may make agreements with other persons such as the Auditor General and the Lobbyists Commissioner for the conduct of joint inquiries, each under the legislative provisions that person administers.

**39.** If, after a verification, the Ethics Commissioner is of the opinion that there are no grounds for a request for an inquiry, the Ethics Commissioner terminates the inquiry process and records that fact in the report on the matter.

**40.** The Ethics Commissioner must conduct inquiries in private and with due dispatch. The Ethics Commissioner must allow the office staff member concerned to present a full and complete defence, including an opportunity to submit observations and, if the office staff member so requests, to be heard, including on the question of whether he or she has violated the rules of conduct set out in this regulation.

The Ethics Commissioner must not comment publicly on a verification or inquiry but may confirm that a request for a verification or an inquiry has been received or that a verification or inquiry is under way or has been completed. The Ethics Commissioner may also state why, after a verification, the Ethics Commissioner decided not to conduct an inquiry.

**41.** The Ethics Commissioner's inquiry report is sent to the office staff member concerned, the Minister concerned and the Premier. If applicable, the Ethics Commissioner informs the person who submitted the inquiry request of the Ethics Commissioner's findings.

**42.** The Ethics Commissioner may include in the report any guidelines for the general interpretation of the rules of conduct set out in this regulation.

## CHAPTER V COMING INTO FORCE

**43.** Executive secretaries who are employed as such on the day of the coming into force of this regulation must, within the following 60 days, file with the Ethics Commissioner the disclosure statement described in section 19.

**44.** This regulation comes into force on 30 April 2013.

## M.O., 2013

### Order number 2013-02 of the Minister of Transport dated March 11, 2013

Highway Safety Code  
(chapter C-24.2, s. 633.1)

Use on public highways of immersed road vehicles

THE MINISTER OF TRANSPORT,

CONSIDERING the first paragraph of section 633.1 of the Highway Safety Code (chapter C-24.2), which provides that after consultation with the Société de l'assurance automobile du Québec, the Minister of Transport may, by order, restrict or prohibit, for up to 180 days, the use on public highways of any model or class of vehicle that endangers the safety of persons and property;

CONSIDERING the first paragraph of section 633.1 of the Code, which provides that any interested party may submit comments to the person designated in the order within 90 days after its publication in the *Gazette officielle du Québec*;

CONSIDERING the first paragraph of section 633.1 of the Code, which provides that at the expiry of 180 days, the Minister may, by order, make the restriction or prohibition permanent;

CONSIDERING the first paragraph of section 633.1 of the Code, which provides that a restriction or prohibition under that paragraph comes into force on the date the order is published in the *Gazette officielle du Québec*;

CONSIDERING the fourth paragraph of section 633.1 of the Code, which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to an order made under that section;

CONSIDERING that it is expedient to prohibit, for 180 days, the use on public highways of certain road vehicles that have been immersed in water or contaminated with toxic fluid because they endanger the safety of persons and property;

CONSIDERING that the Société de l'assurance automobile du Québec was consulted on this draft Order by the Minister of Transport;

ORDERS AS FOLLOWS:

**1.** The use on public highways is prohibited for the following road vehicles manufactured after 1980 and registered or having to be registered in Québec:

(1) vehicles that were immersed in water up to the junction of the engine wall and the floor of the passenger compartment or up to a higher level;

(2) vehicles that were immersed in water up to a level that could have affected one of the major components of their electrical system;

(3) vehicles that were contaminated with toxic fluid, that renders the vehicle unsafe due to a health hazard;

(4) vehicles of which a part has been replaced by a similar part from a vehicle referred to in any of subparagraphs 1 to 3, that renders the vehicle unsafe due to a health hazard;

(5) vehicles of which a major component of the electrical system has been replaced by a similar component from a vehicle referred to in subparagraph 2.

For the purposes of subparagraphs 1 and 2 of the first paragraph, in the case of a vehicle from outside Québec, its use on public highways is prohibited if it was immersed in water or shows signs of damage attributable to immersion or if it is described by another jurisdiction as having been immersed in water, in all cases, regardless of the immersion level.

For the purposes of this section, “major component of the electrical system of a vehicle” means

- (1) a fuse panel or breaker panel;
- (2) an electronic component of the occupant supplemental restraint system;
- (3) an electronic component of the compartment’s heating, air conditioning or ventilation system;
- (4) an electronic component of the defogging or defrosting system;
- (5) an electronic component that controls an element of the drivetrain system;
- (6) an electronic component of the self-diagnostic system;
- (7) an electronic component of the braking, acceleration or steering system or of any other system affecting the drivability of the vehicle, its stability or safety;
- (8) electrical wiring with unsealed connections inside the passenger compartment.

2. Section 1 does not apply to vehicles registered in Québec that have been rebuilt in accordance with the standards provided for in the Highway Safety Code (chapter C-24.2) and for which a certificate of technical compliance and a certificate of mechanical inspection have been issued before the date of coming into force of this Order.

3. Any interested party may submit comments on this Order before 25 June 2013 to Michel Morency, Société de l’assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-21, C.P. 19600, Québec (Québec) G1K 8J6; email: michel.morency@saaq.gouv.qc.ca

4. This Order comes into force on the date of its publication in the *Gazette officielle du Québec*. It is revoked on 23 September 2013.

SYLVAIN GAUDREAU,  
*Minister of Transport*

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## Draft Regulations

### Draft Regulation

Environment Quality Act  
(chapter Q-2)

#### Agricultural operations — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Agricultural Operations Regulation, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions provided for in the Agricultural Operations Regulation with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation proposes certain technical amendments to facilitate the comprehension or the application of the Regulation.

Further information on the draft Regulation may be obtained by contacting Jean-Marc Lachance, regional director, Centre de contrôle environnemental de la Capitale-Nationale et de la Chaudière-Appalaches, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 1175, boulevard Lebourgneuf, bureau 100, Québec (Québec) G2K 0B7; telephone: 418 644-8844, extension 222; fax: 418 646-1214; email: jean-marc.lachance@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Jean-Marc Lachance at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

### Regulation to amend the Agricultural Operations Regulation

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpars. *e*, and *h*, s. 53.30,  
1st par., subpar. 1.1, and ss. 115.27 and 115.34)

**1.** The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended by replacing the second paragraph of section 9.1.1 by the following:

“The operator must also give an agrologist a written mandate to inspect each pile during the growing season and to write, in a dated and signed report, his or her observations and, where applicable, his or her recommendations. The mandate must also provide that an annual report, written by the agrologist and summarizing all the inspections carried out for all the piles for which a recommendation was made under the first paragraph, will be given to the operator.”

**2.** Section 9.3 is amended by replacing “the raising site’s annual phosphorus ( $P_2O_5$ ) production resulting from solid manure management” in paragraph 1 by “the annual phosphorus ( $P_2O_5$ ) production resulting from solid manure management of all the buildings of the raising site”.

**3.** Section 16 is amended by replacing “The owner” in the fourth paragraph by “The operator”.

**4.** Section 28 is revoked.

**5.** Section 28.1 is amended

(1) by inserting “written” before “mandate” in the first paragraph;

(2) by replacing “provide it” in the sixth paragraph by “provide them”.

**6.** Section 28.2 is amended

(1) by inserting “written” before “mandate” in the second paragraph;

(2) by replacing “provide it” in the fourth paragraph by “provide them”.

**7.** The following is inserted after the heading of Chapter V and before section 44:

**“DIVISION I  
MONETARY ADMINISTRATIVE PENALTIES**

**43.1.** 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

(1) to comply with any of the conditions provided for in the third paragraph of section 9 relating to the lease referred to therein;

(2) to comply with any of the conditions provided for in the third paragraph of section 9.1.1 relating to documents produced by an agrologist;

(3) to comply with any of the conditions provided for in section 9.2 relating to a storage register;

(4) to ensure that a permanent marker indicates the the drain outlet’s location in accordance with the second paragraph of section 12;

(5) to comply with any of the conditions provided for in the first, second, third or fourth paragraph of section 16 relating to a storage agreement;

(6) to comply with the conditions provided for in section 21 relating to the agreement or lease referred to therein;

(7) to hold an agro-environmental fertilization plan signed by an authorized person and whose compliance has been certified by the signatory in accordance with section 24;

(8) to comply with the conditions provided for in section 33 relating to an agreement for the treatment or disposal of livestock waste;

(9) to comply with the conditions provided for in section 34 relating to a shipping register;

(10) to comply with the conditions provided for in the fifth paragraph of section 35 relating to a phosphorus report;

(11) to send the phosphorous report in accordance with the third, fourth or fifth paragraph of section 35.1;

(12) to keep the documents in accordance with the conditions provided for in section 35.2;

(13) to send, at the request of the Minister, the most recent final payment statement with respect to the insured units in accordance with section 36;

(14) to provide a certificate of compliance of the project as provided for in the fifth paragraph of section 39;

(15) to provide a certificate of compliance of the project as provided for in the third paragraph of section 40.

**43.2.** 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 comply with the requirements provided for in the second paragraph of section 9.1.1 relating to the inspections and reports provided for therein;

(2) to attach to the plan, at the end of the crop season, the report on the fertilization actually carried out provided for in section 25;

(3) to keep a copy of the plan referred to in section 26 in accordance with the conditions provided for therein;

(4) to keep a spreading register, to record the relevant information, to keep it during the period referred to or to provide it to the Minister upon request in accordance with section 27;

(5) to keep a copy of every laboratory’s certificate of analysis or of the characterization report made by the agrologist for the period referred to or to provide it to the Minister upon request in accordance with the sixth paragraph of section 28.1;

(6) to keep a copy of the annual phosphorus production as calculated for the period referred to and to provide it to the Minister upon request in accordance with the fourth paragraph of section 28.2;

(7) to keep a copy of the certificate of analysis for the period referred to or to provide it to the Minister upon request in accordance with the third paragraph of section 29.

**43.3.** 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 fails



(1) to obtain, before laying out each pile, a recommendation dated and signed by an agrologist pertaining to the conditions for laying out the pile in accordance with the first paragraph of section 9.1.1;

(2) to remove and reclaim or eliminate at least once a year livestock waste accumulated over the year in a yard as provided for in section 17.1;

(3) to own or lease cultivated parcels or enter into written spreading agreements with a third party for the use of cultivated parcels in accordance with the second paragraph of section 20;

(4) to ensure that an agro-environmental plan complies with the prescriptions in section 23;

(5) to ensure a follow-up of the recommendations contained in the agro-environmental plan at the end of crop season in accordance with section 25;

(6) to have animal waste analyzed by a laboratory accredited by the Minister for the parameters provided for in the third or fourth paragraph of section 28.1;

(7) to comply with the frequencies of characterization provided for in sections 28.1 and 28.2 in accordance with section 28.3;

(8) to have analyzed, by a laboratory accredited by the Minister, the phosphorus content and percentage saturation of a cultivated parcel in accordance with the first paragraph of section 29;

(9) to hold a phosphorus report or an update of the report containing the information provided for in the sixth paragraph of section 35.

**43.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to protect by means of a watertight floor the soil on which a livestock building is constructed or laid out from any contact with the livestock waste produced therein or to use a building that has the capacity to store, without overflow, all of the livestock waste produced therein between each waste removal in accordance with section 8;

(2) to have a storage facility having the capacity to accumulate, without overflow, for the entire period where the livestock waste may not be spread, the livestock waste produced in the raising facilities as well as all other waste that may be received by the facility in accordance with section 10;

(3) to have a storage facility that complies with the conditions provided for in section 11;

(4) to have a storage facility that complies with the conditions provided for in the first or third paragraph of section 12;

(5) to maintain in a fully watertight condition livestock waste removal equipment in accordance with section 13;

(6) to take every measure to prevent any overflow or leakage from a storage facility in accordance with section 14;

(7) to remove, before there is any overflow of the substances contained, livestock waste stored in a storage facility in accordance with section 15;

(8) to lay out a yard so that no runoff can reach it in accordance with section 17;

(9) to reclaim or eliminate livestock waste stored according to the conditions provided for in section 19;

(10) to establish an agro-environmental fertilization plan in accordance with the second paragraph of section 22;

(11) to give a written mandate to an agrologist to characterize the livestock waste in accordance with the first or fifth paragraph of section 28.1;

(12) to comply with the conditions provided so that the annual phosphorus production of a raising site may be determined in accordance with section 50.01 using the data of Schedule VI as provided for in the first or third paragraph of section 28.2;

(13) to notify in writing and give an agrologist a written mandate to establish the annual phosphorus production in the case provided for in the second paragraph of section 28.2;

(14) to comply with the spreading conditions provided for in the third paragraph of section 30;

(15) to comply with the spreading period or the spreading conditions provided for in the second or third paragraph of section 31;

(16) to comply with the spreading conditions provided for in section 32;

(17) to comply with the conditions related to the phosphorus report provided for in the first, second, third or fourth paragraph of section 35;

(18) to comply with the conditions related to the time limits for sending the phosphorus report or the report's update as specified in the first or second paragraph of section 35.1;

(19) to recover wastewater from farm dairies on the conditions provided for in section 37;

(20) to transport livestock waste in accordance with section 38.

**43.5.** 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

(1) to prohibit livestock from having access to watercourses and bodies of water and their riparian strip in accordance with the second paragraph of section 4;

(2) to have a watertight storage facility for a raising site with liquid or solid manure management in accordance with the first paragraph of section 9;

(3) to comply with the conditions provided for in section 9.1 for storing solid manure piles in a cultivated field;

(4) to comply with the conditions set in section 9.3 for storing solid manure piles near a farm building;

(5) to comply with the conditions provided for in the first paragraph of section 22 relating to spreading;

(6) to give a project notice to the Direction de l'analyse et de l'expertise in the region where the project is situated within the time prescribed, in the cases and on the conditions provided for in the first, second, third or fourth paragraph of section 39;

(7) to give a project notice to the director of the Direction de l'analyse et de l'expertise in the region where the raising site is situated in accordance with the conditions provided for in the first or second paragraph of section 40;

(8) to comply with the prohibition of cultivation provided for in the first paragraph of section 50.3;

(9) to comply with the conditions for moving a cultivated parcel provided for in section 50.4.

**43.6.** 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 fails

(1) to comply with the prohibition of erecting, laying out or expanding a raising or storage facility in a watercourse, lake, swamp, natural marsh or pond and the 15 m area on each side or around those areas, as provided for in section 6;

(2) to have, at the beginning of each annual growing season and for all the season, cultivated parcels that correspond to the total area required for the purpose of spreading livestock waste or surplus waste and other fertilizers in accordance with the first paragraph of section 20;

(3) to have, at the beginning of each annual growing season and for all the season, cultivated parcels that correspond to the total area required for the purpose of spreading fertilizers in accordance with the first paragraph of section 20.1;

(4) to spread fertilizers on ground that is not frozen or covered with snow in accordance with the first paragraph of section 31;

(5) to comply with the deadlines provided for in section 50.

**43.7.** 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 comply with the prohibition of depositing, discharging, spreading, receiving, keeping in deposit or allowing the deposit, discharge, spreading or keeping in deposit of livestock waste except to the extent provided for in this Regulation in accordance with the first paragraph of section 4;

(2) to take the measures necessary to prevent livestock waste from entering the surface or subsurface water or to take the measures required to terminate the discharge, deposit, storage or spreading of livestock waste and to immediately remove such substances from the lot or to restore it to its previous condition in accordance with section 5;

(3) to prevent any overflow or leakage from a storage facility in accordance with section 14;

(4) to comply with the prohibition to the effect that contaminated water from a yard must not enter the surface water in accordance with section 18;

(5) to comply with the prohibition of spreading on a parcel of land where a crop for human consumption is grown, or on pasture land fertilizing materials or a product containing any amount of such materials mentioned in section 29.1;

(6) to comply with the prohibition of spreading in the areas mentioned in the first paragraph of section 30.».

**8.** Section 44 is replaced by the following:

**“DIVISION II  
PENAL SANCTIONS**

**44.** Every person who contravenes the third paragraph of section 9 or 9.1.1, section 9.2, the second paragraph of section 12, section 16, 21, 24, 33 or 34, the fifth paragraph of section 35, the third, fourth or fifth paragraph of section 35.1, section 35.2 or 36, the fifth paragraph of section 39 or the third paragraph of section 40 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.

**44.1.** Every person who contravenes the second paragraph of section 9.1.1, section 26 or 27, the sixth paragraph of section 28.1, the fourth paragraph of section 28.2 or the third paragraph of section 29 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.

Every person who fails to attach to the plan, at the end of the growing season, the fertilization report actually carried out provided for in section 25 also commits an offence and is liable to the same fines.

**44.2.** Every person who contravenes the first paragraph of section 9.1.1, section 17.1, the second paragraph of section 20, section 23, the third or fourth paragraph of section 28.1, section 28.3, the first paragraph of section 29 or the sixth paragraph of section 35 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.

Every person who fails to ensure the follow-up of the recommendations contained in the agro-environmental plan at the end of the crop season in accordance with section 25 also commits an offence and is liable to the same fines.

**44.3.** Every person who contravenes section 8, 10 or 11, the first or third paragraph of section 12, section 13, 15, 17 or 19, the second paragraph of section 22, the first or fifth paragraph of section 28.1, the first, second or third paragraph of section 28.2, the third paragraph of section 30, the second or third paragraph of section 31, section 32, the first, second, third or fourth paragraph of section 35, the first or second paragraph of section 35.1 or section 37 or 38 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

Every person who fails to take the measures to prevent any any overflow or leakage from a storage facility in accordance with section 14 also commits an offence and is liable to the same fines.

**44.4.** Every person who

(1) contravenes the second paragraph of section 4, the first paragraph of section 9, section 9.1 or 9.3, the first paragraph of section 22, the first, second, third or fourth paragraph of section 39, the first or second paragraph of section 40, the first paragraph of section 50.3 or section 50.4,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**44.5.** Every person who contravenes section 6, the first paragraph of section 20, the first paragraph of section 20.1, the first paragraph of section 31 or section 50 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.

**44.6.** Every person who contravenes the first paragraph of section 40, section 5, 18 or 29.1 or the first paragraph of section 30 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.

Every person who fails to stop any overflow and leakage from a storage facility in accordance with section 14 also commits an offence and is liable to the same fines.

**44.7.** 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 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, in other cases, to a fine of \$3,000 to \$600,000.”.

**9.** Sections 48.4 and 49 are revoked.

**10.** Section 50 is amended by striking out the first two dashes of the first paragraph.

**11.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 4 of this Regulation, which comes into force on 1 January 2014.

2557

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Application of section 32 of the Act — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions provided for in the Regulation respecting the application of section 32 of the Environment Quality Act with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation amends section 5 to alleviate the administrative burden of municipalities. The draft Regulation also adds, on certain conditions, work for the

installation of sludge dewatering equipment in a lagoon-type treatment plant to the work already exempt from the application of section 32 of the Environment Quality Act. Municipalities will no longer have to obtain the Minister's authorization for the work if the work is carried out within the operation area of the treatment plant. The draft Regulation also amends certain provisions to correct technical or terminology errors.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mdefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpars. *e*, *g* and *m*, s. 46,  
pars. *d*, *l* and *p*, and ss.115.27 and 115.34)

**1.** The Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2) is amended in section 5 by inserting the following:

“(6) the installation of sludge dewatering equipment in a lagoon-type treatment plant if the following conditions are met:

(a) the work is carried out in the operation area of the treatment plant;

(b) only sludge from the lagoons of the treatment plant are treated by the dewatering equipment;

(c) the process water from sludge dewatering is treated by the treatment plant;

(d) the work is not likely to modify the treatment capacity of the treatment plant.”

**2.** Paragraph 1 of section 9 is amended by inserting “in a report” after “specify”.

**3.** The second paragraph of section 9.1 is amended by replacing everything that follows “complies with this Regulation.” by “The owner makes sure to obtain the certificate from the engineer within 90 days of the end of the work.”.

**4.** The second paragraph of section 11 is amended by adding “management” before “strategies” in subparagraph 3 of the second paragraph.

**5.** Section 16 is replaced by the following:

“**16.** Before undertaking the work covered by this Chapter, the owner must obtain a certificate from an engineer who is a member of the Ordre des ingénieurs du Québec certifying that the work has installation drawings and specifications that are in conformity with the 5-year plan authorized by the Minister.

The certificate must be given, where applicable, to the municipality or the borough, before the beginning of the work.”.

**6.** Section 17 is amended by replacing everything that follows “Chapter IV.” by “The owner makes sure to obtain the certificate from the engineer within 90 days of the end of the work. The certificate must be given, where applicable, to the municipality or the borough, with the as-built plan, that is, a document integrating all the alterations made to works during the carrying out of work, including alterations related to their design.”.

**7.** The first paragraph of section 20 is amended by replacing what follows “accessible” by “on the website of the Ministère du Développement durable, de l’Environnement, de la Faune et des Parcs.”.

**8.** The heading of Chapter V is replaced by “MONETARY ADMINISTRATIVE PENALTIES”.

**9.** The following is inserted after the heading of Chapter V and before section 24:

“**23.1.** 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 submit the certificates referred to in sections 16 and 17 on the form provided by the Minister in accordance with section 18.

**23.2.** 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 keep for the period prescribed or to make available to the Minister, on request, the analysis reports referred to in paragraph 4 of section 9 or the certificate referred to in the third paragraph of section 9.1 in accordance with those sections;

(2) to keep for the period prescribed or to make available to the Minister, on request, the certificates and plans referred to in section 19 in accordance with that section.

**23.3.** 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 fails

(1) to send to the Minister the notices and the certificates referred to in section 5.2 within the period and on the conditions referred to therein;

(2) to comply with the standards provided for in section 8 regarding the acceptance tests and criteria for a main in the cases and for the mains referred to therein;

(3) to comply with any requirement provided for in paragraphs 1, 2 and 3 of section 9 in the case of work referred to in that section;

(4) to appoint an engineer referred to in section 9.1 or to obtain from the engineer the certificate required on the conditions provided for in the first or second paragraph of that section;

(5) to send to the municipality or borough the certificate or plan referred to in the second paragraph of section 16 or 17;

(6) to appoint an engineer referred to in the first paragraph of section 17 for monitoring the work covered therein or to obtain from the engineer the certificate required by that section;

(7) to carry out the work referred to in section 21 in accordance with the specifications prescribed by that section.

The penalty provided for in the first paragraph may also be imposed on any person who undertakes work referred to in section 16 without having obtained the required certificate in accordance with that section.

**23.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to reuse or use the soil referred to in the first or second paragraph of section 20 in accordance with the conditions provided for therein;

(2) to comply with the conditions relating to surplus excavated materials provided for in the third paragraph of section 20;

(3) to comply with any of the standards prescribed by paragraphs 1 to 5 of section 9.2 regarding the installation of a water intake or an outfall referred to therein;

(4) to ensure that the quantity of water taken from the water intake referred to in section 9.4 meets the standards prescribed therein.

The penalty provided for in the first paragraph may also be imposed on any person who uses products and materials referred to in section 23 that do not comply with the safety requirements prescribed therein.

**23.5.** 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 take any of the steps prescribed by section 9.3 in case of the permanent closing of a temporary industrial camp.”.

**10.** The following is inserted before section 24:

“**CHAPTER VI**  
**PENAL SANCTIONS**”

**11.** Section 24 is replaced by the following:

“**24.** Every person who contravenes section 18 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.

**24.1.** Every person who contravenes paragraph 4 of section 9, the third paragraph of section 9.1 or section 19 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.

**24.2.** Every person who contravenes section 5.2 or 8, paragraph 1, 2 or 3 of section 9, the first or second paragraph of section 9.1, section 16, 17 or 21 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.

**24.3.** Every person who contravenes section 9.2, 9.4, 20 or 23 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**24.4.** Every person who contravenes section 9.3 or, pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete,

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.

**24.5.** 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 Chapter 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.”.

**12.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2541

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Application of the Act — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the application of the Environment Quality Act, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting the application of the Environment Quality Act with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

No penal sanction is currently provided directly in the Regulation since section 109 of the Environment Quality Act, which is revoked but the application of which is transitionally maintained in force in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance, provides fines in cases of offences to regulations that do not provide any specifically.

The draft Regulation proposes to introduce two new divisions creating monetary administrative penalties and penal sanctions in case of failure to comply with requirements related to the good working order of any equipment used or installed to reduce the emission, deposit, issuance or discharge of contaminants into the environment. The new divisions also provide the monetary administrative penalties and the applicable penalties so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in the fines.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## **Regulation to amend the Regulation respecting the application of the Environment Quality Act**

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

**1.** The Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3) is amended by adding the following after section 20:

### **“DIVISION IV MONETARY ADMINISTRATIVE PENALTIES**

**21.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who

(1) uses or installs any equipment referred to in section 12 that is not in good working order;

(2) uses, during production hours, any equipment referred to in section 12 while not functioning optimally.

### **DIVISION V PENAL SANCTIONS**

**22.** Every person who contravenes section 12 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.”

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2542

## **Draft Regulation**

Environment Quality Act  
(chapter Q-2)

### **Biomedical waste — Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting biomedical waste, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting biomedical waste with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and penalties in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

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## Regulation to amend the Regulation respecting biomedical waste

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

**1.** The Regulation respecting biomedical waste (chapter Q-2, r. 12) is amended by inserting the following after section 64:

### “DIVISION III.2 MONETARY ADMINISTRATIVE PENALTIES

**64.1.** 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

(1) to comply with the minimum measurement of a label prescribed by the second paragraph of section 23;

(2) to inform the Minister in writing of the completion of the work in accordance with paragraph 4 of section 36;

(3) to comply with the conditions relating to a sign prescribed by the second paragraph of section 38.

**64.2.** 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 keep the register prescribed by section 12, 13 or 14, according to the conditions and frequencies provided for therein;

(2) to prepare a report that complies with the requirements of section 15 on the date provided for in that section;

(3) to keep a report or register referred to in section 16 for the period provided for in that section;

(4) to send in writing to the Minister the information prescribed by section 18 on the date provided for in that section;

(5) to affix or to fill out an identification label that complies with the requirements of the first paragraph of section 23;

(6) to affix a sign that complies with the requirements of the first paragraph of section 38;

(7) to notify the Minister in writing of any change referred to in section 64 within the period provided for in that section.

**64.3.** 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 fails

(1) to comply with the conditions prescribed by section 9 in respect of ash from the incineration of biomedical waste;

(2) to comply with the safety conditions prescribed by section 17 as to the site at which biomedical waste is stored or treated;

(3) to design the building intended for storing or treating biomedical waste referred to in section 28 in accordance with that section;

(4) to set up cleaning equipment referred to in section 29 in accordance with that section;

(5) to unload biomedical waste in accordance with the requirements of section 31;

(6) to comply with the safety conditions of the compartments prescribed by the third paragraph of section 40;

(7) to carry out cleaning referred to in section 45 after biomedical waste has been unloaded in accordance with that section;

(8) to set up a guarantee or to keep it in force in accordance with section 56, or to forward a renewed guarantee or to provide an equivalent guarantee in accordance with the third paragraph of section 60.

The penalty provided for in the first paragraph may also be imposed on any person who, in contravention of section 32 or the first paragraph of section 40, delivers or transports biomedical waste where the conditions provided for in any of sections 10, 22 or 23 or, where applicable, section 33 are not complied with.



**64.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to keep in good working order the equipment referred to in section 8;

(2) to keep biomedical waste at the temperature provided for in the second paragraph of section 22, section 33 or the third paragraph of section 40;

(3) to ensure that vehicles or containers used to transport biomedical waste serve only for that purpose in accordance with section 37;

(4) to equip a vehicle used to transport biomedical waste with either of the elements provided for in section 39.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) mechanically compresses biomedical waste in contravention of section 10;

(2) stores biomedical waste in contravention of the requirements of section 21;

(3) puts biomedical waste referred to in the first paragraph of section 22 into containers that do not comply with the conditions provided for in that section;

(4) transfers biomedical waste from one vehicle to another during transport in contravention of section 43.

**64.5.** 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

(1) to notify the Minister in writing of the date on which the operations of a facility referred to in section 36 will shut down or to file a timetable with the Minister of shutdown operations within the period provided for in paragraph 1 of that section;

(2) to carry out the removal or cleaning work prescribed by paragraph 2 or 3 of section 36 on the conditions provided for in that section;

(3) to notify the Minister if, during transport, biomedical waste or a substance is released into the environment in accordance with paragraph 3 of section 44.

**64.6.** 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 fails

(1) to treat biomedical waste in accordance with the requirements of section 5, 6 or 7 according to their nature or place of origin;

(2) to ship or to consign biomedical waste referred to in section 24 or 25 to a holder of a certificate of authorization referred to therein.

The penalty provided for in the first paragraph may also be imposed on any person who, in contravention of section 35, receives biomedical waste where the treatment or storage operations of biomedical waste have permanently ceased or are suspended.

**64.7.** 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

(1) discharges biomedical waste into a sewer system in contravention of section 11;

(2) fails to take any of the measures prescribed by paragraph 1 or 2 of section 44 in the cases and on the conditions provided for in that section.”.

**2.** The heading of Division IV is amended by replacing “PENALTIES” before section 65 by “PENAL SANCTIONS”.

**3.** Sections 65 and 66 are replaced by the following:

**“65.** Every person who contravenes the second paragraph of section 23, paragraph 4 of section 36 or the second paragraph of section 38 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.

**66.** Every person who contravenes any of sections 12 to 18, the first paragraph of section 23 or 38 or section 64 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.

**66.1.** Every person who

(1) contravenes section 9, 17, 28, 29, 31 or 32, the first paragraph of section 40, section 45 or 56 or the third paragraph of section 60,

(2) fails to comply with the safety conditions prescribed by the third paragraph of section 40,

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.

**66.2.** Every person who

- (1) contravenes section 8, 10, 21, 22, 33, 37, 39 or 43,
- (2) fails to keep biomedical waste at the temperature provided for in the third paragraph of section 40,
- commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**66.3.** Every person who

- (1) contravenes any of paragraphs 1 to 3 of section 36 or paragraph 3 of section 44,
- (2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**66.4.** Every person who contravenes any of sections 5 to 7, 24, 25 or 35 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.

**66.5.** Every person who contravenes section 11 or paragraph 1 or 2 of section 44 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.

**66.6.** 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.”

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

**Draft Regulation**

Environment Quality Act  
(chapter Q-2)

**Burial of contaminated soils  
— Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the burial of contaminated soils, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting the burial of contaminated soils with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

The draft Regulation finally proposes to amend section 37 which requires that the operator has the development and final cover work of contaminated soil burial sites supervised by a certified and independent professional and provides the Minister with the report related thereto.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

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## Regulation to amend the Regulation respecting the burial of contaminated soils

Environment Quality Act  
(chapter Q-2, s. 70, pars. 5 and 6, and ss. 115.27 and 115.34)

**1.** The Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18) is amended by replacing section 37 by the following:

“**37.** The operator must have the carrying out of development and final cover work of contaminated soil burial sites supervised by a certified and independent professional who must, in particular, verify the compliance of the material and equipment used.

The operator must provide the Minister, as soon as the site is completely laid out, with a report of the professional’s activities in which the professional attests the compliance of the facility with the applicable standards or, if applicable, indicates the elements that do not comply with the standards and the corrective measures to be taken.”.

**2.** The following is inserted after section 57:

### “CHAPTER IV.1 MONETARY ADMINISTRATIVE PENALTIES

**57.1.** 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 ask and to record in an annual operation register the information prescribed by the first paragraph of section 15 or to attach to the register the analysis report provided for in the second paragraph of that section or the data referred to in the third paragraph;

(2) to keep the operation registers and their schedules in accordance with the fourth paragraph of section 15;

(3) to equip the entrance of a contaminated soil burial site with a sign that complies with paragraph 1 of section 19 or 42;

(4) to prepare the report provided for in section 21 or to provide it to the Minister according to the conditions provided for in that section;

(5) to keep the analysis report referred to in section 34 or 35 for the period provided for therein;

(6) to forward to the Minister a closing statement that complies with section 41 within the time provided for in that section;

(7) to forward to the Minister a report containing the information prescribed by section 44 in accordance with that section;

(8) to forward to the Minister the re-evaluation of the follow-up and monitoring program in accordance with section 45;

(9) to forward to the Minister the assessment of the burial site prescribed by section 47 within the time provided for in that section.

**57.2.** 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 comply with the conditions relating to the final cover of the contaminated soil burial site prescribed by section 9;

(2) to equip a contaminated soil burial site with a surface water collection system that complies with the requirements of section 14;

(3) to confirm the nature and the concentration values of substances present in the soils by means of an analysis report that complies with the requirements of the second paragraph of section 15 or to have the report certified by a laboratory accredited by the Minister;

(4) to have the required samples analyzed to validate an analysis report in accordance with the third paragraph of section 15;

(5) to meet the conditions relating to the operation of a contaminated soil burial site prescribed by section 16 or 17;

(6) to take the necessary measures to prevent the dispersal of dust in accordance with section 20;

(7) to restrict access to leachate treatment facilities in accordance with the requirements of section 23;

(8) to determine the quality of groundwater on the land in accordance with section 25;

(9) to measure, in accordance with section 28, the concentration and flow of gas at the outlet of the gas collection system of a contaminated soil burial site according to the frequency determined at the time the certificate of authorization is issued;

(10) to take a leachate sample or to analyze it or measure it in accordance with section 30;

(11) to take samples of the surface water collection system or to analyze them in accordance with section 32;

(12) to take a groundwater sample in each of the monitoring wells in accordance with section 33;

(13) to have samples analyzed by a laboratory accredited by the Minister in accordance with section 34;

(14) to verify the effectiveness of a collection system or leachate treatment system and to leak test it in accordance with section 35;

(15) to have the carrying out of the work referred to in the first paragraph of section 37 supervised by a certified and independent professional or to provide the Minister with a report of the professional's activities in accordance with the second paragraph of that section;

(16) to repair holes, fissures or subsidence in accordance with section 39;

(17) to have a closing statement that complies with section 41 prepared by a certified and independent professional, within the time provided for in that section;

(18) to be responsible for the carrying out of the sampling, analysis and measuring programs provided for in subparagraph 3 of the second paragraph of section 43;

(19) to record in a report a complete evaluation of the follow-up and monitoring data or to include in that report a summary of the evaluation and an up-to-date follow-up and monitoring program in accordance with section 44;

(20) to carry out the re-evaluation of the follow-up and monitoring program in accordance with section 45;

(21) to include, in the follow-up and monitoring program, the analysis referred to in section 46 in accordance with that section;

(22) to provide security, in accordance with section 48, or to provide the amounts of that security, in accordance with section 49, at the time or according to the frequency provided for therein.

**57.3.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to provide a buffer zone that complies with the conditions prescribed by section 10 on the periphery of a contaminated soil burial site;

(2) to equip the zone on which the contaminated soils will be deposited with an impermeabilization system that complies with the conditions prescribed by the second paragraph of section 11;

(3) to lay out the natural layer and impermeable membranes in accordance with the conditions prescribed by the third paragraph of section 11;

(4) to equip a contaminated soil burial site with a leachate collection system that complies with the conditions prescribed by section 12;

(5) to equip a contaminated soil burial site with a system enabling all gas present in the soil to be collected and sampled in accordance with section 13;

(6) to keep, at all times, a system referred to in section 18 in working order or to carry out the tests and maintenance or cleaning work depending on the frequency agreed upon when the certificate of authorization is issued;

(7) to ensure that the components of the leachate treatment system are leakproof in accordance with section 18;

(8) to equip the entrance of a contaminated soil burial site with a gate or any other device that prevents access to the site in accordance with paragraph 2 of section 19 or 42;

(9) to carry out every discharge into the hydrographic surface network or a storm sewer network in the manner provided for in the second paragraph of section 22;

(10) to lay out a monitoring network in accordance with the requirements of section 26;

(11) to take a sample of water or to have it analyzed in accordance with section 31;

(12) to take a groundwater sample where contaminants are detected or to have them analyzed in accordance with section 33;

(13) to comply with the conditions of final cover of a contaminated soil burial site prescribed by section 38;

(14) to close a burial site within the time provided for in section 40;

(15) to maintain the integrity of the final cover of contaminated soils in accordance with subparagraph 1 of the second paragraph of section 43;

(16) to monitor or to maintain the equipment and system referred to in subparagraph 2 of the second paragraph of section 43;

(17) to have a certified and independent professional prepare an assessment provided for in the first paragraph of section 47, within the time provided for in that section.

**57.4.** 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 forward to the Minister in writing the notices or information prescribed by section 36 or 40, within the time provided for therein.

**57.5.** 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

(1) disposes of or introduces into contaminated soil burial sites prohibited soils pursuant to section 4 or any other material that may not be received therein pursuant to this Regulation;

(2) fails to comply with a location or layout standard of a contaminated soil burial site prescribed by any of sections 5, 6, 7 or 8 or the first paragraph of section 11.

**57.6.** 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

(1) stores contaminated soils elsewhere than on the land or in a site referred to in section 3;

(2) discharges into the environment leachates or surface water referred to in the first paragraph of section 22 without complying with the values established when the certificate of authorization is issued;

(3) dilutes leachates in contravention of section 24;

(4) discharges into the environment gas referred to in section 27 without complying with the values established at the time the certificate of authorization is issued.”.

**3.** The heading of Chapter V is amended by replacing “PENAL” before section 58 by “PENAL SANCTIONS”.

**4.** Sections 58 to 63 are replaced by the following:

“**58.** Every person who contravenes the first or fourth paragraph of section 15, paragraph 1 of section 19, section 21 or paragraph 1 of section 42 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.

Every person who fails

(1) to attach to the operation register the analysis report provided for in the second paragraph of section 15 or the data referred to in the third paragraph of that section,

(2) to keep the analysis report referred to in section 34 or 35 for the period provided for therein,

(3) to forward to the Minister a closing statement in accordance with section 41,

(4) to comply with the period provided for in section 44 to carry out the evaluation referred to in that section or to forward to the Minister the report in which the evaluation is recorded in accordance with that section,

(5) to comply with the period provided for in section 45 to carry out and forward to the Minister the re-evaluation of the follow-up and monitoring program provided for in that section in accordance with that section,

(6) to forward to the Minister the assessment prescribed by section 47 within the time provided for in that section,

also commits an offence and is liable to the same fines.

**59.** Every person who contravenes section 9, 14, 16, 17, 20, 23, 25, 28, 30, 32, 37 or 39, subparagraph 3 of the second paragraph of section 43 or section 46, 48 or 49 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.

Every person who fails

(1) to confirm the nature and the concentration values of substances present in the soils by means of an analysis report that complies with the requirements of the second paragraph of section 15 or to have the report certified by a laboratory accredited by the Minister,

(2) to have the required samples analyzed to validate an analysis report in accordance with the third paragraph of section 15,

(3) to take a groundwater sample in each of the monitoring wells in accordance with the conditions prescribed by section 33,

(4) to have the samples referred to in section 34 analyzed by a laboratory accredited by the Minister in accordance with that section,

(5) to verify the effectiveness of a collection system or leachate treatment system and to leak test it in accordance with section 35,

(6) to have a closing statement that complies with section 41 prepared by a certified and independent professional, within the time provided for in that section,

(7) to record in a report a complete evaluation of the follow-up and monitoring data or to include a summary of the evaluation and an up-to-date follow-up and monitoring program in accordance with section 44,

(8) to carry out the re-evaluation of the follow-up and monitoring program referred to in section 45,

also commits an offence and is liable to the same fines.

**60.** Every person who contravenes section 10, the second or third paragraph of section 11, section 12 or 13, paragraph 2 of section 19, the second paragraph of section 22, section 26, 31 or 38, paragraph 2 of section 42 or subparagraph 1 or 2 of the second paragraph of section 43 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

Every person who fails

(1) to keep, at all times, a system referred to in section 18 in working order or to carry out the tests and maintenance or cleaning work depending on the frequency agreed upon when the certificate of authorization is issued,

(2) to ensure that the components of the leachate treatment system are leakproof in accordance with section 18,

(3) to take a groundwater sample if contaminants are detected or have them analyzed in accordance with section 33,

(4) to close a burial site within the time provided for in section 40,

(5) to have a certified and independent professional prepare an assessment provided for in the first paragraph of section 47, within the time provided for in that section,

also commits an offence and is liable to the same fines.

**61.** Every person who

(1) contravenes section 36 or fails to forward, within the time provided for in that section, a notice to the Minister of the date on which the burial site will close in accordance with section 40,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**62.** Every person who

(1) contravenes any of sections 5 to 8 or the first paragraph of section 11,

(2) disposes of or introduces into contaminated soil burial sites prohibited soils pursuant to section 4 or any other material that may not be received therein pursuant to this Regulation,

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.

**63.** Every person who contravenes section 3, the first paragraph of section 22 or section 24 or 27 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.

**63.1.** 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 Chapter 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.”

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2552

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Charges payable for the disposal of residual materials — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting the charges payable for the disposal of residual materials with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes amendments to the penal provisions in the current Regulation and adds monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials

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

**1.** The Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) is amended by inserting the following after section 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 at the frequency and on the conditions provided for in section 9.

**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 at the frequency and on the 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.”

**2.** Section 11 is replaced by the following:

“**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.

**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.

**11.2** Every person who, pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.”

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2571

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Charges payable for the use of water — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2),

that the Regulation to amend the Regulation respecting the charges payable for the use of water, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions provided for in the Regulation respecting the charges payable for the use of water with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation amends certain sections to correct technical or terminology errors.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

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## Regulation to amend the Regulation respecting the charges payable for the use of water

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpars. e and e.1, s. 46,  
par. s, and ss. 115.27, 115.34 and 124.1)

**1.** The Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1) is amended in section 4 by replacing the second sentence of the first paragraph by the following:

“The average volume is calculated on the basis of the monthly quantity of water used, divided by the number of days of use in the month concerned and is determined on the conditions provided for in section 3.1 of the Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14).”

**2.** The third paragraph of section 8 is amended by replacing “on the website of the Ministère du Développement durable, de l’Environnement et des Parcs at [www.mddep.gouv.qc.ca](http://www.mddep.gouv.qc.ca)” by “on the website of the Ministère du Développement durable, de l’Environnement, de la Faune et des Parcs. The person preparing the declaration must certify that the information it contains is accurate.”

**3.** The following is inserted after section 11:

“**11.1.** 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 indicate in the annual declaration referred to in the first paragraph of section 8, the amount of the charges payable and, where applicable, whether or not water is incorporated into the product;

(2) to comply with the time limits or the conditions for sending to the Minister an annual declaration referred to in section 8 in accordance with the second or third paragraph of that section;

(3) to keep or make available to the Minister, in accordance with the third paragraph of section 8, documents in support of the annual declaration referred to in the second paragraph of that section;

(4) to keep the register prescribed in the fourth paragraph of section 8.

**11.2.** 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 determine the volume of water used in accordance with section 6;

(2) to pay the charges payable on the date or within the period provided for in section 7;

(3) to declare annually to the Minister the information listed in the second paragraph of section 8.”

**4.** Section 12 is replaced by the following:

“**12.** Every person who contravenes the first, third or fourth paragraph of section 8 or fails to meet the transmission periods provided for in the second paragraph of that section 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.

**12.1.** Every person who contravenes section 6 or 7 or fails to declare annually to the Minister the information listed in the second paragraph of section 8 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.

**12.2.** Every person who, pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.”

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2570

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Clean air — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Clean Air Regulation, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Clean Air Regulation with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and penalties in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

The draft Regulation finally proposes to revoke outdated provisions and to make technical amendments to correct or clarify certain erroneous or inapplicable provisions.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Clean Air Regulation

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpars. *c, e, h, i, l*, s. 53,  
pars. *b, c, d*, and ss. 115.27 and 115.34)

**1.** The Clean Air Regulation (chapter Q-2, r. 4.1) is amended in section 22 by replacing “2011” in the third paragraph by “2014”.

**2.** Section 44 is amended by striking out the second paragraph.

**3.** Section 45 is amended

(1) by inserting “with a diameter of 4 m or more” in the first paragraph after “75 m<sup>3</sup>”;

(2) by replacing “2011” in the third paragraph by “2013”.

**4.** Section 54 is amended by striking out the second paragraph.

**5.** Section 57 is amended

(1) by striking out the second paragraph;

(2) by striking out “In addition,” at the beginning of the third paragraph;

(3) by replacing “third paragraph” in the fourth paragraph by “second paragraph”;

(4) by striking out the fifth paragraph.

**6.** Section 60 is amended

(1) by striking out “As of 30 June 2012,”;

(2) by replacing “staged combustion burner” by “low nitrogen oxide emission”.

**7.** Section 66 is amended by striking out “, as of 30 June 2012,”.

**8.** Section 67 is amended by striking out “, as of 30 June 2012,”.

**9.** Section 144 is amended by striking out the second paragraph.

**10.** The table of section 173 is amended

(1) by striking out “0.9” in the second column;

(2) by striking out the third column.

**11.** The table of the first paragraph of section 184 is amended

(1) by striking out “25” in the second column;

(2) by striking out the third column.

**12.** The table of the first paragraph of section 185 is amended

- (1) by striking out “1.2” in the second column;
- (2) by striking out the third column.

**13.** The following is inserted after section 202:

“**TITLE V.1**  
**MONETARY ADMINISTRATIVE PENALTIES**

**202.1.** 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 retain any data referred to in section 5 for the minimum period provided for in that section.

**202.2.** 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 provide, at the Minister’s request and within the time indicated by the Minister, all information referred to in section 4;

(2) to maintain in a record the data and information prescribed by section 21, 25, 29, 36, 43, 59, 99 or 121 or the first paragraph of section 142, in the cases and on the conditions provided for therein;

(3) to forward to the Minister each year the report or estimate provided for in the first paragraph of section 51, not later than on the date set in that section;

(4) to send to the Minister each year a document referred to in the second paragraph of section 142 or the third paragraph of section 192, not later than on the date set in that section;

(5) to file with or to send to the Minister the sampling report or the written certification provided for in section 200 in accordance with that section.

**202.3.** 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 fails

(1) to contain within an enclosed space the particle emissions referred to in section 13 in accordance with that section;

(2) to carry out a calculation or to perform testing, an analysis or a measurement provided for in section 22 in the cases and according to the frequency and conditions provided for in that section;

(3) to ensure compliance with the conditions relating to the vats or mills established by section 23 or 24 in the cases provided for therein;

(4) to equip an establishment referred to in section 28 with a collection system of particles or a gas exhaust stack that complies with the requirements of that section;

(5) to comply with the conditions provided for in section 44 or 45 relating to an above-ground tank;

(6) to perform testing or to carry out a calculation or measurement prescribed by section 53, 74, 86, 87, 129, 147, 152, 156, 171 or 174, the second paragraph of section 175 or section 178 or 183 in accordance with those sections;

(7) to comply with the standards prescribed by section 61 as to the updraft vertical exhaust velocity of combustion gas discharge into the atmosphere from equipment referred to in that section;

(8) to equip fuel burning equipment, a turbine, an industrial furnace, a scrubber, a crematorium, an animal incinerator, a cement plant, a petroleum refinery or a furnace referred to in section 72, 73, 83, 84, 128, 146, 170, 177 or 182 with a measuring and recording system that complies with the requirements of those sections, in the cases and on the conditions provided for therein;

(9) to ensure that emissions from a kiln or facility referred to in the first paragraph of section 155 are routed and emitted to one or more stacks in accordance with the second paragraph of that section;

(10) to have any analysis required for the purposes of this Regulation carried out by a laboratory accredited by the Minister in accordance with section 201.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) uses or permits the use, in contravention of section 33 or 39, of a paint gun having a transfer efficiency lower than that of an HVLP paint gun in the cases and on the conditions provided for therein;

(2) installs a burner that has a nitrogen oxide emission rate that does not comply with the requirements of section 60 in the cases and on the conditions provided for therein.

**202.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to maintain in good working order or to ensure that any device, system or other equipment referred to in section 6 operates optimally during production hours;

(2) to implement an annual plan able to detect and repair any leak referred to in section 46 in the cases and on the conditions provided for in that section;

(3) to comply with the conditions provided for in any of sections 47 to 50 in respect of the parts that must be covered by the annual plan referred to in section 46, leak detection or, where applicable, leak repair;

(4) to comply with the rated power required for fuel burning equipment referred to in section 77 or 78 in the cases and on the conditions provided for therein;

(5) to comply with the rated heat capacity required for an industrial furnace referred to in section 80 in the case provided for in that section;

(6) to comply with the standards relating to fuel burning equipment provided for in subparagraph 1 or 3 of the first paragraph of section 90;

(7) to comply with the standards relating to an industrial furnace provided for in subparagraph 1 of the second paragraph of section 92 or in any of paragraphs 2 to 4 of section 94;

(8) to equip fuel burning equipment, an incinerator, a scrubber, an aluminum smelter or a copper production plant referred to in section 95, 115, 116, 118, 139 or 191 with a measuring and recording system that complies with the requirements of those sections in the cases and on the conditions provided for therein;

(9) to perform testing or to carry out a calculation or measurement prescribed by any of sections 96 to 98, section 119, 120, 141, 143, 162 or 167 or by the first or second paragraph of section 192 in accordance with those sections;

(10) to comply with the conditions prescribed by section 108, 109, 112 or 113 as to an incinerator or a combustion chamber referred to therein;

(11) to install a continuous total fluoride and particle sampling system for each potline referred to in section 140 in accordance with that section;

(12) to comply with the ventilation conditions prescribed by section 150 as to the activities referred to in that section;

(13) to equip a dry scrubber for a cast iron or steel production furnace referred to in section 151 with a device that complies with the requirements of that section;

(14) to comply with the conditions relating to the handling of asbestos provided for in section 159 or 161;

(15) to comply with the conditions of storage or salvaging of lead prescribed by section 165;

(16) to automatically regulate the steam/gas ratio in accordance with section 169.

The penalty provided for in the first paragraph may also be imposed on any person who uses

(1) fuel that has a sulphur content exceeding the limits provided for in section 54 in a stationary internal combustion engine;

(2) fossil fuel in fuel burning equipment or in an industrial furnace if the fossil fuel has a sulphur content exceeding the limits provided for in any of subparagraphs 1 to 5 of the first paragraph of section 57 or the second paragraph of that section in the cases provided for in that section;

(3) materials referred to in the second paragraph of section 75 as fuel in fuel burning equipment that does not have the rated power provided for in that section or where those materials are not generated in connection with the activities of the establishment concerned in accordance with the third paragraph of that section;

(4) fuel referred to in the second or third paragraph of section 75 that contains more than 0.05% by weight of total halogens at the feed point used in fuel burning equipment of a furniture manufacturing establishment in contravention of the fourth paragraph of that section.

**202.5.** 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 if the limits referred to in section 193 are exceeded in accordance with that section.

**202.6.** 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

(1) fails to comply with the location conditions provided for in section 11 as to a grain processing facility referred to in that section;

(2) installs or uses, in a wet scrubber, a device capable of changing the flow resistance of the scrubbing liquids in contravention of section 85 or 117;

(3) uses, as fuel in fuel burning equipment, residual hazardous materials or organic compounds referred to in the first paragraph of section 91, in contravention of that section;

(4) introduces materials to be incinerated in the primary chamber of an incinerator referred to in section 110 or ignites such materials without complying with the conditions provided for in that section;

(5) feeds residual hazardous materials into an incinerator without complying with the conditions provided for in section 111;

(6) builds or erects a conical burner in contravention of the first paragraph of section 122;

(7) operates a conical burner without complying with the conditions provided for in the second paragraph of section 122;

(8) uses a conical burner to burn other residual materials than those referred to in the first paragraph of section 123 or uses wood waste that does not comply with the conditions prescribed by the second paragraph of that section;

(9) cremates or incinerates, in a crematorium or an animal incinerator, materials other than those provided for in section 126;

(10) operates a crematorium or an animal incinerator having only one combustion chamber in contravention of section 127;

(11) burns in open air residual materials other than those provided for in section 194 in contravention of that section;

(12) constructs or alters a stationary source of contamination or increases the production of a good or service without complying with the conditions prescribed by section 197.

**202.7.** 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

(1) fails to comply with the prescribed limits or concentrations that apply to emissions

(a) of particles, in accordance with section 9, 10 or 64, the first, second, fourth or fifth paragraph of section 75, paragraph 1 of section 77, subparagraph 2 of the first paragraph of section 78, the first paragraph of section 80 or 88,

92 or 125, any of sections 133 to 135, section 144 or 145, any of sections 148 to 150, the first paragraph of section 153, section 154, the first paragraph of section 155 or 164, paragraph 1 of section 168, section 176, 180, 181 or 185;

(b) of volatile organic compounds in accordance with section 26 or 27, in any of sections 30 to 32, section 34, 35, 37 or 38 or in any of sections 40 to 42;

(c) of sulphur dioxide in accordance with the second paragraph of section 58, section 184, 189 or 190;

(d) of nitrogen oxides in accordance with any of sections 65 to 68, section 76 or 89;

(e) of carbon monoxide or, where applicable, combustion gases that contain carbon monoxide in accordance with section 69, subparagraph 1 of the first paragraph of section 78, section 103 or paragraph 2 of section 168;

(f) of chromium, copper or arsenic in accordance with paragraph 2 of section 77;

(g) of a contaminant referred to in the second paragraph of section 91 or section 173;

(h) of combustion gases in accordance with section 70, the second paragraph of section 78 or section 104;

(i) of mercury in accordance with section 105 or 186;

(j) of total fluorides in accordance with any of sections 132 to 135, section 137 or 138;

(k) of PAHs in accordance with section 133, 134 or 138;

(l) of formaldehyde in accordance with the second paragraph of section 153;

(m) of asbestos fibres in accordance with section 158;

(n) of lead in accordance with the second paragraph of section 164;

(2) fails to handle the particles referred to in section 12 or 14 so no emission is visible more than 2 m from the emission point in accordance with those sections;

(3) fails to ensure that the opacity of grey or black emissions from a source of contamination does not exceed the limits prescribed by section 16;

(4) uses solvents or substances referred to in section 19 in contravention of that section;

(5) fails to comply with the limits that apply to emissions from a stationary internal combustion engine prescribed by section 52 in the cases referred to in that section;

(6) uses, as fuel of wood or wood waste, one of the contaminants referred to in section 81 where the conditions relating to the fuel burning equipment or industrial furnace provided for in that section are not complied with;

(7) fails to comply with the emission limits or standards prescribed by any of subparagraphs 2, 4 or 5 of the first paragraph of section 90, subparagraphs 2 to 6 of the second paragraph of section 92 or paragraph 1 of section 94;

(8) fails to ensure that an incinerator has a destruction and removal efficiency that complies with the requirements of section 107 in respect of the substances provided for in that section;

(9) fails to handle, to transport or to transfer asbestos tailings or lead substances so that no emission is visible more than 2 m from the emission point in accordance with section 160 or 166;

(10) fails to comply with the standards related to a sulphuric acid plant in accordance with section 187;

(11) fails to comply with the maximum period of sulphur emission provided for in section 188 in the cases and on the conditions provided for in that section;

(12) fails to take the necessary measures where the limits are exceeded in accordance with section 193.”

**14.** The heading of Title VI is amended by replacing “OFFENCES” before section 203 by “PENAL SANCTIONS”.

**15.** Sections 203 to 206 are replaced by the following:

“**203.** Every person who contravenes section 5 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.

**204.** Every person who contravenes section 4, 21, 25, 29, 36 or 43, the first paragraph of section 51, section 59, 99 or 121, the second paragraph of section 142, the third paragraph of section 192 or section 200 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.

**205.** Every person who contravenes section 13, any of sections 22 to 24, section 28, 33, 39, 44, 45, 53, 60 or 61, any of sections 72 to 74, section 83, 84, 86, 87, 128, 129, 146, 147 or 152, the second paragraph of section 155, section 156, 170, 171 or 174, the second paragraph of section 175, section 177, 178, 182, 183 or 201 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.

**206.** Every person who

(1) contravenes section 6, any of sections 46 to 50, section 54, the first or second paragraph of section 57, the fourth paragraph of section 75, paragraph 1 or 3 of section 90, subparagraph 1 of the second paragraph of section 92, any of paragraphs 2 to 4 of section 94, any of sections 95 to 98, section 108, 109, 112, 113, 115 or 116, any of sections 118 to 120 or 139 to 141, 143, 151, 159, 161, 162, 165, 167, 169 or 191 or the first or second paragraph of section 192,

(2) uses as fuel materials referred to in the second paragraph of section 75 in fuel burning equipment that does not have the rated power prescribed in that section or where those materials are not generated in connection with the activities of the establishment concerned in accordance with the third paragraph of that section;

(3) fails to comply with the rated power required for fuel burning equipment referred to in section 77 or 78 in the cases and on the conditions provided for therein,

(4) fails to comply with the rated heat capacity required for an industrial furnace referred to in section 80 in the case provided for in that section,

(5) fails to comply with the ventilation conditions prescribed by section 150 as to the activities referred to in that section,

commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**206.1.** Every person who

(1) fails to notify the Minister if the limits referred to in section 193 are exceeded in accordance with that section,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**206.2.** Every person who contravenes section 11 or 85, the first paragraph of section 91, section 110, 111, 117, 122, 123, 126, 127, 194 or 197 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.

**206.3.** Every person who

(1) contravenes section 9, 10, 12, 14, 16, 19, 26 or 27, any of sections 30 to 32, 34, 35, 37 or 38, any of sections 40 to 42, section 52, the second paragraph of section 58, any of sections 64 to 70, the first, fourth or fifth paragraph of section 75, section 76 or 77, the second paragraph of section 78, section 81, any of sections 88 to 90, the second paragraph of section 91, the first paragraph or any of subparagraphs 2 to 6 of the second paragraph of section 92, paragraph 1 of section 94, any of sections 103 to 105, section 107 or 125, any of sections 132 to 135, section 137, 138, 144 or 145, any of sections 148 to 150, the first or second paragraph of section 153, section 154, the first paragraph of section 155, section 158, 160, 164, 166, 168, 173, 176, 180 or 181 or any of sections 184 to 190,

(2) fails to comply with the emission limits prescribed by the second paragraph of section 75, subparagraph 1 or 2 of the first paragraph of section 78 or section 80 or 150,

(3) fails to take the necessary measures where the limits are exceeded in accordance with section 193,

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.

**206.4.** 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 Title 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.”.

**16.** Section 215 is amended by replacing “to 96.3 and 96.6” in the first paragraph by “to 96.10.”.

**17.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2543

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Contaminated soil storage and contaminated soil transfer stations — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting contaminated soil storage and contaminated soil transfer stations with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement

durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation contaminated soil storage and contaminated soil transfer stations

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

**1.** The Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46) is amended by inserting the following chapter after section 68:

### “CHAPTER III.1 MONETARY ADMINISTRATIVE PENALTIES

**68.1.** 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

(1) to issue the document prescribed by the third paragraph of section 6 or, for the person who received the document, to keep it or make it available to the Minister for the period provided for in that section;

(2) to keep the logbook prescribed by the fourth paragraph of section 6 or to keep the logbook or make it available to the Minister for the period provided for in that section;

(3) to prepare the report prescribed by section 25;

(4) to keep or make available to the Minister the operations logbook and annexed documents referred to in section 50 for the period provided for in that section;

(5) to prepare the annual report prescribed by the first paragraph of section 61.

**68.2.** 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 provide a storage site with a sign that complies with the requirements of paragraph 1 of section 19;

(2) to enter in a logbook the information prescribed by section 20, to keep the logbook or to make it available to the Minister for the period provided for in the fifth paragraph of that section;

(3) to provide a transfer station with a sign that complies with the requirements of paragraph 1 of section 48;

(4) to enter in a logbook the information prescribed by section 49, the second paragraph of section 51 or section 52 or 54 or to annex to the logbook the analysis reports prescribed by the first paragraph of section 51 or section 59;

(5) to enter in a report referred to in the first paragraph of section 52 the results of the analyses prescribed in that section.

The penalty provided for in the first paragraph may also be imposed on any person who, in contravention of a provision of this Regulation, fails to communicate or to send to the Minister any report or study, within the time prescribed in cases where no other monetary administrative penalties are provided for such failure.

**68.3.** 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 fails

(1) to determine, in accordance with section 14, 15, 42 or 43, the quality of the soils or water that may be altered by a storage site or transfer station;

(2) to take the necessary measures to prevent dust dispersal in accordance with section 18 or 53;

(3) to take a sample or measure, in accordance with the second paragraph of section 20, the first paragraph of section 52 or any of sections 56 to 58, by respecting, where applicable, the frequencies provided for therein;

(4) to protect contaminated soils at all times from bad weather in accordance with section 23;

(5) to provide land with a surface water drainage system in accordance with section 46;

(6) to ascertain, by means of an analysis report, the nature and concentration values of the substances present in the soils as prescribed by section 51;

(7) to analyze the samples referred to in section 59 in accordance with that section;



(8) to provide financial guarantee in accordance with the requirements of this Regulation or to maintain or renew such a guarantee in accordance with what is provided in this Regulation.

**68.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to lay out a storage area that complies with the requirements of section 16;

(2) to install observation wells according to the conditions prescribed by section 17 or 47;

(3) to place a barrier or other device preventing access to a contaminated soil storage site or a contaminated soil transfer station at the entrance of such sites in accordance with paragraph 2 of section 19 or section 48;

(4) to respect the maximum contaminated soil storage time provided for in section 22 or 32;

(5) to provide a buffer zone that complies with the requirements of section 41;

(6) to comply with the conditions to store contaminated soils, in particular as regards the building or storage area prescribed by section 44;

(7) to maintain in working order at all times the systems or network referred to in section 55.

**68.5.** 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

(1) fails to comply with section 8 or 10;

(2) establishes, enlarges or operates a contaminated soil storage site or a contaminated soil transfer station without holding a certificate of authorization referred to in section 12 or 33;

(3) fails to treat all run-off liquid from the contaminated soils in accordance with the first paragraph of section 24 or section 45;

(4) fails to have a characterization study of the land performed within 6 months after operations of a contaminated soil storage site or a contaminated soil transfer station have permanently ceased in accordance with the third paragraph of section 27 or 62.

The penalty provided for in the first paragraph may also be imposed on any person who fails, on the conditions provided for in that paragraph, to inform the Minister

(1) of the recovery of the soils referred to in section 9 following an accidental spill;

(2) of the date on which a contaminated soil storage site or a contaminated soil transfer station ceases its operations in accordance with the first paragraph of section 27 or 62;

(3) of the excess of the values referred to in section 60 and to indicate to the Minister the remedial measures taken or to be taken.

**68.6.** 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

(1) stores contaminated soils elsewhere than on the site of origin or ships them to a location other than a site legally authorized to receive such soils, in contravention of the first or second paragraph of section 6;

(2) handles soils referred to in section 7 without complying with the conditions provided for in that section;

(3) establishes a contaminated soil storage site in a flood plain referred to in section 13 or sites a contaminated soil transfer station in a flood plain referred to in section 38;

(4) stores contaminated soils on a floor that is not impermeable or capable of supporting the soils in contravention of section 16;

(5) fails to transfer all contaminated soils to an authorized site in accordance with the second paragraph of section 27 or 62;

(6) accepts, in a contaminated soil transfer station, soils other than those referred to in section 28 or accepts in that transfer station soils that do not comply with the standards prescribed by section 29 or 30;

(7) sites a contaminated soil transfer station in contravention of section 39 or 40.

The penalty provided for in the first paragraph may also be imposed on any person who introduces, into a contaminated soil transfer station, materials that, under this Regulation, cannot be accepted by the transfer station.

**68.7.** 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

(1) disposes of contaminated soils referred to in section 4 on or in soils having a contaminant concentration lower than the contaminant concentration in the soils disposed of;

(2) mixes contaminated soils in contravention of the requirements of section 5;

(3) stores contaminated soils to be reclaimed without complying with the conditions provided for in section 11;

(4) stores contaminated soils without complying with the maximum volume provided for in section 21 or 31;

(5) discharges into the environment liquid that does not conform to the values referred to in the second paragraph of section 24;

(6) fails to take the measures prescribed by the fourth paragraph of section 27;

(7) accepts, in a contaminated soil transfer station, soils containing one or more volatile organic compounds in concentrations greater than the limit values referred to in section 30;

(8) discharges into the environment liquid recovered from contaminated soils that does not comply with the values referred to in section 45;

(9) fails to implement the remedial measures referred to in section 60;

(10) fails to take the measures prescribed by the fourth paragraph of section 62 in the case provided for in that section.”.

**2.** The heading of Chapter IV is amended by replacing “OFFENCES” before section 69 by “PENAL SANCTIONS”.

**3.** Sections 69 to 73 are replaced by the following:

“**69.** Every person who

(1) contravenes the third or fourth paragraph of section 6, section 50 or the first paragraph of section 61,

(2) fails to prepare the report prescribed by section 25,

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.

**70.** Every person who

(1) contravenes paragraph 1 of section 19, section 20, paragraph 1 of section 48 or section 49 or 54,

(2) fails to enter in a logbook the information prescribed by the second paragraph of section 51 or section 52, or to annex to the logbook the analysis reports prescribed by the first paragraph of section 51 or section 59;

(3) fails to enter in the report referred to in the first paragraph of section 52 the results of the analysis prescribed in that section;

(4) fails to send to the Minister a report or study in accordance with section 25, the third paragraph of section 27, the second paragraph of section 61 or the third paragraph of section 62, within the time prescribed in those sections,

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.

**71.** Every person who

(1) contravenes section 14, 15, 18, 23, 26, 42, 43, 46, 53, any of sections 56 to 58, section 63 or 66,

(2) fails to take the samples referred to in the second paragraph of section 20 or in the first paragraph of section 52, in accordance with what is provided for therein, or to analyze, within the required time, the samples referred to in section 59,

(3) fails to ascertain the nature and concentration values of the substances present in the soils, as prescribed by section 51,

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.

**72.** Every person who

(1) fails to lay out a storage area that complies with the requirements of section 16,

(2) contravenes section 17, paragraph 2 of section 19, section 22, 32, 41, 44 or 47, paragraph 2 of section 48 or section 55,

commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**73.** Every person who

(1) contravenes section 8, 9, 10 or 12, the first paragraph of section 24, the first or third paragraph of section 27, section 33 or 45 or the first or third paragraph of section 62,

(2) fails to inform the Minister in accordance with section 60,

(3) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**73.1.** Every person who

(1) contravenes the first or second paragraph of section 6, section 7 or 13, the second paragraph of section 27, section 28, 29, 38, 39 or 40 or the second paragraph of section 62,

(2) stores contaminated soils on a floor or in a storage area that does not comply with the conditions provided for in section 16,

(3) accepts, in a contaminated soil transfer station, soils that do not meet the confinement conditions prescribed by section 30,

(4) introduces, in a contaminated soil transfer station, any other material that, under this Regulation, cannot be accepted by the contaminated soil transfer station,

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.

**73.2.** Every person who

(1) contravenes section 4, 5, 11 or 21, the second paragraph of section 24, the fourth paragraph of section 27, section 31 or the fourth paragraph of section 62,

(2) accepts, in a contaminated soil transfer station, soils containing one or more volatile organic compounds in concentrations greater than the limit values referred to in section 30,

(3) discharges into the environment liquid recovered from contaminated soils that does not comply with the values referred to in section 45,

(4) fails to implement the remedial measures referred to in section 60,

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.

**73.3.** 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 Chapter 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.”

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2573

**Draft Regulation**

Environment Quality Act  
(chapter Q-2)

**Declaration of water withdrawals  
— Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the declaration of water withdrawals, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions provided for in the Regulation respecting the declaration of water withdrawals with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation amends certain sections to revoke certain provisions that are obsolete or to correct technical or terminology errors.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting the declaration of water withdrawals

Environment Quality Act  
(chapter Q-2, ss. 46, 115.27 and 115.34)

**1.** The Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14) is amended in section 8 by striking out “after 10 September 2009”.

**2.** Section 9 is amended

(1) by striking out “and must attest to the accuracy of the information contained therein” at the end of the third paragraph;

(2) by replacing the sixth paragraph by the following:

“The person who writes a declaration provided for in this section must attest to the accuracy of the information contained therein.”.

**3.** Section 18.7 is amended

(1) by striking out “As of 1 January 2012,” in the first paragraph;

(2) by striking out “as of the same date,” at the beginning of the second paragraph;

(3) by adding the following paragraph:

“This section applies as of 1 January 2016 for water withdrawals made for agricultural or fish-breeding purposes during 2015.”.

**4.** The heading of Title III is amended by replacing “PENAL AND” by “PENALTIES AND”.

**5.** The heading of Chapter I, before section 19, is replaced by “MONETARY ADMINISTRATIVE PENALTIES”.

**6.** The following is inserted after the heading of Chapter I and before section 19:

**18.8.** 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 the declaration referred to in section 9 to the Minister within the periods or on the conditions provided for in the second, third or fourth paragraph of that section;

(2) to keep or make available to the Minister, during the period provided for, the documents in support of the declaration in accordance with the seventh paragraph of section 9;

(3) to keep or make available to the Minister a register prescribed by section 10 during the period and on the conditions provided for in that section.

**18.9.** 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 determine the volumes of water withdrawn in the manner prescribed by section 5;

(2) to install appropriate measuring equipment in the cases and on the conditions provided for in section 5.1;

(3) to make the calculations or cause to be made the calculations prescribed by the second paragraph of section 7 in accordance with the conditions provided for therein or to have the estimates certified by a professional in accordance with the third paragraph of that section;

(4) to fit a withdrawal site referred to in section 8 with prescribed measuring equipment in accordance with that section;

(5) to send to the Minister the declaration referred to in section 9 in accordance with the first, fifth or sixth paragraph of that section;

(6) to comply with any conditions provided for in section 11 relating to the installation of measuring equipment or provided for in section 12 relating to the maintenance, verification or replacement of such equipment;

(7) to ensure that the reading of measuring equipment complies with section 13;

(8) to take the reading of volume data from measuring equipment at least once a month in accordance with the second paragraph of section 14;

(9) to comply with the indications provided for in section 15 relating to the volumes of water withdrawn if the measuring equipment ceases to function or malfunctions, or a discrepancy in a reading is detected;

(10) to comply with the conditions provided for in section 16 or 17 regarding an estimate of volumes of water withdrawn or the intervals of the measurements;

(11) to replace or modify the estimation method or use conforming measuring equipment if the margin of error established under the first paragraph of section 18 is exceeded in accordance with that section;

(12) to send to the Minister the declaration referred to in section 18.7 or any other information provided for in that section in accordance with the conditions provided for therein.

**18.10.** 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 tampers with or alters the proper functioning or reading of the measuring equipment or diverts water or otherwise affects the direction, flow rate or streamflow of water, so as to alter the evaluation required under this Regulation of the volume of withdrawals.

**7.** The following is inserted before section 19:

**“CHAPTER I.1  
PENAL SANCTIONS”.**

**8.** Section 19 is replaced by the following:

**19.** Every person who contravenes the second, third, fourth or seventh paragraph of section 9 or section 10 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.

**19.1.** Every person who contravenes section 5 or 5.1, the second or third paragraph of section 7, section 8, the first, fifth or sixth paragraph of section 9, section 11, 12 or 13, the second paragraph of section 14, section 15, 16, 17, 18 or 18.7 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.

**19.2.** Every person who

(1) tampers with or alters the proper functioning or reading of the measuring equipment or diverts water or otherwise affects the direction, flow rate or streamflow of water, so as to alter the evaluation required under this Regulation of the volume of withdrawals,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**19.3.** 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 Chapter 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.”.

**9.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Dishwashing detergents — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation to prohibit the sale of certain dishwashing detergents, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation to prohibit the sale of certain dishwashing detergents with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the applicable penalties in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation to prohibit the sale of certain dishwashing detergents

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

**1.** The Regulation to prohibit the sale of certain dishwashing detergents (chapter Q-2, r. 30) is amended by inserting the following after section 3:

“**3.1.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails to determine the phosphorus content of a dishwashing detergent in accordance with the second paragraph of section 3.

**3.2.** 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 offers for sale, sells, distributes or otherwise makes available to consumers a dishwashing detergent that does not meet any of the conditions prescribed by the first paragraph of section 3.”

**2.** Section 4 is replaced by the following:

“**4.** Every person who contravenes the second paragraph of section 3 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**4.1.** Every person who, pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**4.2.** Every person who contravenes the first paragraph of section 3 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.”

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2560

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Environmental standards for heavy vehicles — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting environmental standards for heavy vehicles, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting environmental standards for heavy vehicles with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation. It provides for the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines and an adjustment of all the minimum fines. No monetary administrative penalties are provided for.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

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## Regulation to amend the Regulation respecting environmental standards for heavy vehicles

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

**1.** The Regulation respecting environmental standards for heavy vehicles (chapter Q-2, r. 33) is amended by replacing the heading of Chapter V by “PENAL SANCTIONS”.

**2.** Section 17 is replaced by the following:

“**17.** Every person who contravenes section 10 commits an offence and is liable, in the case of a natural person, to a fine of \$200 to \$2,000 or, in other cases, to a fine of \$400 to \$4,000.”.

**3.** Section 18 is replaced by the following:

“**18.** Every person who contravenes the first paragraph of section 6 or section 7, 8 or 11 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.”.

**4.** Section 19 is replaced by the following:

“**19.** Every person who offers for sale, sells or otherwise places at the disposal of a person a heavy vehicle that does not comply with this Regulation without having obtained and kept the attestation prescribed by section 11, or who, after the 30-day period set by that section and without having obtained and kept the attestation prescribed by that section, uses or allows the use of the vehicle 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.”.

**5.** Sections 20 to 22 are struck out.

**6.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2563

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Filing of information on certain drilling and fracturing work on gas or petroleum wells — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and sections 2.2 and 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells, appearing below, may be made by the Minister of Sustainable Development, Environment, Wildlife and Parks on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells

Environment Quality Act  
(chapter Q-2, ss. 2.2, 115.27 and 115.34)

**1.** The Regulation respecting the filing of information on certain drilling and fracturing work on gas or petroleum wells (chapter Q-2, r. 47.1) is amended by inserting the following after section 9:

“**9.1.** 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

(1) to respect the frequency or the date of filing of the information provided for in section 5 or 14;

(2) to keep the information, the calculations, assessments, measurements and other data for the period provided for in section 8 or 9.

**9.2.** 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 file the information, statement or certificate required by section 4 or 7;

(2) to obtain the prescribed information from the person to whom the holder entrusts work referred to in section 9 in accordance with that section;

(3) to make the prescribed information available to the holder of a certificate of authorization in accordance with section 9;

(4) to file the information based on the best data and best information in accordance with section 6.”

**2.** Section 10 is replaced by the following:

“**10.** Every person who contravenes section 5, 8 or 14, or fails to obtain or keep the prescribed information in accordance with section 9 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.

**10.1.** Every person who

(1) contravenes section 4 or 7,

(2) fails to obtain the prescribed information from the person to whom the holder entrusts work referred to in section 9 in accordance with that section,



(3) fails to make the prescribed information available to the holder of a certificate of authorization in accordance with section 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.

**10.2.** Every person who, pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.”

**3.** Section 11 is revoked.

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2600

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Greenhouse gas emissions from motor vehicles — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting greenhouse gas emissions from motor vehicles, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting greenhouse gas emissions from motor vehicles with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking

into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting greenhouse gas emissions from motor vehicles

Environment Quality Act  
(chapter Q-2, ss. 53, 115.27 and 115.34)

**1.** The Regulation respecting greenhouse gas emissions from motor vehicles (chapter Q-2, r. 17) is amended by inserting the following after section 22:

### “CHAPTER III.1 MONETARY ADMINISTRATIVE PENALTIES

**22.1.** 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 and to the beneficiary of the trading of credits allocated by the Minister a written notice containing the information prescribed by the first paragraph of section 14;

(2) to file with the Minister, not later than 31 August of each year, an annual report containing the information and data prescribed by the first paragraph of section 21 or to have the information certified and signed by an independent third person in accordance with the second paragraph of that section;

(3) to comply with the conditions of form or transmission of the report provided for in the third paragraph of section 21;

(4) to keep on the conditions and for the period provided for in section 22 the supporting documents and the records referred to in that section.

**22.2.** 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

(1) sells or trades a credit obtained pursuant to this Regulation otherwise than for the purposes referred to in the second paragraph of section 14;

(2) fails to pay the Minister, not later than 31 August of the fifth year following the model year, the fees payable for vehicles of a given model year in accordance with section 19.”

**2.** The heading of Chapter IV before section 23 is replaced by “PENAL SANCTIONS AND FINAL AND TRANSITIONAL”.

**3.** Section 23 is replaced by the following:

“**23.** Every person who contravenes the first paragraph of section 14, section 21 or 22 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.

**23.1.** Every person who contravenes the second paragraph of section 14 or section 19 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.

**23.2.** Every person who, pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.”

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2551

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Groundwater Catchment —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Groundwater Catchment Regulation, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Groundwater Catchment Regulation with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mdefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Groundwater Catchment Regulation

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

**1.** The Groundwater Catchment Regulation (chapter Q-2, r. 6) is amended by inserting the following after section 49:

### “CHAPTER VI.1 MONETARY ADMINISTRATIVE PENALTIES

**49.1.** 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

(1) to post at the boundaries of the immediate protection area of a catchment site referred to in the third paragraph of section 24 a notice indicating the information prescribed therein;

(2) to send an application for renewal with the required notice within the period provided for in the second paragraph of section 38;

(3) to seal off the bore holes which have been drilled and which will not be used for the purpose of collecting or monitoring groundwater in the case and on the conditions provided for in section 45.

**49.2.** 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 take the measures necessary to maintain the quality of groundwater of the sites referred to in the first paragraph of section 24;

(2) to install a fence complying with the prescriptions of the third paragraph of section 24 in the case provided for therein;

(3) to keep up to date the inventory referred to in the third paragraph of section 25 or to make available upon request to the Minister the information prescribed therein;

(4) to send to the municipality a copy of the documents referred to in the fourth paragraph of section 25;

(5) to notify the farm operators referred to in section 28 in the cases and on the conditions provided for therein;

(6) to keep the results of the monitoring program or to make them available on request to the Minister in accordance with the fifth paragraph of section 44.

**49.3.** 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 fails

(1) to comply with the requirements concerning sampling, analysis or transmission of the results of the analyses provided for in the first or third paragraph of section 21;

(2) to carry out the finishing grade within the immediate protection area in accordance with the fifth paragraph of section 24;

(3) to have prepared, for the catchment sites concerned, the documents prescribed by the first paragraph of section 25.

**49.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to carry out installation works or modification of a groundwater catchment work or to use the materials prescribed to do so in accordance with section 4;

(2) to comply with the prohibition to install a catchment work closer than the distances provided for in section 5;

(3) to carry out the spreading of the substances prescribed on the periphery of the areas of prohibition so as to prevent runoff into those areas in accordance with the fourth paragraph of section 26;

(4) to take samples to ensure, for the cases provided for, a groundwater quality monitoring program or to have the samples analyzed by a laboratory accredited by the Minister in accordance with the first or second paragraph of section 44.

**49.5.** 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

(1) to comply with the restrictions of activities, facilities or deposits provided for in the fourth paragraph of section 24 within the immediate protection area concerned;

(2) to obtain the authorization of the Minister for the projects referred to in section 31;

(3) to obtain the authorization of the Minister for every groundwater operation project in the territory of Îles-de-la-Madeleine in accordance with section 40;

(4) to make known to the Minister within the period prescribed the presence of any of the organic compounds in the monitoring program in accordance with the third paragraph of section 44;

(5) to cover safely an observation well so as to prevent contaminant infiltration in accordance with section 46.

**49.6.** 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

(1) erects or lays out a raising facility or animal waste storage facility within the distances provided for in accordance with section 29;

(2) stores directly on the ground the substances referred to in section 30 without complying with the distances prescribed by that section;

(3) continues the operation of a catchment site while the presence of an organic compound in the monitoring program is confirmed, in contravention of the fourth paragraph of section 44.

**49.7.** 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 spreads the substances referred to in the first, second or third paragraph of section 26 without complying with the conditions provided for therein.”

**2.** The heading of Chapter VII before section 50 is amended by adding “SANCTIONS” after “PENAL”:

**3.** Sections 50 to 52 are replaced by the following:

“**50.** Every person who contravenes section 18, the second paragraph of section 38 or section 45 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.

Every person who fails to post a notice in accordance with the prescriptions of the third paragraph of section 24 also commits an offence and is liable to the same fines.

**51.** Every person who contravenes section 19 or 20, the first paragraph of section 24, the third or fourth paragraph of section 25, section 28 or the fifth paragraph of section 44 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.

Every person who fails to install a fence complying with the prescriptions of the third paragraph of section 24 in the case provided for therein also commits an offence and is liable to the same fines.

**52.** Every person who contravenes section 16, the first paragraph of section 17, the first or third paragraph of section 21, the first paragraph of section 22, the fifth paragraph of section 24 or the first paragraph of section 25 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.

**52.1.** Every person who contravenes any of sections 4 to 14 or 23, the fourth paragraph of section 26, section 43, the first or second paragraph of section 44, the first paragraph of section 53 or the first paragraph of section 54 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**52.2.** Every person who

(1) contravenes section 15, the fourth paragraph of section 24, section 31 or 40, the third paragraph of section 44 or section 46,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**52.3.** Every person who contravenes section 29, 30 or 42 or the fourth paragraph of section 44 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.

**52.4.** Every person who contravenes the first, second or third paragraph of section 26 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.

**52.5.** 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 Chapter 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.”

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Halocarbons — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting halocarbons, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting halocarbons with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation amends certain sections in order to update them by striking out outdated references so that the requirements provided for therein may apply in the same manner in all situations, the transitional period having ended.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting halocarbons

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpars. c and e, s. 70.19, 1st par., subpars. 14, 15, 16, 18, and ss. 115.27 and 115.34)

**1.** The Regulation respecting halocarbons (chapter Q-2, r. 29) is amended by replacing section 20 by the following:

“**20.** No person may refill a refrigeration or air conditioning unit with a CFC.

No person may repair, transform or modify a unit designed to operate with a CFC, except to enable it to operate with a halocarbon other than a CFC or a substance other than a halocarbon.”

**2.** Section 27 is amended by striking out “As of 23 December 2005,” in the second paragraph.

**3.** Section 34 is replaced by the following:

“**34.** No person may charge or recharge a portable fire extinguisher with halon.”

**4.** Section 35 is revoked.

**5.** Section 41 is amended

(1) by replacing the first paragraph by the following:

“No person may use a solvent that contains a CFC or HCFC or use a product that contains such a solvent.”;

(2) by striking out the second paragraph;

(3) by replacing “The first and second paragraphs do” in the third paragraph by “The first paragraph does”.

**6.** The following is inserted after section 61:

### “CHAPTER V.1 MONETARY ADMINISTRATIVE PENALTIES

**61.1.** 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

(1) to see that a label is affixed to a container, unit or part in accordance with the second paragraph of section 9, 14, 15 or 32;

(2) to carry on his or her person a labour force environmental qualification attestation that complies with section 46 or 47;

(3) to maintain a log containing the information prescribed by section 59 or give a copy of the information to the owner in accordance with the second paragraph of that section;

(4) to retain the log provided for in section 59 or the copy of the information entered in the log in accordance with section 60.

**61.2.** 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 to file with the Minister a report containing the information prescribed by the second paragraph of section 12 or 13, section 37, the second paragraph of section 57 or section 61 in accordance with those sections.

**61.3.** 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 fails

(1) to conduct a leak test, in the cases provided for in the first paragraph of section 9 or section 22 or 28 in accordance with those sections;

(2) to ensure, in the cases provided for in section 50 or the first paragraph of section 51, that a person or enterprise, or, where applicable, a person in that person's employ holds an environmental qualification attestation that complies with the requirements of those sections.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) sells or distributes a halocarbon referred to in section 7 without complying with the conditions provided for in that section;

(2) carries out the work referred to in section 43 without having the qualifications required by section 44 or 45.

**61.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to use the appropriate equipment to recover a halocarbon or halon, or, where applicable, to have a halocarbon or halon confined within a container designed for that purpose, in accordance with the first or third paragraph of section 10, the third paragraph of section 11, the first

paragraph of section 14, the first or third paragraph of section 15, the first paragraph of section 31, 32 or 36, in the cases provided for therein;

(2) to make the recovery or recycling equipment prescribed by any of sections 10, 14, 15, 31, 32 or 36 available to a person in his or her employ who carries out work referred to in section 16;

(3) to identify the nature of a halocarbon using a device designed for that purpose in the case provided for in the second paragraph of section 31;

(4) to comply with any of the conditions prescribed by sections 53 to 56.

The penalty provided for in the first paragraph may also be imposed on any person who installs or permits the installation on a chiller of an air extraction system whose emissions into the atmosphere exceed the standards prescribed by the first paragraph of section 27.

**61.5.** 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

(1) fails to notify the Minister in case of accidental release of a halocarbon into the atmosphere in accordance with subparagraph 1 or 2 of the first paragraph of section 13, as the case may be;

(2) temporary refills a chiller with a CFC without having immediately filed a report with the Minister containing the information prescribed by section 25.

**61.6.** 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

(1) manufactures, sells or distributes a pressurized container or an aerosol referred to in section 6;

(2) fills or refills, charges or recharges with a halocarbon, a container, a unit or a fire extinguisher referred to in section 8;

(3) manufactures, sells, distributes or installs a refrigeration or air conditioning unit or a chiller in contravention of section 19, 21 or 23;

(4) refills a refrigeration or air conditioning unit with a CFC or repairs, transforms or modifies a unit designed to operate with a CFC in contravention of section 20;

(5) refills a chiller with a CFC referred to in the second paragraph of section 24 as of the date provided for in that section;

(6) operates a chiller with a CFC referred to in section 26 as of the date provided for in that section;

(7) manufactures, sells, distributes, installs, repairs, transforms or modifies an air conditioning unit referred to in section 30 in contravention of that section;

(8) manufactures, sells, distributes or installs a fire extinguisher operating with halon in contravention of section 33;

(9) charges or recharges a portable fire extinguisher with halon in contravention of section 34;

(10) manufactures, sells or distributes plastic foam or a product containing plastic foam referred to in section 39.

The penalty referred to in the first paragraph may also be imposed on any person who uses

(1) a gas containing a CFC or HCFC for sterilization purposes in contravention of section 40;

(2) a solvent or a product referred to in the first or second paragraph of section 41 in conditions other than one of the conditions provided for in the third paragraph of that section;

(3) carbon tetrachloride or methyl chloroform or a product that contains either of those substances in conditions other than one of the conditions provided for in the second paragraph of section 42 in contravention of that section.

**61.7.** 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

(1) directly or indirectly emits a halocarbon or causes or allows a halocarbon to be emitted into the atmosphere in contravention of section 5;

(2) fails to recover a halocarbon in the cases provided for in the first or second paragraph of section 10, the first paragraph of section 14, the first or third paragraph of section 15, the first paragraph of section 31 or 32 or section 36;

(3) fails, in the case of a halocarbon leak, to take the measures referred to in the first or second paragraph of section 11 or the first paragraph of section 12;

(4) operates or permits the operation of an air extraction system whose emissions into the atmosphere exceed the standards prescribed by the second paragraph of section 27.”

**7.** The heading of Chapter VI is amended before section 62 by adding “SANCTIONS” after “PENAL”.

**8.** Sections 62 to 67 are replaced by the following:

“**62.** Every person who contravenes the second paragraph of section 9, 14, 15 or 32, section 46, 47, 59 or 60 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.

**63.** Every person who contravenes the second paragraph of section 12 or 13 or section 37, the second paragraph of section 57 or section 61 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.

**64.** Every person who contravenes section 7, the first or third paragraph of section 9, section 22, 28, 43, 50 or 51 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.

**65.** Every person who

(1) fails to use the appropriate equipment to recover a halocarbon or halon or, where applicable, to confine a halocarbon or halon within a container designed for that purpose, in accordance with the first or third paragraph of section 10, the first or third paragraph of section 11, the first paragraph of section 14, the first or third paragraph of section 15, the first paragraph of section 31, 32 or 36,

(2) contravenes section 16, the first paragraph of section 27, the second paragraph of section 31 or any of sections 53 to 56,

commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**66.** Every person who

(1) contravenes the first paragraph of section 13 or section 25,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**67.** Every person who contravenes section 6 or 8, any of sections 19 to 21, section 23, the second paragraph of section 24, section 26, 30, 33, 34 or any of sections 39

to 42 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.

**67.1.** Every person who

(1) fails to recover the halocarbons in the situations referred to in the first or second paragraph of section 10, the first or second paragraph of section 11, section 14, 15, 31, 32 or 36,

(2) contravenes the first paragraph of section 12 or the second paragraph of section 27,

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.

**67.2.** Every person who contravenes section 5 commits an offence and is liable, in the case of a natural person, to a fine of \$12,500 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 \$37,500 to \$6,000,000.

**67.3.** 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 Chapter 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.<sup>7</sup>.

**9.** Section 68 is revoked.

**10.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2559

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Hazardous materials — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2),

that the Regulation to amend the Regulation respecting hazardous materials, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting hazardous materials with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to add monetary administrative penalties and amend the penal provisions provided for in the current Regulation. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of certain minimum fines and, for offences considered to be more serious, terms of imprisonment.

The draft Regulation finally proposes some technical amendments to adjust outdated provisions and an amendment to section 70 so that the requirements in that section apply to the owner or operator rather than to the professional who carries out the work.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

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## Regulation to amend the Regulation respecting hazardous materials

Environment Quality Act

(chapter Q-2, s. 31, 1st par., subpars. *c* and *e*, s. 70.19, 1st par., subpars. 14, 15, 16, and 17, and ss. 115.27 and 115.34)

**1.** The Regulation respecting hazardous materials (chapter Q-2, r. 32) is amended by striking out paragraph 3 of section 31.

**2.** Section 63 is replaced by the following:

“**63.** Steel underground tanks that are not protected against corrosion by one of the systems referred to in section 61 must be removed from the ground.

Despite the foregoing, an unprotected tank installed before 1 December 1991 need not be removed immediately from the ground if the assessment of the state of the tank is in zone 2, 3 or 4 of the graph of Schedule 7. In that case, the removal of the tank and the necessary interventions are to be made according to the methods provided for in subparagraphs 2 to 4 of paragraph 3 of that Schedule.”

**3.** Section 70 is replaced by the following:

“**70.** The owner or operator must ensure that the work related to the installation of an underground tank is supervised by a qualified professional and that the qualified professional inspects the underground tank before and after it is set in place. In case of damage, the owner or operator must have the tank repaired according to the requirements of the manufacturer.

The owner or operator sends to the Minister of Sustainable Development, Environment, Wildlife and Parks, once the installation is completed, a report prepared by the professional referred to in the first paragraph attesting that the installation complies with the applicable standards or indicating that those standards have not been complied with.”

**4.** The following is inserted after section 138:

### “CHAPTER VIII.1 MONETARY ADMINISTRATIVE PENALTIES

**138.1.** 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

(1) to keep a copy of the shipping document referred to in section 21, during the period and on the conditions provided for in that section, or to present it to the Minister upon request in accordance with that section;

(2) to submit to the Minister the statement prescribed by section 22 in accordance with that section;

(3) to keep on the storage site, in accordance with the third paragraph of section 62, the last working order certification of a system referred to in that section which contains the required information;

(4) to keep on the storage site the results of the analyses referred to in the second paragraph of section 75 for the period provided for in that section;

(5) to keep on the storage site the certificates of installation or maintenance referred to in the second paragraph of section 90;

(6) to comply with the conditions relating to the keeping of a register or a report referred to in any of sections 105 to 107, 110, 131, 132 or 135 to 137, in particular to indicate therein the required information or, where applicable, to comply with the period provided for to do so.

**138.2.** 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 enter into a written contract that contains the information prescribed by the second paragraph of section 11, prior to shipping a residual hazardous material, or to keep copies of the contract in accordance with that section;

(2) to keep the register referred to in the second paragraph of section 39 or to keep it at the storage sites for the period provided for in that section;

(3) to affix a tag on a receptacle, cargo container, tank or cargo tank in accordance with the first paragraph of section 46;

(4) to post a sign in accordance with the requirements of the second or third paragraph of section 46, section 76 or 100;

(5) to submit to the Minister the report referred to in the second paragraph of section 70 or section 74 in accordance with those sections;

(6) to have a closure report that complies with the requirements of the second or third paragraph of section 103 prepared or to send that closure report to the Minister in accordance with what is provided for in that section;

(7) to keep the information contained in the register referred to in section 108 in accordance with that section;

(8) to send to the Minister a report referred to in section 111 or 138 according to the frequency and schedule provided for therein;

(9) to send to the Minister, in the case referred to in the second paragraph of section 118 and as soon as possible, a notice containing the information prescribed by the third paragraph of that section;

(10) to keep the register provided for in section 130 or to keep it in accordance with section 133;

(11) to draw up the annual report provided for in section 134 in accordance with that section.

**138.3.** 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 fails

(1) to drain a transformer referred to in section 16 or to drain a basin referred to in section 17 according to the conditions provided for therein;

(2) to have the analyses referred to in section 18 carried out by a laboratory accredited by the Minister in accordance with that section;

(3) to ensure that a tank or connection referred to in section 28 is equipped with a sampling system in accordance with that section;

(4) to comply with the building, layout or maintenance conditions of a building, shelter, drain or site prescribed by any of sections 33 to 36;

(5) to collect or to evacuate the water referred to in section 38 in accordance with that section;

(6) to inspect, according to the prescribed frequency, the good condition and good working order of the storage facilities in accordance with the first paragraph of section 39;

(7) to store residual hazardous materials in accordance with the requirements of section 40;

(8) to comply with a condition prescribed by the first paragraph of section 45 in respect of a vessel containing residual hazardous materials;

(9) to comply with a condition prescribed by any of sections 47 to 49 in respect of a cargo container;

(10) to comply with a condition or standard prescribed by any of sections 53 to 55, 57, 58, 60, 61 or 66 to 69 in respect of a tank;

(11) to place a tank referred to in section 56 in an area having an impermeable basin that complies with the requirements of the first paragraph of that section;

(12) to have the working order of the corrosion protection system inspected in accordance with the requirements of the first or second paragraph of section 62;

(13) to have a qualified professional supervise the work related to the installation of an underground tank, to have the tank inspected by a professional or, in case of damage, to have the tank repaired in accordance with the first paragraph of section 70;

(14) to place a cargo tank in an impermeable area, in the cases referred to in the first paragraph of section 78, or to comply with the conditions prescribed by that section or prescribed by the third paragraph of that section in respect of that area;

(15) to convey the accumulated water in a loading or unloading area in accordance with the fourth paragraph of section 78;

(16) to equip a cargo tank with a safety device that complies with the requirements of section 79;

(17) to comply with the layout conditions provided for in section 82 or 83 as to the storage site of materials referred to therein;

(18) to protect a building or storage site by means of an intrusion detection system in the cases and according to the conditions provided for in section 85;

(19) to comply, in respect of the systems referred to in the first paragraph of section 90 or section 92, with the design, installation or maintenance conditions provided for therein;

(20) to lay out a final disposal site in a way that prevents intrusions in accordance with section 99;

(21) to fill holes, fissures and subsidence in accordance with section 102;

(22) to send to the Minister, before the expiry of a guarantee provided in one of the forms prescribed by the first paragraph of section 123 and within the time provided for in that section, the renewal of that guarantee or any other guarantee that complies with the requirements of that section;

(23) to keep in force a liability insurance contract that complies with the requirements of the third paragraph of section 124.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) stores residual hazardous materials in a cargo tank that does not comply with the conditions prescribed by section 77;

(2) pursues an activity when the person has not provided or renewed the guarantee or the civil liability insurance policy provided for in section 123 or in the second paragraph of section 125.

**138.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to keep in good working order and in good condition the facilities, movable and immovable property, works and equipment referred to in section 29 or 37;

(2) to comply with the conditions prescribed by any of sections 41 to 44 as to the storage of the materials, objects or receptacles concerned;

(3) to pressure test an underground tank or piping when a leak is suspected in accordance with section 59;

(4) to remove from the ground an underground tank or piping referred to in section 63 or 64 according to the conditions prescribed therein;

(5) to replace the piping referred to in section 65;

(6) to set up a network of wells monitoring the quality of underground water in accordance with section 73;

(7) to cause to have analyzed the quality of the water of monitored wells, in accordance with the first paragraph of section 75, according to the frequency provided for in that section;

(8) to equip and protect any building or site referred to in section 84 or in any of sections 86 to 88 with the prescribed detection, extinguishing or emergency systems and devices, in the cases and on the conditions provided for therein;

(9) to ensure that all fire detection and intrusion detection systems comprise alarm transmission equipment in accordance with section 89;

(10) to ensure that every fire detection system comprises a fire alarm in accordance with section 91;

(11) to comply with the conditions relating to a final disposal site of hazardous materials prescribed by any of sections 95 to 97, in particular as to the various systems with which it is equipped and, where applicable, collected water;

(12) to ensure that the equipment and systems with which the final disposal site is equipped comply with the conditions prescribed by the first paragraph of section 98 or to maintain them periodically in accordance with the second paragraph of that section;

(13) to comply with the conditions prescribed by section 101 as to the final cover of a disposal site.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) violates the prohibitions provided for in any of sections 50 to 52 in respect of a tank;

(2) places, inside the same basin, tanks containing incompatible materials in contravention of the first paragraph of section 56;

(3) places, in the same loading or unloading zone, cargo tanks containing incompatible materials in contravention of the second paragraph of section 78.

**138.5.** 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

(1) fails to inform the Minister, within the time prescribed, in the case of

(a) accidental release of a hazardous material into the environment in accordance with subparagraph 2 of the first paragraph of section 9;

(b) a cessation of activities or the dismantling of any building in which there were hazardous materials in accordance with the first paragraph of section 13;

(c) contamination of ground water in accordance with the third paragraph of section 75;

(d) permanent termination of disposal operations in accordance with the first paragraph of section 103;

(2) fails, in the case of a cessation of activities, to decontaminate or dismantle the buildings and equipment referred to in the first paragraph of section 13 or, as the case may be, to decontaminate or ship to an authorized site materials from the dismantling in contravention of the second or third paragraph of that section;

(3) uses for energy generation purposes a residual hazardous material or used oil referred to in any of sections 24, 26 or 27 without complying with the conditions prescribed therein;

(4) uses a residual hazardous material for the manufacture of a fuel without complying with the conditions prescribed by section 25;

(5) abandons on its site an underground tank for a reason other than one of the reasons provided for in the first paragraph of section 71;

(6) transports hazardous materials to a hazardous material disposal site without holding a permit in contravention of section 117.

**138.6.** 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

(1) ships a residual hazardous material to any person who is not authorized to receive such material in contravention of the first paragraph of section 11;

(2) entrusts hazardous materials to a carrier who does not hold the permit referred to in section 117 in contravention of the first paragraph of section 12;

(3) contravenes the prohibition provided for in section 15 as to reusing liquid from electrical equipment;

(4) stores residual hazardous materials in heaps outside a building without complying with the conditions prescribed by paragraph 3 or 4 of section 72.

**138.7.** 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

(1) emits, deposits, discharges, releases or allows the emission, deposit, discharge or release of a hazardous material into the environment or into a sewage system in contravention of the requirements of section 8;

(2) fails to take any of the measures prescribed by subparagraph 1 or 3 of the first paragraph of section 9 in the case of accidental release of a hazardous material into the environment;

(3) mixes or dilutes residual hazardous materials with other materials without complying with the condition prescribed by section 10;

(4) uses oil not approved to settle dust in contravention of section 14;

(5) fails to decontaminate or to fill with an inert material an abandoned underground tank in contravention of the second paragraph of section 71;

(6) stores, in heaps outside a building, residual hazardous materials that do not comply with the conditions prescribed by paragraph 1 or 2 of section 72;

(7) places in a final disposal site one of the hazardous materials referred to in section 94;

(8) fails to equip a final disposal site with a collection system that complies with the requirements of section 97 or to treat the collected water in accordance with the requirements of that section.”

**5.** The heading of Chapter IX is amended by replacing “PENAL” before section 139 by “PENAL SANCTIONS”.

**6.** Sections 139 to 143 are replaced by the following:

**“139.** Every person who contravenes section 21 or 22, the third paragraph of section 62, the second paragraph of section 75 or 90, any of sections 105 to 107, section 110, 131 or 132 or any of sections 135 to 137 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.

**140.** Every person who contravenes the second paragraph of section 11 or 39, section 46, the second paragraph of section 70, section 74, 76 or 100, paragraph 1 or 2 of section 103, section 108 or 111, the second or third paragraph of section 118, section 130, 133, 134 or section 138 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.

**141.** Every person who

(1) contravenes any of sections 16 to 18, section 28, any of sections 33 to 36, section 38, the first paragraph of section 39, section 40, the first paragraph of section 45, any of sections 47 to 49 or 53 to 55, section 57, 58, 60 or 61, the first or second paragraph of section 62, any of sections 66 to 69, the first paragraph of section 70, section 77, the first, third or fourth paragraph of section 78, section 79, 82, 83 or 85, the first paragraph of section 90, section 92, 99 or 102, the first or third paragraph of section 123, the third paragraph of section 124 or the second paragraph of section 125,

(2) fails to place a tank referred to in section 56 in an area having an impermeable basin that complies with the requirements of the first paragraph of that section,

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.

**142.** Every person who

(1) contravenes section 29 or 37, any of sections 41 to 44 or 50 to 52, section 59, any of sections 63 to 65, section 73, the first paragraph of section 75, the second paragraph of section 78, section 84, any of sections 86 to 88, section 89 or 91, any of sections 95 to 98 or section 101,

(2) places, inside the same basin, tanks containing incompatible materials in contravention of the first paragraph of section 56,

commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

#### **143.** Every person who

(1) contravenes subparagraph 2 of the first paragraph of section 9, section 13, any of sections 24 to 27, the first paragraph of section 71, the third paragraph of section 75, the first paragraph of section 103 or section 117,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**143.1.** Every person who contravenes the first paragraph of section 11 or 12, section 15 or paragraph 3 or 4 of section 72 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.

**143.2.** Every person who contravenes subparagraph 1 or 3 of the first paragraph of section 9, section 10 or 14, the second paragraph of section 71, paragraph 1 or 2 of section 72 or section 94 or 97 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.

**143.3.** Every person who contravenes section 8 commits an offence and is liable, in the case of a natural person, to a fine of \$12,500 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 \$37,500 to \$6,000,000.

**143.4.** 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 Chapter 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.”

**7.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2562

## **Draft Regulation**

Environment Quality Act  
(chapter Q-2)

### **Hot mix asphalt plants — Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting hot mix asphalt plants, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting hot mix asphalt plants with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

No penal sanction is currently provided directly in the Regulation since section 109 of the Environment Quality Act, which is revoked but the application of which is transitionally maintained in force in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance, provides fines in cases of offences to regulations that do not provide any specifically.

The draft Regulation proposes to introduce two new divisions creating monetary administrative penalties and penalties applicable in the event of contravention of requirements related to the good working order of any equipment used or installed to abate the emission, deposit, issuance or discharge of contaminants into the environment. The new divisions also provide amounts for the monetary administrative penalties and the applicable penalties so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation proposes two technical amendments.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting hot mix asphalt plants

Environment Quality Act

(chapter Q-2, s. 31, 1st par., subpars. *e, h, h.1* and *h.2*, s. 46, pars. *b, c, e* and *f*; and ss.115.27 and 115.34)

**1.** The Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended by replacing section 17 by the following:

“**17.** Methods of analysis: The water samples taken to ensure the enforcement of sections 15 and 16 must be sent, for analysis, to a laboratory accredited by the Minister of Sustainable Development, Environment, Wildlife and Parks under section 118.6 of the Act.”.

**2.** The following is inserted after section 25:

### “DIVISION VI.1

#### MONETARY ADMINISTRATIVE PENALTIES

**25.1.** 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 submit a new noise estimate to the Minister in the case provided for in the second paragraph of section 12.

**25.2.** 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 comply with the location standards prescribed in the first paragraph of section 12 in the cases provided for therein;

(2) to send, for analysis, to an accredited laboratory the water samples referred to in section 17 in accordance with that section;

(3) to meet the conditions relating to the equipment of a hot mix asphalt plant provided for in section 18;

(4) to comply with the methods of measurement prescribed by section 20;

(5) to comply with the height prescribed by section 22 for a stack referred to therein;

(6) to control dust emissions referred to in section 24 by the means prescribed therein.

**25.3.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who uses or installs equipment referred to in section 27 that is not in good working order or who uses, during production hours, such equipment that is not working optimally, in contravention of that section.

**25.4.** 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

(1) builds or alters a hot mix asphalt plant, or undertakes the operation or increases the production of such a plant, without the certificate of authorization required, in contravention of section 4;

(2) builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, less than 300 m from a territory referred to in section 8, in contravention of that section;

(3) fails to comply with the location standards prescribed by section 9 or 13 on the conditions provided for in those sections.

**25.5.** 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

(1) builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, in a territory referred to in section 8, in contravention of that section;

(2) fails to comply with the location standard provided for in section 14 regarding a public highway.

**25.6.** 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

(1) fails to comply with the noise standards referred to in the second paragraph of section 10 in the case or on the conditions provided for in that section or in the second paragraph of section 12;

(2) discharges water into the environment that does not meet the emission standards prescribed by paragraph *a* or *b* of section 15 or section 16;

(3) emits into the atmosphere particulate matter that does not meet the emission standards prescribed by the first paragraph of section 19 or the opacity standards prescribed by the second paragraph of that section;

(4) fails to take the measures prescribed by section 23 so as to ensure that no loss of dust into the atmosphere is visible more than 2 m from the source of emission;

(5) fails to take the measures required to prevent the dust emissions referred to in section 25.

## **DIVISION VI.2** **PENAL SANCTIONS**

**25.7.** Every person who fails to submit a new noise estimate to the Minister in the case provided for in the second paragraph of section 12 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.

**25.8.** Every person who contravenes the first paragraph of section 12, section 17, 18, 22, 22 or 24 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.

**25.9.** Every person who contravenes section 27 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**25.10.** Every person who

(1) contravenes section 4, 9 or 13,

(2) builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, less than 300 m from a territory referred to in section 8, in contravention of that section,

(3) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**25.11.** Every person who

(1) builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, in a territory referred to in section 8, in contravention of that section,

(2) contravenes section 14,

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.

**25.12.** Every person who

(1) contravenes the second paragraph of section 10, section 15, 16, 19, 23 or 25,

(2) fails to comply with the noise standards referred to in the second paragraph of section 10 in the case and on the conditions provided for in the second paragraph of section 12,

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.

**25.13.** 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.”

**3.** Section 28 is revoked.

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2574

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Land Protection and Rehabilitation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Land Protection and Rehabilitation Regulation, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Land Protection and Rehabilitation Regulation with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, all the proposed fines include a significant increase and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Land Protection and Rehabilitation Regulation

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

**I.** The Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) is amended by inserting the following after section 13:

“**13.1.** 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

(1) to keep an analysis report produced by an accredited laboratory for the period provided for in the third paragraph of section 8;

(2) to transmit to the Minister the attestation of conformity required under the second paragraph of section 9, according to the frequency provided for in that section.

**13.2.** 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 to transmit to the Minister, an analysis report made pursuant to section 8, according to the frequency provided for in the first paragraph of section 9.

**13.3.** 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 fails

(1) to sample groundwater, on the conditions and according to the frequency provided for in section 7 or have those samples analyzed by a laboratory accredited by the Minister in accordance with the first paragraph of section 8;

(2) to transmit to the Minister a groundwater monitoring program and the opinion of a professional, within the time prescribed and according to the conditions provided for in section 11;

(3) to review and update a groundwater monitoring program for the purposes and according to the frequency provided for in section 13 or to send the program to the Minister within the time provided for in that section.

**13.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to carry on the monitoring of groundwater quality in accordance with section 4;

(2) to install a well system to monitor groundwater quality that complies with the requirements of section 6.



**13.5.** 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 inform the Minister if a limit value has been exceeded in accordance with the second paragraph of section 8.”.

**2.** Section 14 is replaced by the following:

“**14.** Every person who contravenes the third paragraph of section 8 or the second paragraph of section 9 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.

**14.1.** Every person who contravenes the first paragraph of section 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.

**14.2.** Every person who contravenes section 7, the first paragraph of section 8 or section 11 or 13 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.

**14.3.** Every person who contravenes section 4 or 6 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**14.4.** Every person who contravenes the second paragraph of section 8 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.”.

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2565

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Landfilling and incineration of residual materials — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2),

that the Regulation to amend the Regulation respecting the landfilling and incineration of residual materials, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting the landfilling and incineration of residual materials with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation amends certain sections to revoke certain provisions that are obsolete or to correct technical or terminology errors.

Further information on the draft Regulation may be obtained by contacting H el ene Proteau, regional director, Direction r egionale de l’analyse et de l’expertise de Montr eal, Laval, Lanaudiere et Laurentides, Minist ere du D eveloppement durable, de l’Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montr eal (Qu ebec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to H el ene Proteau at the above address.

YVES-FRAN OIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

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## Regulation to amend the Regulation respecting the landfilling and incineration of residual materials

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpars. *d*, *e* and *h*, ss. 57 and 64.1, s. 70, pars. 5 and 6, and ss. 115.27 and 115.34)

**1.** The Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) is amended in section 36 by replacing the second paragraph by the following:

“As and when the development work is completed, the operator of a landfill must send to the Minister the reports of the independent experts in charge of verifying and supervising the work as required by section 35 and this section confirming compliance of the installation with the applicable standards, or indicating cases of non-compliance with those standards and remedial measures to be taken.”.

**2.** Section 122 is amended by replacing “Regulation respecting the quality of the atmosphere (chapter Q-2, r. 38)” in the first paragraph by “Clean Air Regulation (chapter Q-2, r. 4.1)”.

**3.** The following is inserted after section 149:

### “CHAPTER VI.1 MONETARY ADMINISTRATIVE PENALTIES

**149.1.** 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

(1) to have, at the landfill entrance, a sign complying with paragraph 1 of section 45;

(2) to prepare an annual report containing the data, documents or information provided for in subparagraphs 1 to 6 of the first paragraph of section 52;

(3) to form a watchdog committee within the period and in the manner provided for in the first and second paragraphs of section 72 or to ensure the operation of the committee in the case provided for in the fifth paragraph of that section;

(4) to fill any vacancy on the watchdog committee according to the terms referred to in the fourth paragraph of section 72;

(5) to inform the watchdog committee of any situation referred to in the first paragraph of section 77 or to make available to or provide the committee with, in a timely manner, all the documents or information prescribed by the second paragraph of that section;

(6) to pay all operating expenses of the watchdog committee in accordance with section 78;

(7) to post at the entrance to a landfill that has been permanently closed a sign complying with section 82 or the third paragraph of section 96, as the case may be.

**149.2.** 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 comply with the accessibility conditions prescribed by section 29 or 33;

(2) to obtain the reports referred to in the second paragraph of section 36 or to send them to the Minister in accordance with that paragraph;

(3) to enter in a log the information prescribed by the first paragraph of section 39, the second paragraph of section 40 or the third paragraph of section 40.1;

(4) to keep the log and its appendices referred to in section 39 or to make them available to the Minister, for the periods and on the conditions provided for in the second paragraph of section 39;

(5) to enter the results referred to in the fourth paragraph of section 42 or 105 in the annual report provided for in section 52;

(6) to have, at the engineered landfill entrance, a barrier or other device complying with paragraph 2 of section 45;

(7) to comply with the periods and conditions for sending the report provided for in the second paragraph of section 52;

(8) to keep the analysis reports referred to in the second paragraph of section 70 during the period provided for therein;

(9) to send to the Minister the results referred to in the first or third paragraph of section 71 in accordance with the periods and conditions for transmission provided for therein;

(10) to immediately notify the Minister in writing of the date of closure of a landfill in accordance with section 80;

(11) to have prepared or to send to the Minister, within the period provided for in section 81, the closure report referred to therein containing the elements prescribed by subparagraphs 1 to 3 of the first paragraph or the second paragraph of that section;

(12) to keep or make available to the Minister the results referred to in the fourth paragraph of section 127 within the periods and on the conditions provided for therein;

(13) to send to the Minister the sampling report referred to in the first paragraph of section 134 according to the periods and conditions provided for therein;

(14) to give notice in writing to the Minister and the regional county municipality in the cases and on the conditions provided for in the first or second paragraph of section 146;

(15) to notify the Minister in writing in the case and according to the period and conditions provided for in the second paragraph of section 155.

**149.3.** 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 fails

(1) to accept, in an engineered landfill, the eligible residual materials generated in the territories referred to in paragraphs 1 to 4 of section 10 or the inedible meat referred to in section 11;

(2) to comply with the conditions provided for in section 17 relating to the integration of an engineered landfill into the surrounding landscape;

(3) to maintain a buffer zone complying with the first or second paragraph of section 18 or to comply with the activity restrictions in such a zone in accordance with the third paragraph of that section;

(4) to meet the conditions provided for in section 19 or 30 relating to the siting of a landfill;

(5) to provide the zones or components referred to in the first paragraph of section 31 with a groundwater collection system in the cases provided for therein;

(6) to ensure that a groundwater collection system referred to in the first paragraph of section 31 complies with the conditions provided for in the second or third paragraph of that section or that it be halted only in the case provided for in the fourth paragraph of that section;

(7) to verify whether the residual materials received in a landfill may be landfilled in accordance with section 37;

(8) to weigh residual materials received for landfilling in a landfill or to perform radiological testing as soon as the materials are received and in the manner prescribed by the first paragraph of section 38;

(9) to comply with the conditions for the installation, use or maintenance of the devices referred to in the second paragraph of section 38, as provided for in that paragraph;

(10) to obtain the results of the analyses or measures provided for in the second paragraph of section 40 before receiving the soils referred to therein;

(11) to verify the acceptance of soils referred to in section 40.1 by having taken to have them analyzed the samples referred to in the first or second paragraph of that section in accordance with the conditions provided for therein;

(12) to comply with the conditions relating to the deposit or covering of the residual materials provided for in the first or second paragraph of section 41;

(13) to comply with the conditions provided for in the first, second, third or fifth paragraph of section 42 relating to soils or other materials that may be used to cover residual materials;

(14) to make the periodic verifications prescribed by the fourth paragraph of section 42 according to the frequency and conditions provided for therein;

(15) to landfill residual materials in the zones prescribed by section 43;

(16) to comply with the visibility conditions provided for in section 46 regarding residual materials landfilling operations;

(17) to take the measures prescribed by the first paragraph of section 48 to prevent wind dispersal or scattering of residual materials referred to therein;

(18) to proceed with the cleaning prescribed by the second paragraph of section 48 in the case and on the conditions provided for therein;

(19) to take the necessary measures to prevent or eliminate any infestation of pests in accordance with section 49;

(20) to cover the landfilled residual materials with a final cover in the cases provided for in the first paragraph of section 50 and in accordance with paragraphs 2 to 6 of that section;

(21) to comply with the conditions provided for in the first or second paragraph of section 51 relating to the vegetative layer or the repair of a final cover of an engineered landfill;

(22) to comply with the conditions provided for in section 56 permitting the infiltration of leachate or water into residual materials disposal areas;

(23) to measure the groundwater piezometric level in the case provided for in the second paragraph of section 66 or to have made a comprehensive analysis of the parameters or substances referred to in the fifth paragraph of that section in the case and according to the conditions provided for therein;

(24) to continuously measure during the operating period of a biogas collection system referred to in section 68 the flow of biogas or record the results in accordance with the first paragraph of that section;

(25) to monitor or have monitored every 3 months the concentrations prescribed by subparagraph 1 of the first paragraph of section 68;

(26) to comply with the conditions provided for in the first or second paragraph of section 69 relating to the samples referred to therein;

(27) to send for analysis to a laboratory accredited by the Minister the samples taken pursuant to this Regulation in accordance with the first paragraph of section 70;

(28) to allow watchdog committee members free access to the landfill and to any equipment or facility at the landfill in accordance with section 79;

(29) to comply with the conditions provided for in paragraphs 1, 3 or 4 of section 90 relating to a trench landfill;

(30) to comply with the conditions provided for in the first, second, third or fourth paragraph of section 91 relating to the final cover of a trench landfill;

(31) to comply with the conditions provided for in the first or second paragraph of section 92 in case of a temporary closure of all or part of a trench landfill for a period of 3 months or more;

(32) to surround a northern landfill by a fence or any other device complying with subparagraphs 1 to 3 of the first or a fire barrier complying with the second paragraph of section 96;

(33) to comply with the conditions provided for in the second or third paragraph of section 97 relating to the materials removed or sludge from a northern landfill;

(34) to provide a northern landfill with a surface water collection system or to discharge the water collected outside the landfill site in accordance with section 98;

(35) to burn the combustible residual materials referred to in the first paragraph of section 99 at the frequency and on the conditions provided for therein;

(36) to comply with the concentrations of contaminants prescribed by the third paragraph of section 99 or the second paragraph of section 100 relating to the soil used as final cover of the residual materials;

(37) to comply with the conditions provided for in the first paragraph of section 100 in the case of closure or non-use of a northern landfill for a period of 6 months or more;

(38) to comply with the conditions provided for in subparagraph 1 of the second paragraph of section 105 relating to a construction or demolition waste landfill;

(39) to comply with the concentrations of contaminants prescribed by the third paragraph of section 105 or 106 relating to the soil used as final cover for the construction or demolition waste;

(40) to make the periodic verifications prescribed by the fourth paragraph of section 105 at the frequency and on the conditions provided for therein;

(41) to comply with the conditions provided for in the first, third, fourth or fifth paragraph of section 106 relating to the final cover of a construction or demolition waste landfill;

(42) to comply with the prohibition to raise the ground surface provided for in the second paragraph of section 106;

(43) to comply with the conditions provided for in the first paragraph of section 117 relating to the cover of residual materials deposited in a remote landfill;

(44) to comply with the landfilling conditions provided for in section 118 relating to the sludge referred to therein;

(45) to comply with the conditions provided for in the first or second paragraph of section 120 in the case of closure or non-use, as the case may be, of a remote landfill for the period provided for therein;

(46) to provide an incineration facility referred to in the first paragraph of section 124 with a handling area or pit complying with the first, second or third paragraph of that section;

(47) to comply with the conditions provided for in the fourth paragraph of section 124 relating to storage or parking outside an incineration facility;

(48) to provide an incineration facility referred to in the first paragraph of section 126 with at least 2 combustion chambers operating in compliance with the second or third paragraph of that section;

(49) to equip an incineration facility referred to in the first paragraph of section 126 with auxiliary burners complying with the fourth paragraph of that section;

(50) to equip an incineration facility referred to in the first, second or third paragraph of section 127 with the systems prescribed therein and complying with that section;

(51) to send, for analysis, to a laboratory accredited by the Minister the gas samples referred to in section 134 in accordance with the second paragraph of that section;

(52) to comply with the conditions provided for in the first paragraph of section 138 relating to the loading and unloading of residual materials at a transfer station, the stockpiling or parking outside such a station;

(53) to comply with the conditions provided for in the second paragraph of section 138 where residual materials transfer activities cease for a period of more than 12 hours;

(54) to comply with the maximum volumes of residual materials that may be stored in a transfer station in the cases and on the conditions provided for in section 139.3;

(55) to obtain a guarantee the amount of which is established by section 140 in the cases and on the conditions provided for therein;

(56) to send renewal of the guarantee or another guarantee to the Minister in the cases referred to in section 143 according to the time limits and conditions provided for in that section;

(57) to comply with the conditions provided for in the second paragraph of section 159 relating to the height of the residual materials layers.

**149.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to comply with the conditions provided for in the first paragraph of section 9 relating to the landfilling of fly ash or residue that contains fly ash;

(2) to site an engineered landfill on land that complies with the conditions prescribed by section 20, the first paragraph of section 21 or section 22;

(3) to ensure that the excavation carried out in a zone referred to in the second paragraph of section 21 complies with the conditions provided for therein;

(4) to comply with the conditions provided for in section 23 relating to the liner system referred to therein or at groundwater level;

(5) to comply with the conditions provided for in section 24 regarding the siting of an engineered landfill in a rock quarry or a mine;

(6) to provide an engineered landfill with a collection system complying with the first or third paragraph of section 25 or any other system in the case and on the conditions provided for in the second paragraph of that section;

(7) to provide an engineered landfill referred to in section 26 with a second collection system complying with that section;

(8) to comply with the conditions on design or the installation of leachate collection systems provided for in section 27;

(9) to ensure that every component of a system referred to in the first paragraph of section 28 is leakproof in accordance with that section;

(10) to provide an engineered landfill referred to in the first or second paragraph of section 32 with a biogas collection system complying with that section;

(11) to remove biogas collected in the landfills referred to in the second paragraph of section 32 using the equipment complying with the third or fourth paragraph of that section;

(12) to comply with the conditions provided for in the first or second paragraph of section 34 relating to the materials or the installation of the systems referred to in that section;

(13) to have verified the materials and equipment referred to in section 35 in accordance with that section;

(14) to have the work referred to in the first paragraph of section 36 supervised by independent experts in accordance with that section;

(15) to comply with the conditions provided for in the fourth or fifth paragraph of section 41 relating to the cover or landfilling of the residual materials referred to therein;

(16) to comply with the conditions provided for in the sixth paragraph of section 42 relating to the stockpiling in an engineered landfill of the contaminated soils or residual materials referred to therein;

(17) to maintain at all times in proper working order the systems referred to in section 44 or to control, maintain or clean those systems in accordance with that section;

(18) to comply with the terms provided for in the first, second or third paragraph of section 61 regarding the operation of the systems and equipment referred to therein;

(19) to ensure that the concentration of nitrogen or oxygen prescribed by the first paragraph of section 62 are met in the cases and on the conditions referred to therein;

(20) to comply with the conditions provided for in the third paragraph of section 62 relating to the halting of the biogas pumping system referred to therein;

(21) to take or have taken or have analyzed the samples prescribed by section 63 according to the frequency and conditions provided for in that section;

(22) to leak test or have leak tested the pipes or components referred to in the first or second paragraph of section 64 according to the frequency and conditions provided for therein;

(23) to install the required number of networks of observation well prescribed by section 65 in the cases and on the conditions provided for therein;

(24) to take or have taken or have analyzed the samples prescribed by the first paragraph of section 66 according to the frequency and conditions provided for in the first or third paragraph of that section;

(25) to measure or have measured the concentration of methane in the manner and at the frequency provided for in section 67;

(26) to measure or have measured the concentration of methane at the frequencies and on the conditions provided for in subparagraph 2 or 3 of the first paragraph of section 68 in the cases referred to therein;

(27) to continuously measure the destruction temperature or the flow rate of the biogas referred to in the first or second paragraph of section 68 or to verify the destruction efficiency for the organic compounds other than methane in the cases and on the conditions provided for in the second paragraph of that section;

(28) to permanently close a landfill in the cases provided for in section 80;

(29) to cover as soon as deposited the residual materials referred to in paragraph 2 of section 90 or the second paragraph of section 99 or 117 with other materials or soils in the cases provided for in those sections;

(30) to cover as soon as deposited bituminous coated materials referred to in subparagraph 2 of the second paragraph of section 105 with other materials;

(31) to provide a construction or demolition waste landfill with a system referred to in section 107 and to put in operation such system on the date provided for in the second paragraph of that section;

(32) to comply with the conditions provided for in section 108 relating to the final profile of a filled construction or demolition waste landfill;

(33) to comply with the conditions provided for in section 119 relating to the final cover of a remote landfill;

(34) to comply with the conditions provided for in the first paragraph of section 125 relating to the layout of an incineration facility referred to in that section;

(35) to perform or have performed the testing provided for in section 132 in the cases and on the conditions and according to the methods provided for in that section or the first paragraph of section 134.

**149.5.** 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

(1) deposits permanently the residual materials referred to in the first paragraph of section 6 elsewhere that on a landfill authorized as provided for in that section;

(2) does not comply with the conditions and restrictions for siting provided for in section 13, 14, 15 or 16 relating to a landfill;

(3) fails to send to the Minister the information provided for in the second paragraph of section 71 in the case provided for therein;

(4) establishes a trench landfill in a territory other than those provided for in section 87 or does not comply with the conditions provided for in section 86 regarding the establishment of such landfill in one of the territories;

(5) does not comply with the conditions provided for in section 88 relating to the siting of a trench landfill or the lowering of the groundwater level;

(6) does not comply with the conditions permitting the establishment of a northern landfill provided for in section 94 or the conditions relating to the siting of such landfill provided for in section 95;

(7) does not comply with the conditions provided for in the first paragraph of section 97 relating to the bottom of the disposal areas of a northern landfill or the lowering of the groundwater level;

(8) does not comply with the conditions permitting the establishment or enlargement of a construction or demolition waste landfill referred to in the second paragraph of section 102 provided for in the first paragraph of section 103;

(9) does not comply with the conditions provided for in the second paragraph of section 104 relating to the siting of a construction or demolition waste landfill;

(10) establishes a remote landfill in a territory other than those provided for in section 112 or does not comply with the conditions provided for in section 111 or 114 regard the establishment or siting of such landfill in one of the territories;

(11) receives, in a remote landfill, residual materials prohibited pursuant to section 113;

(12) does not comply with the conditions provided for in section 116 relating to the bottom of the disposal areas of a remote landfill or the lowering of the groundwater level;

(13) operates a transfer station referred to in the first paragraph of section 139.1 while unauthorized to do so pursuant to that section;

(14) does not comply with the restriction provided for in the fourth paragraph of section 139.2 regarding the number of low capacity transfer stations that may be established in a territory referred to therein;

(15) establishes or enlarges a landfill referred to in section 145 without complying with the conditions provided for therein;

(16) does not comply with the conditions provided for in the second, third or fifth paragraph of section 161 relating to the acceptance in the sites referred to therein for landfilling of residual materials or materials referred to therein.

**149.6.** 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

(1) disposes in a landfill referred to in section 4 materials, objects or substances listed therein that may not be disposed of in the landfill pursuant to that section;

(2) landfills residual materials listed in section 8 in a place other than a landfill, in contravention of that section;

(3) burns or allows to be burned residual materials in an engineered landfill, in contravention of section 47;

(4) batch discharges, in contravention of the third paragraph of section 53;

(5) dilutes, before their discharge into the environment, leachate or water referred to in section 55, in contravention of that section;

(6) establishes or enlarges a construction or demolition waste landfill, in contravention of the first paragraph of section 102;

(7) disposes in a construction or demolition waste landfill materials other than the waste within the meaning of section 101, in contravention of the second paragraph of section 103;

(8) burns or allows to be burned residual materials in a remote landfill, in contravention of section 115;

(9) disposes in an incineration facility referred to in the first paragraph of section 123 materials, objects or substances listed in section 4;

(10) accepts in a transfer station materials other than those allowed pursuant to section 137;

(11) accepts residual materials after the date provided for in the first paragraph of section 159 for the disposal areas referred to in that section;

(12) fails to permanently close a landfill referred to in the fourth paragraph of section 161, the area or trench of such landfill where it is prescribed to do so by that paragraph.

**149.7.** 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

(1) fails to take the measures prescribed by the first paragraph of section 48 to minimize the release of odours that cause odour nuisances beyond the limits of an engineered landfill;

(2) emits dust visible in the atmosphere more than 2 metres from the emission source, in contravention of the first paragraph of section 48;

(3) discharges into the environment leachate and water referred to in the first paragraph of section 53 that do not comply with the limit values prescribed therein or those determined by the Minister pursuant to the third paragraph of that section;

(4) fails to ensure that the quality of the surface water referred to in the second paragraph of section 54 is not deteriorated in the case provided for therein;

(5) fails to ensure that the groundwater referred to in the first paragraph of section 57 complies at the observation wells with the limit values prescribed or those determined by the Minister pursuant to the third paragraph of that section;

(6) fails to ensure that the quality of the groundwater referred to in the second paragraph of section 58 is not deteriorated in the case provided for therein;

(7) fail to ensure that the concentration referred to in section 60 or the second paragraph of section 62 complies with the values provided for in those sections;

(8) emits into the atmosphere grey or black emissions the opacity of which exceeds 20% in the cases provided for in section 129;

(9) emits into the atmosphere combustion gases that do not comply with the values prescribed by paragraphs 1 to 5 of section 130.»

**4.** The heading of Chapter VII before section 150 is amended by replacing “OFFENCES” by “PENAL SANCTIONS”.

**5.** Sections 150 to 154 are replaced by the following:

“**150.** Every person who contravenes paragraph 1 of section 45, the first paragraph of section 52, 72, 77, 78 or 82 or the third paragraph of section 96 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.

**19.1.** Every person who contravenes section 29, 33, the second paragraph of section 36 or 39, the first paragraph of section 40, paragraph 2 of section 45, the second paragraph of section 52 or 70, the first or third paragraph of section 71, section 81, the fourth paragraph of section 127, section 146 or the second paragraph of section 155 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.

Every person who fails

(1) to enter in a log the information prescribed by the first paragraph of section 39, the second paragraph of section 40 or the third paragraph of section 40.1,

(2) to enter the results referred to in the fourth paragraph of section 42 or 105 in the annual report provided for in section 52,

(3) to immediately notify the Minister of the date of closure of an engineered landfill in accordance with section 80,

(4) to send to the Minister the testing report referred to in the first paragraph of section 134 in accordance with the time limits and conditions provided for therein,

also commits an offence and is liable to the same fines.

**152.2.** Every person who contravenes section 10, 11, 17, 18, 19, 30, 31, 37 or 38, the first or second paragraph of section 40.1, the first or second paragraph of section 41, the first, second, third or fifth paragraph of section 42, section 43

or 46, the second paragraph of section 48, section 49, 50, 51 or 56, the second or fifth paragraph of section 66, the first paragraph or subparagraph 1 of the first paragraph of section 68, section 69, the first paragraph of section 70, section 79, paragraph 1, 3 or 4 of section 90, the first, second, third or fourth paragraph of section 91, section 92, the first or second paragraph of section 96, the second or third paragraph of section 97, section 98, the first or third paragraph of section 99, section 100, subparagraph 1 of the second paragraph or third paragraph of section 105, the first, second, third, fourth or fifth paragraph of section 106, the first paragraph of section 117, section 118, 120, 124 or 126, the first, second or third paragraph of section 127, the second paragraph of section 134, section 138, 139.3, 140, 143 or the second paragraph of section 159 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.

Every person who fails

(1) to obtain the results of the analyses or measures provided for in the second paragraph of section 40 before receiving the soils referred to therein,

(2) to periodically make the verifications prescribed by the fourth paragraph of section 42 or 105 at the frequency and on the conditions provided for therein,

(3) to take the measures prescribed by the first paragraph of section 48 to minimize wind dispersal or scattering of residual material referred to therein,

also commits an offence and is liable to the same fines.

**153.** Every person who contravenes the first paragraph of section 9, any of sections 20 to 28, 32, 34 or 35, the first paragraph of section 36, the fourth or fifth paragraph of section 41, the sixth paragraph of section 42, section 44 or 61, the first or third paragraph of section 62, section 63, 64 or 65, the first or third paragraph of section 66, section 67, subparagraph 2 or 3 of the first paragraph or the second paragraph of section 68, paragraph 2 of section 90, the second paragraph of section 99, subparagraph 2 of the second paragraph of section 105, section 107 or 108, the second paragraph of section 117 or section 119, 125 or 132 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

Every person who fails

(1) to permanently close an engineered landfill in the cases provided for in section 80,

(2) to take samples of the gases referred to in section 134 in accordance with the methods prescribed by the first paragraph of that section,



also commits an offence and is liable to the same fines.

**154.** Every person who

(1) contravenes the first paragraph of section 6, section 13, 14, 15 or 16, the second paragraph of section 71, the first paragraph of section 86, section 87 or 88, the first paragraph of section 94, 95, 97 or 103, the second paragraph of section 104, the first paragraph of section 111, section 112, 113, 114 or 116, the first paragraph of section 139.1, the fourth paragraph of section 139.2, section 145 or the second, third or fifth paragraph of section 161,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**154.1.** Every person who contravenes section 4, 8 or 47, the fourth paragraph of section 53, section 55, the first paragraph of section 102, the second paragraph of section 103, section 115, the first paragraph of section 123, section 137, the first paragraph of section 159 or the fourth paragraph of section 161 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.

**154.2.** Every person who contravenes the first or third paragraph of section 53, the second paragraph of section 54, section 57, the second paragraph of section 58, section 60, the second paragraph of section 62, the first paragraph of section 129 or section 130 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.

Every person who

(1) fails to take the measures prescribed by the first paragraph of section 48 to minimize the release of odours that cause odour nuisances beyond the limits of an engineered landfill,

(2) emits dust visible in the atmosphere more than 2 metres from the emission source, in contravention of the first paragraph of section 48,

also commits an offence and is liable to the same fines.

**154.3.** 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 Chapter 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.”.

**6.** Section 168 is revoked.

**7.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2553

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Liquid effluents of petroleum refineries —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions provided for in the Regulation respecting the liquid effluents of petroleum refineries with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

No penal sanction is currently provided directly in the Regulation since section 109 of the Environment Quality Act, which is revoked but the application of which is transitionally maintained in force in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance, provides fines in cases of offences to regulations that do not provide any specifically.

The draft Regulation proposes to add two new divisions. The first division provides for monetary administrative penalties and the second division, penal sanctions. The provisions provide amounts for the administrative penalties and the applicable penalties so that they are in keeping

with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation makes some amendments that are part of regulatory streamlining in order to minimize certain administrative requirements imposed on individuals.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries

Environment Quality Act  
(chapter Q-2, s. 22, s. 31, 1st par., subpars. *c, e, h, h.2*, s. 46, par. *c*, and *ss.* 115.27 and 115.34)

- 1.** The Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16) is amended by striking out “, as stated in the declaration previously submitted to the Minister to that effect pursuant to section 16” in the second paragraph of section 15.
- 2.** Section 16 is revoked.
- 3.** Section 20 is amended by striking out the second paragraph.
- 4.** Section 22 is revoked.
- 5.** Section 23 is amended by replacing “pursuant to section 3, 22 or 24” by “concerning the daily refining capacity of crude oil”.
- 6.** Section 24 is amended by replacing “pursuant to section 3, 22 or 23” in the first paragraph by “concerning the daily refining capacity of crude oil”.

- 7.** The following is inserted after section 24:

### “DIVISION V MONETARY ADMINISTRATIVE PENALTIES

**25.** 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

(1) to keep the data referred to in the second paragraph of section 15 in a register for a minimum period of 2 years;

(2) to respect the frequency or terms provided for in section 17 as to the sending of the results referred to in that section.

**26.** 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 to send to the Minister the results referred to in section 17.

**27.** 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 comply with the sampling or preservation conditions of the samples provided for in section 18 or 19;

(2) to have the required analyses carried out under this Regulation by a laboratory accredited by the Minister in accordance with section 20;

(3) to change the declaration concerning the daily refining capacity of crude oil in the case provided for in section 24.

**28.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to treat, in accordance with section 13, waste water originating from sanitary facilities referred to in that section;

(2) to take the measurements referred to in section 14 or 15, according to the prescribed conditions.

**29.** 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 deposits in the environment a liquid effluent or storm water that does not comply with the standards provided for in section 4, 6, 9 or 11.

### DIVISION VI PENAL SANCTIONS

**30.** Every person who fails

(1) to keep the data referred to in the second paragraph of section 15 in a register for a minimum period of 2 years,

(2) to respect the frequency or terms provided for in section 17 as to the sending of the results referred to in that section,

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.

**31.** Every person who fails to send the results referred to in section 17 to the Minister 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.

**32.** Every person who contravenes section 18, 19, 20 or 24 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.

**33.** Every person who

(1) contravenes section 13 or 14 or fails to take the measurements provided for in section 15 according to the prescribed conditions,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, false or misleading,

commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**34.** Every person who contravenes section 4, 6, 9 or 11 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.

**35.** 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.”

**8.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2550

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Motor vehicle traffic in certain fragile environments — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting motor vehicle traffic in certain fragile environments, appearing below, may be made by the Government on the expiry of 60 days following this publication.

No penal sanction is currently provided directly in the Regulation since section 109 of the Environment Quality Act, which is revoked but the application of which is transitionally maintained in force in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance, provides fines in cases of offences to regulations that do not provide any specifically.

The draft Regulation proposes to introduce two new divisions creating monetary administrative penalties and penal sanctions applicable in the event of contravention of requirements related to the good working order of any equipment used or installed to abate the emission, deposit, issuance or discharge of contaminants into the environment. The new divisions also provide amounts for the monetary administrative penalties and the applicable penalties so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the fines.

Further information on the draft Regulation may be obtained by contacting Édith Tremblay, regional director, Direction régionale de l'analyse et de l'expertise du Saguenay-Lac-St-Jean, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 3950, boulevard Harvey, 4<sup>e</sup> étage, Jonquière (Québec) G7X 8L6; telephone: 418 695-7883, extension 305; fax: 418 695-8822; email: edith.tremblay@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Édith Tremblay at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting motor vehicle traffic in certain fragile environments

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

**1.** The Regulation respecting motor vehicle traffic in certain fragile environments (chapter Q-2, r. 9) is amended by inserting the following after section 6:

“**6.1.** 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 uses a motor vehicle other than a snowmobile

(1) on the dunes in Îles-de-la-Madeleine, except on designated trails developed in accordance with the law, or on any other dunes in the domain of the State, as prohibited by section 2;

(2) in peat bogs in the domain of the State situated in the areas referred to in the first paragraph of section 3, as prohibited by that section;

(3) on the beaches, offshore bars, in marshes and swamps situated in the areas referred to in the first paragraph of section 4, as prohibited by that section.

**6.2.** 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 organizes or participates in a motor vehicle race, rally or competition in a marsh, swamp or peat bog, or on a dune, offshore bars or a beach, as prohibited by section 1.

**6.3.** Every person who contravenes section 2, 3 or 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.

**6.4.** Every person who contravenes section 1 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.”

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2546

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Pits and quarries — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting pits and quarries, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting pits and quarries with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

No penal sanction is currently provided directly in the Regulation since section 109 of the Environment Quality Act, which is revoked but the application of which is transitionally maintained in force in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance, provides fines in cases of offences to regulations that do not provide any specifically.

The draft Regulation proposes to introduce two new divisions creating monetary administrative penalties and penal sanctions applicable in the event of contravention of requirements related to the good working order of any equipment used or installed to abate the emission, deposit, issuance or discharge of contaminants into the environment. The new divisions also provide amounts for the monetary administrative penalties and the applicable penalties so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation proposes two technical amendments.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement

durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting pits and quarries

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpars. *e*, *h*, *h.1* and *h.2*, s. 46, pars. *b*, *c*, *e* and *f*, and ss.115.27 and 115.34)

**1.** The Regulation respecting pits and quarries (chapter Q-2, r. 7) is amended by revoking section 8.

**2.** Section 24 is replaced by the following:

“**24.** Methods of analysis: The water samples required to ensure the enforcement of sections 22 and 23 must be sent, for analysis, to a laboratory accredited by the Minister of Sustainable Development, Environment, Wildlife and Parks under section 118.6 of the Environment Quality Act (chapter Q-2).”

**3.** The following is inserted after section 58:

### “DIVISION IX MONETARY ADMINISTRATIVE PENALTIES

**59.** A monetary administrative penalty of \$500 in the case of a natural person or \$1,000 in other cases may be imposed on any person who fails

(1) to take the required measures so that the guarantee policy remains in force or is renewed in the case and on the conditions provided for in section 6;

(2) to comply with the standards for the location of equipment in the case of replacement of or increase in production of a crushing or screening process as prescribed by the first paragraph of section 20;

(3) to send to an accredited laboratory a water sample for analysis as prescribed by section 24;

(4) to comply with the methods of measurement prescribed by section 28;

(5) to take the required measures to prevent dust emissions in the cases and on the conditions provided for in section 31;

(6) to install a dust collecting apparatus linked to a dust collector system as prescribed by section 32;

(7) to restore land in the cases provided for in section 36;

(8) to provide, in the restoration plan of a pit, a laying out of the land in operation meeting the conditions prescribed by section 38 or to stabilize the ground in accordance with that section;

(9) to comply with the standards relating to vertical cuts prescribed by the first paragraph of section 39 or to cover with vegetation the horizontal terraces as required by the second paragraph of that section;

(10) to store topsoil or overburden in accordance with the first paragraph of section 40 or to deposit the topsoil or overburden on leveled surface during restoration in accordance with the second paragraph of that section;

(11) to carry out the land restoration plan in accordance with section 41;

(12) to meet the conditions of revegetation of the land as prescribed by the first paragraph of section 43;

(13) to carry out the restoration in the manner prescribed and within the time limits provided for in section 45;

(14) to cease the operation of a pit where the guarantee policy ceases to be in force or is used by the Minister as prescribed by section 52;

(15) to comply with the standards relating to the preservation or tree planting prescribed by section 53;

(16) to restore the land dug in the cases and on the conditions provided for in section 56.

**60.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who

(1) uses or installs equipment referred to in section 30 that is not in working condition or who uses, during production hours, such equipment that is not operating at optimum efficiency, in contravention of that section;

(2) fails to comply with the prohibition to dynamite on the conditions and during the periods provided for in section 54.

**61.** 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

(1) to obtain a certificate of authorization in the cases and on the conditions provided for in section 2;

(2) to comply with the standards for the minimum distance between the operating site of a new pit or quarry and any territory zoned for residential, commercial or mixed purposes as provided for in section 10;

(3) to comply with the standards for the minimum distance between an operating site of a new pit or quarry and any dwelling, school or other educational institution, place of worship, campground or health and social services institution as provided for in section 11;

(4) to obtain the authorization required by section 14 to operate a new pit in any of the locations referred to in the first or second paragraph of that section in accordance with the third paragraph;

(5) to comply with the standards for the minimum distance between a new pit or quarry and any well, water source or other water intake used to supply a waterworks network as provided for in section 15;

(6) to submit a new application for a certificate of authorization in the cases and on the conditions provided for in the second paragraph of section 20;

(7) to obtain a certificate of authorization for the use of fertilizing waste substances for the revegetation of a quarry or pit as prescribed by the second paragraph of section 43;

(8) to clear the surface of the pit or quarry from all debris referred to in section 44 on completion of the land restoration work in accordance with that section;

(9) to implement an altered restoration plan without having first forwarded the plan to the Minister for approval in accordance with section 46.

**62.** 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 fails to comply with

(1) the standards for the minimum distance between the operating site of a new pit or quarry and any stream, river, sea, lake, swamp or sandbank as provided for in the first paragraph of section 14;

(2) the standard for the minimum distance between the operating site of a pit or quarry and the boundaries of any ecological reserve as provided for in section 16;

(3) the standard for the minimum distance between private access roads to a new pit or quarry and any structure or immovable as provided for in section 17;

(4) the standard for the minimum distance between the operating site of a quarry and any public thoroughfare as provided for in section 18;

(5) the standard for the minimum distance between the operating site of a quarry and the property line of any piece of property owned by a party other than the operator of the lot in which the quarry is located as provided for in section 19;

(6) the conditions for extending a pit or quarry prescribed by section 21.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) establishes a new pit or quarry, the operating site of which is located in a territory zoned for residential, commercial or mixed purposes, in contravention of section 10;

(2) operates a pit or quarry in a location referred to in the second paragraph of section 14, in contravention of that section;

(3) undertakes the operation of a pit or quarry in any of the territories referred to in section 57, in contravention of that section.

**63.** 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 to comply with

(1) the noise standards during the entire operation of a pit or quarry as prescribed by the second paragraph of section 12;

(2) the standard for the emission into the atmosphere of dust relating to crushers, dryers, screens, conveyors, elevators and bins installed in a quarry and any feeding or dumping point for aggregate material as prescribed by the first paragraph of section 25;

(3) the standard for the concentration of particulate matter relating to the sources of emission linked to a collecting system as prescribed by the second paragraph of section 25;

(4) the standard for the emission of particulate matter relating to the dust collecting apparatus linked to a dust collector system as prescribed by section 32;

(5) the emission standard for the handling, transportation, storage, deposit or elimination of dust recovered by dust collector systems as prescribed by section 33;

(6) the standard for the emission of impulsive or discontinuous seismic waves relating to the operation of a quarry as prescribed by section 34.

The penalty provided for in the first paragraph may also be imposed on any person who discharges into the environment water that does not comply with the standards prescribed by section 22 or 23.

## DIVISION X PENAL SANCTIONS

### 64. Every person who

(1) contravenes section 6, the first paragraph of section 20, section 24, 28, 31, 36, 38, 39, 40 or 41, the first paragraph of section 43 or section 45, 52, 53 or 56,

(2) fails to install a dust collecting apparatus linked to a dust collector system in accordance with section 32,

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.

65. Every person who contravenes section 30 or 54 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

### 66. Every person who

(1) contravenes section 2 or 11, the third paragraph of section 14, section 15, the second paragraph of section 20 or 43 or section 44 or 46,

(2) fails to comply with the standards for the minimum distance between the operating site of a new pit or quarry and any territory zoned for residential, commercial or mixed purposes provided for in section 10,

(3) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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 \$10,000 to \$3,000,000.

### 67. Every person who

(1) establishes a new pit or quarry, the operating site of which is located in a territory zoned for residential, commercial or mixed purposes, in contravention of section 10;

(2) contravenes the first or second paragraph of section 14 or section 16, 17, 18, 19, 21 or 57,

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.

### 68. Every person who

(1) contravenes the second paragraph of section 12, section 22 or 23, the first or second paragraph of section 25 or section 33 or 34,

(2) fails to comply with the standard for the emission of particulate matter relating to the dust collecting apparatus linked to a dust collector system prescribed by section 32,

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.

69. 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.”

4. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2545

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Protection of waters from pleasure craft discharges — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the protection of waters from pleasure craft discharges, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting the protection of waters from pleasure craft discharges with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation. It provides the penalties applicable in the event of contravention of provisions of the Regulation, so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines and an adjustment of all the minimum fines. Moreover, the draft Regulation does not introduce any provisions concerning monetary administrative penalties, taking into account section 115.28 of the Environment Quality Act and the fact that the Regulation respecting the protection of waters from pleasure craft discharges is enforceable by the municipalities.

Further information on the draft Regulation may be obtained by contacting H  l  ne Proteau, regional director, Direction r  gionale de l'analyse et de l'expertise de Montr  al, Laval, Lanaudiere et Laurentides, Minist  re du D  veloppement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montr  al (Qu  bec) HIT 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to H  l  ne Proteau at the above address.

YVES-FRAN  OIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## **Regulation to amend the Regulation respecting the protection of waters from pleasure craft discharges**

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

**1.** The Regulation respecting the protection of waters from pleasure craft discharges (chapter Q-2, r. 36) is amended by replacing section 6 by the following:

“6. Every person who contravenes section 3 or 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.

**6.1.** Every person who contravenes section 2 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.”

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Qu  bec*.

2564

## **Draft Regulation**

Environment Quality Act  
(chapter Q-2)

### **Pulp and paper mills — Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting pulp and paper mills, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting pulp and paper mills with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation amends certain sections or schedules to revoke certain provisions that are obsolete or to correct technical or terminology errors.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction r  gionale de l'analyse et de l'expertise de l'Estrie et de la Mont  r  gie, Minist  re du D  veloppement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2     tage, Longueuil (Qu  bec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca



Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting pulp and paper mills

### Environment Quality Act

(chapter Q-2, s. 31, 1st par., subpars. *c*, *d*, *e* and *h*, s. 46, pars. *c*, *f* and *g*, s. 53.30, 1st par., subpars. 4 and 5, s. 70, pars. 2, 5, 6 and 7, and ss. 115.27 and 115.34)

**1.** The Regulation respecting pulp and paper mills (chapter Q-2, r. 27) is amended by inserting “or mill” in subparagraph 1 of the second paragraph of section 26 after “if the complex”.

**2.** Section 28 is amended by replacing “RPR<sub>NP</sub>” in the third paragraph by “RPR<sub>NF</sub>”.

**3.** Section 29 is amended by replacing “RPR<sub>NP</sub>” in the third paragraph by “RPR<sub>NF</sub>”.

**4.** Section 30 is amended

(1) by striking out the second paragraph;

(2) by replacing “RPR<sub>NP</sub>” in the fourth paragraph by “RPR<sub>NF</sub>”;

(3) by striking out the fifth paragraph.

**5.** Section 31 is amended

(1) by striking out the second paragraph;

(2) by replacing “RPR<sub>NP</sub>” in the fourth paragraph by “RPR<sub>NF</sub>”;

(3) by striking out the fifth paragraph.

**6.** Section 70 is amended

(1) by replacing subparagraph 5 of the first paragraph by the following:

“(5) AOX

(a) once a week on a day on which bleached pulp is produced, where a chlorinated product is used as a pulp bleaching agent, for an effluent discharged into the environment, into a storm sewer or into a sewer system if, in the latter case, an effluent is also discharged into the environment or into a storm sewer;

(b) once a month, at an interval of at least 21 days, for an effluent discharged into a sewer system;”;

(2) by replacing “if all the standards” in the last paragraph by “if the standards provided for in subparagraphs 2 and 4 of the first paragraph”.

**7.** Section 71 is amended by replacing “of the first paragraph” in the last paragraph by “in subparagraphs 1 and 2 of the first paragraph”.

**8.** Section 75 is amended by adding the following paragraph:

“If the stored materials consist of treatment sludge, de-inking sludge or bark, the parameters referred to in section 104 must all be measured.”.

**9.** Section 104 is amended by replacing the title of the right column “Average concentration” by “Standards”.

**10.** Section 122 is amended by striking out “taken before treatment” in the first paragraph.

**11.** Section 131 is amended by replacing “à stocker” in paragraph 10 of the French text by “à entreposer”.

**12.** The following is inserted after the heading of Chapter VII and before section 138:

### “DIVISION I

### MONETARY ADMINISTRATIVE PENALTIES

**137.1.** 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, in contravention of this Regulation, who fails to keep any log, result, measurement or any information for the period provided for in the Regulation.

**137.2.** 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) in contravention of this Regulation to set up a log or, where applicable, to keep it up to date;

(2) to send to the Minister or provide the Minister with the report provided for in section 65 or the first paragraph of section 113 in accordance with those sections.

**137.3.** 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 fails

(1) to send to the Minister, within the time and on the conditions provided for therein, in particular as to the format or method of transmission,

(a) a prevention and intervention program for accidental discharge or the update of such a program in accordance with section 2;

(b) one of the notices referred to in section 3;

(c) an estimation of the interim reference production rate along with supporting documents in accordance with the second paragraph of section 7;

(d) any other data or measurement or any report or analysis report required by this Regulation, in cases where no other monetary administrative penalties are provided for such failure;

(2) to use an interim reference production rate in the cases and on the conditions provided for in section 9;

(3) to comply with the conditions provided for in section 11 as to the surface of a watercourse receiving the discharge;

(4) to perform a test or an inspection in accordance with the third paragraph of section 62, section 63 or 64;

(5) to correct any malfunction or inaccuracy in the primary element in accordance with section 66;

(6) to comply with the conditions to take, perform, keep or transport the analyses provided for in any of sections 76 to 79, section 85 or the first or second paragraph of section 105;

(7) to have the analyses referred to in section 79, the third paragraph of section 85 or section 105 or the second paragraph of section 112 performed by a laboratory accredited by the Minister in accordance with those sections;

(8) to install, calibrate or maintain in working order a system or device referred to in section 81, in the cases and on the conditions provided for in that section;

(9) to install, maintain in working order, inspect or test a measurement and recording system in accordance with the second paragraph of section 105;

(10) to carry out any measurement or analysis, any calculation or recording or to take any sample, within the time and on the conditions provided for in this Regulation, in cases where no other monetary administrative penalties are provided for such failure.

**137.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to comply with the conditions of final effluent discharge provided for in section 10;

(2) to treat or discharge scrubbing water referred to in section 23 on the conditions provided for in that section;

(3) to separate cooling water from other process water in accordance with section 42;

(4) to treat or discharge sanitary wastewater in accordance with section 43 or 44;

(5) to install or maintain in working order a sampling station or a measurement system according to the conditions prescribed by any of sections 46 to 49 or the first or second paragraph of section 62, or fails to ensure access to those stations or systems for monitoring purposes in accordance with section 50;

(6) to install or maintain a drainage system for runoff water in the cases and on the conditions provided for in section 52 or 108;

(7) to ensure that an outdoor storage area is watertight or to collect water from the storage area in the cases and on the conditions provided for in the first or second paragraph of section 53;

(8) to comply with the sampling conditions provided for in section 67;

(9) to install or maintain a water collection system in accordance with section 102 or to treat the water in the cases and on the conditions provided for in that section;

(10) to comply with the conditions of elevation, grade, cover, landfill or storage of residual materials provided for in section 109, 114, 115, 116 or 118;

(11) to prohibit public access to a landfill site in accordance with section 110;

(12) to lay out water table observation wells in accordance with section 111;

(13) to comply with the requirements provided for in section 121 in respect of a permanently closed landfill site;

(14) to respect the frequencies and terms of sampling or measurements provided for in the first, second or third paragraph of section 122 in the cases and on the conditions provided for in that section;

(15) to respect the volumes of stored residual materials prescribed by section 127 or to treat excess residual materials in accordance with that section;

(16) to ensure that the storage area is watertight or to collect water from the storage area in accordance with section 128.

**137.5.** 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

(1) to comply with the conditions provided for in section 22 as to the treatment of wastewater or sludge referred to in that section;

(2) to close a landfill site or to immediately notify the Minister thereof in the cases and on the conditions provided for in section 119;

(3) to obtain from an independent expert a closure report of a landfill site that complies with section 120 or to send it to the Minister within the period provided for in that section.

**137.6.** 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

(1) empties with the effluents the solids accumulated in any process water treatment equipment in contravention of section 21;

(2) establishes or alters an outdoor storage area referred to in section 51 without complying with the siting standards prescribed by that section;

(3) fails to install or maintain an emergency basin in a state of readiness in accordance with section 55;

(4) accepts residual materials other than those provided for in section 96, 117 or 129;

(5) establishes or enlarges a landfill facility in a prohibited place pursuant to section 99;

(6) landfills residual materials without complying with the conditions prescribed by section 100 or 101;

(7) deposits mill residual materials into the water in contravention of section 103;

(8) directs to a landfill site residual materials, sludge or residues that do not meet the conditions provided for in the first or second paragraph of section 106 or section 107.

**137.7.** 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

(1) contravenes a standard related to an effluent prescribed by any of sections 12 to 17;

(2) dilutes an effluent or combines it with another effluent in contravention of any of sections 18 to 20;

(3) fails to respect a daily or monthly limit of loss or discharge prescribed by section 24 or 25, any of sections 27 to 33 or 35 to 41 on the conditions provided for therein;

(4) contravenes a concentration standard provided for in section 45, the first or second paragraph of section 53, any of sections 57 to 59 or section 104;

(5) dilutes water referred to in section 89 before it is discharged into the environment or into a storm sewer.”.

**13.** The following is inserted before section 138:

## “DIVISION II PENAL SANCTIONS”.

**14.** Sections 138 to 141 are replaced by the following:

“**138.** Every person who fails to keep any log, result or measurement for the period provided for, in accordance with the fourth paragraph of section 62, section 64, the third paragraph of section 80, section 86, the third paragraph of section 98, the sixth paragraph of section 105 or the third paragraph of section 112 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.

**139.** Every person who

(1) fails to keep the log provided for in the fourth paragraph of section 62, section 64 or the third paragraph of section 80,

(2) contravenes section 65 or the first paragraph of section 113,

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.

**140.** Every person who contravenes section 2 or 3, the second paragraph of section 7, section 9 or 11, the third paragraph of section 62, section 63, 64 or 66, any of sections 68 to 79, the first or second paragraph of section 80, any of sections 81 to 85, section 87, the first or second paragraph of section 98, the first, second, third, fourth or fifth paragraph of section 105, the first or second paragraph of section 112, the second paragraph of section 113 or the fourth paragraph of section 122 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.

**141.** Every person who

(1) contravenes section 10 or 23, any of sections 42 to 44 or 46 to 50, section 52, the first or second paragraph of section 62, section 67 or 102, any of sections 108 to 111

or 114 to 116, section 118, the second paragraph of section 121, the first, second or third paragraph of section 122 or section 127 or 128,

(2) fails to ensure that the outdoor storage area referred to in section 53 is watertight or to collect water from those areas,

commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**141.1** Every person who

(1) contravenes section 22, 119 or 120,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**141.2.** Every person who contravenes section 21, 51, 55 or 96, any of sections 99 to 101, section 103, the first or second paragraph of section 106, section 107, 117 or 129 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.

**141.3.** Every person who contravenes

(1) any of sections 12 to 20, section 24 or 25, any of sections 27 to 33 or 35 to 41, section 45, any of sections 57 to 59, section 89 or 104,

(2) the standards applicable to water from stored materials in accordance with section 53,

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.

**141.4.** 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.”

**15.** The heading of Schedule II is amended by striking out “monthly” before “report”.

**16.** The heading of Schedule III is amended by striking out “monthly” before “report”.

**17.** Schedule XVI is amended by replacing “(µhmos/cm)” in the table under «Conductivity» by «(µS/cm)».

**18.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2558

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Quality of drinking water — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the quality of drinking water, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting the quality of drinking water with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation proposes technical amendments to certain provisions.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting the quality of drinking water

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpars. *e*, *h.1* and *h.2*,  
ss. 45, 45.2, 115.27 and 115.34)

**1.** The Regulation respecting the quality of drinking water (chapter Q-2, r. 40) is amended in section 14.1 by inserting “educational institutions, correctional facilities or health and social services institutions” after “tourist establishments,” in the third paragraph

**2.** Section 31 is amended by replacing “analysis request forms furnished by the Minister” in the first paragraph by “analysis request forms complying with the model provided by the Minister”.

**3.** Section 39 is amended by replacing “ $\geq 5,000$ ” and “ $\geq 20,000$ ” in the table following the first paragraph by “ $\leq 5,000$ ” and “ $\leq 20,000$ ” respectively.

**4.** Section 44.0.2 is amended by striking out “serving at least 1 residence” in the first paragraph.

**5.** The following is inserted after section 44.5:

### “CHAPTER V.2 MONETARY ADMINISTRATIVE PENALTIES

**44.6.** 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

(1) to send any document, declaration or notice referred to in section 1.3 in the manner prescribed by that section;

(2) to be in possession of a copy of the contract referred to in section 9.1, keep it for at least 2 years or make it available to the Minister;

(3) to send to the Minister a declaration or a modified declaration in the cases, within the periods and on the conditions provided for in section 10.1;

(4) to enter the results obtained pursuant to section 17 or 23 on the forms provided for therein;

(5) to sign the form referred to in the second paragraph of section 30 in the cases provided for therein or to keep or make available to the Minister a copy of the form during the period provided for in the third paragraph of that section;

(6) to send the analysis request forms with the samples referred to in the first paragraph of section 31;

(7) to certify compliance of the analysis referred to in the second paragraph of section 32, to keep the certification or to make it available to the Minister during the period provided for in that section;

(8) to keep a copy of the report referred to in the third paragraph of section 33 or to make it available to the Minister during the period provided for in that section;

(9) to enter the results obtained pursuant to the second paragraph of section 39 on the form provided for therein;

(10) to carry or to show upon request a valid certificate of qualification or competency certificate complying with section 44.0.1 in the cases provided for therein;

(11) to obtain or to keep or to make available to the Minister during the period of time provided a copy of the certificates of qualification or competency certificates referred to in the fifth paragraph of section 44.0.2;

(12) to comply with the conditions relating to the size and appearance of the pictograms referred to in the first paragraph of section 44.2;

(13) to enter in a record the information prescribed by the second paragraph of section 44.3, to keep the record on paper or to make it available to the Minister for 5 years in accordance with that paragraph;

(14) to keep a copy of the analysis request and the report referred to in the first paragraph of section 44.4 or to make them available to the Minister during the period provided for in that section;

(15) to comply with the periods or frequencies provided for in the third paragraph of section 53 or the second paragraph of section 53.0.1 for sending to the Minister the attestations or reports referred to therein, as the case may be;

(16) to provide a copy of the report referred to in the second paragraph of section 53.3 to the user requesting a copy in accordance with that paragraph;

(17) to comply with the requirements provided for in the third paragraph of section 53.3 relating to the posting of the report or the notice referred to therein.

**44.7.** 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 make available to the Minister for a period of 10 years, from the date it is signed by a professional, the notice referred to in the second paragraph of section 6;

(2) to obtain an access right in writing in the cases and on the conditions provided for in section 9.1;

(3) to make available to the Minister, for a minimum period of 5 years, a copy of the plan and the document of explanation referred to in section 21.0.1 and including the information provided for in that section;

(4) to enter each day in a record the information prescribed by the fourth paragraph of section 22, to sign the record or to keep it in paper form for a minimum of 2 years or to make it available to the Minister;

(5) to keep or to make available to the Minister, for a minimum period of 5 years, the data prescribed by the fifth paragraph of section 22;

(6) to maintain a record containing the information prescribed by the second paragraph of section 28 or to keep or to make available to the Minister such a record for a minimum period of 5 years;

(7) to send to the Minister the results of the analyses referred to in the first paragraph of section 33 within the periods and on the conditions for sending provided for therein;

(8) to immediately send to the Minister and the public health director the declaration provided for in the fourth paragraph of section 36;

(9) to comply with the requirements of section 36.1 regarding the content of the notice referred to therein;

(10) to immediately inform the Minister of Agriculture, Fisheries and Food in the cases provided for in the second paragraph of section 44.2;

(11) to make available to the Minister for at least 5 years the attestation referred to in section 53.2;

(12) to complete annually the report referred to in the first paragraph of section 53.3 in accordance with what is provided for therein;

(13) to keep the report referred to in the second paragraph of section 53.3 or to make it available to the Minister for a minimum period of 5 years.

**44.8.** 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 notify any person or institution that had to be notified pursuant to section 36 when the situation referred to in section 41 occurs;

(2) to comply with the conditions provided for in section 44.1 relating to the possibility of supplying water referred to therein for personal hygiene purposes;

(3) to collect according to the frequency and on the conditions provided for in the first paragraph of section 44.3 the water samples prescribed therein;

(4) to send for analysis the samples referred to in the first paragraph of section 44.4 to a laboratory accredited by the Minister in accordance with that section;

(5) to send to the Minister the reports prescribed by the second paragraph of section 53.0.1 containing the information provided for therein.

**44.9.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to ensure, by means of a prepared notice signed by a professional, that the equipment in place meets the requirements provided for in the second paragraph of section 6;

(2) to administer a water disinfection treatment in accordance with the conditions provided for in section 8 in the cases provided for therein;

(3) to equip with standby disinfection equipment complying with section 9 the disinfection systems referred to therein;

(4) to comply with the conditions provided for in section 9.2 relating to the products used for the treatment of water intended for human consumption;

(5) to collect or have collected the water samples referred to in section 11 according to the frequencies and on the conditions provided for therein;

(6) to collect at least 50% of the samples referred to in section 11 on the conditions provided for in section 12;

(7) to provide the person in charge of the supplying distribution system with the contact information prescribed by the second paragraph of section 12.1;

(8) to make sampling points referred to in the third paragraph of section 12.1 accessible to the employees or representatives of a municipality, for the purposes of sampling the water supplied;

(9) to collect or to have collected the water samples referred to in section 13 in the cases, on the conditions and according to the frequencies provided for therein;

(10) to collect or to have collected the water samples prescribed by the first or second paragraph of section 14 or 15 according to the frequencies and on the conditions provided for therein;

(11) to collect or to have collected samples from the water supplied in accordance with the terms and conditions provided for in the first paragraph of section 14.1;

(12) to measure the pH of the water for the samples referred to in section 17;

(13) to collect or to have collected the water samples prescribed by the first, second or third paragraph of section 18 or section 19 or 21 according to the frequencies and on the conditions provided for in those sections;

(14) to ensure that the sampling points where samples are collected enable to obtain data representative of the quality of water for the whole network in accordance with section 21.0.1;

(15) to collect or to have collected the monthly samples prescribed by the second paragraph of section 21.1;

(16) to equip every disinfection treatment facility that treats water supplied by a distribution system with the devices prescribed by the first, second or third paragraph of section 22 and complying with the requirements provided for therein;

(17) to measure daily the flow rate, volume, temperature and pH of the water in the accordance with the fourth paragraph of section 22;

(18) to equip a facility referred to in the fifth paragraph of section 22 with software that allows for continuous calculation and an alarm complying with that paragraph;

(19) to collect or to have collected the water samples prescribed by the first paragraph of section 22.0.1 according to the frequencies and on the conditions provided for therein;

(20) to measure the quantity of free residual disinfectant or, as the case may be, the free and total residual disinfectant, in the samples referred to in section 23;

(21) to collect the samples required by section 26 in accordance with the conditions provided for therein;

(22) to ensure, in the case of tank trucks, that the water transfer operations are performed under such sanitary conditions that the water quality is not affected in accordance with the first paragraph of section 27;

(23) to ensure that the water referred to in the second paragraph of section 27 meets the concentration of chlorine prescribed therein;

(24) to measure daily the quantity of free residual chlorine in the samples referred to in the first paragraph of section 28;

(25) to comply with the conditions prior to the transportation of water intended for human consumption provided for in the second or third paragraph of section 29;

(26) to ensure that the samples referred to in the first paragraph of section 30 are collected and kept in accordance to the provision of Schedule 4 or shipped to the analytical laboratory as soon as possible in accordance with that section;

(27) to send for analysis the samples referred to in the first paragraph of section 31 to a laboratory accredited by the Minister in accordance with that section;

(28) to analyze the water samples referred to in the first paragraph of section 32 in accordance with the methods prescribed therein;

(29) to give to users the notices prescribed by the fourth paragraph of section 36 according to the frequency and the conditions provided for therein;

(30) to collect or to have collected the minimum number of water samples prescribed by the first paragraph of section 39 according to the frequencies and the conditions provided for therein or provided for in the third or fourth paragraph of that section;

(31) to measure the quantity of free and total residual disinfectant in the samples referred to in the second paragraph of section 39;

(32) to collect or to have collected the water samples according to the frequencies and the conditions provided for or to certify to the Minister, where applicable, the efficiency of the necessary remedial measures in the cases provided for in the first paragraph of section 40;

(33) to take the measures relating to the collection of samples, their analysis and the verifications prescribed by the first or second paragraph of section 42 in the case provided for therein;

(34) to ensure that the duties referred to in section 44 are carried out by a person certified within the meaning of that section or under the supervision of such a person;

(35) to ensure that a person employed to perform a task referred to in the first, second, third or fourth paragraph of section 44.0.2 is certified within the meaning of section 44 or is under the supervision of such a person;

(36) to send to the Minister the attestation prescribed by the third paragraph of section 53 within the period and on the conditions provided for therein;

(37) to collect or to have collected the water samples referred to in the first paragraph of section 53.0.1 according to the frequencies and the conditions provided for or to send the samples to a laboratory referred to in that section;

(38) to hold the attestation referred to in section 53.2 in accordance with the conditions prescribed therein.

**44.10.** 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

(1) to notify, as soon as possible, the Minister and the public health director of the region concerned in the case provided for in section 17.1 or to inform them of the measures referred to in that section on the conditions provided for therein;

(2) to communicate to the persons referred to in the fourth paragraph of section 35 and in accordance with the means prescribed the results of the analysis provided for therein;

(3) to take immediately in the case provided for in the second paragraph of section 35.1 remedial measures or to inform the Minister during business hours;

(4) to notify as soon as possible, the Minister and the public health director of the region concerned in the case provided for in the first paragraph of section 36 or to inform them of the measures referred to in that section on the conditions provided for therein;

(5) to comply with the conditions provided for in the fifth paragraph of section 39 permitting to consider as again complying the water referred to;

(6) to immediately notify the Minister and the public health director of the region concerned in the case provided for in the first paragraph of section 39.1 or to inform them of the measures referred to in that section on the conditions provided for therein;

(7) to maintain the advisory provided for in the second paragraph of section 39.1 as long as prescribed by that section;

(8) to immediately implement, in the case provide for in section 44.5, the remedial measures referred to therein, to notify the Minister and the public health director of the region concerned or to inform them of the measures taken.

**44.11.** 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

(1) uses to supply water intended for human consumption the tank of a vehicle used or having been used to transport substances unfit for human consumption, in contravention of the first paragraph of section 29;

(2) fails to immediately communicate the results of the analysis of the water referred to in section 35 to the persons prescribed by that section in accordance with the first, second, third or fifth paragraph of that section;

(3) fails to immediately notify the Minister in the case provided for in the first paragraph of section 35.1 or to inform the Minister of the actions referred to in that section on the conditions provided for therein;

(4) fails to immediately notify the users of a system that the water is considered unfit for consumption or to inform the public health director of the region concerned in accordance with the third paragraph of section 35.1.

**44.12.** 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 comply with the requirements provided for in section 1.2 relating to the water disinfection treatment;

(2) to ensure that the water intended for human consumption complies with the standards of quality of drinking water prescribed by section 3;

(3) to treat the water in accordance with section 5 before making it available to the user;

(4) to ensure that the rates of effectiveness of the filtration and disinfection treatment referred to in the first paragraph of section 5.1 correspond to those prescribed therein, as the case may be;

(5) to treat water made available to the user in the manner referred to in the first paragraph of section 6 by a disinfection treatment whose proven rate of elimination effectiveness is that provided for in that provision;

(6) to notify the persons referred to in the second paragraph of section 12.1 in the cases provided for therein or, as the case may be, to take the corrective measures to remedy the situation;

(7) to ensure that the water used to fill the tank and intended for human consumption complies with the standards prescribed by the first paragraph of section 27;

(8) to notify the users by the appropriate means, as the case may be, as prescribed by the second or third paragraph of section 36;

(9) to immediately notify the person in charge of another distribution system in the case and on the conditions provided for in section 37;

(10) to post a notice complying with the first paragraph of section 38 or to interrupt any water service in the case and on the conditions provided for in that section;

(11) to notify the users in the case referred to in the second paragraph of section 38;

(12) to install or to maintain in place or ensure to be installed or maintained in place the pictograms complying with the conditions of visibility or manufacture provided for in the first paragraph of section 44.2.”.

**5.** The heading of Chapter VI is amended by inserting “SANCTIONS” after “PENAL”.

**6.** Sections 45 to 49 are replaced by the following:

“**45.** Every person who contravenes section 10.1, the second or third paragraph of section 30, the second paragraph of section 32, the third paragraph of section 33,

section 44.0.1, the fifth paragraph of section 44.0.2, the section paragraph of section 44.3 or the third paragraph of section 53 or 53.3 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.

Every person who fails

(1) to be in possession of, to keep for at least 2 years or to make available to the Minister a copy of the contract referred to in section 9.1,

(2) to enter the results obtained pursuant to section 17 or 23 on the forms provided for therein,

(3) to send the analysis request forms with the samples referred to in the first paragraph of section 31,

(4) to enter the results obtained pursuant to the second paragraph of section 39 on the forms provided for therein,

(5) to comply with the conditions relating to the form of the pictograms referred to in the first paragraph of section 44.2,

(6) to keep a copy of the analysis request and report referred to in the first paragraph of section 44.4 or to make them available to the Minister during the period provided for in that section,

(7) to comply with the periods or frequencies provided for in the third paragraph of section 53 or the second paragraph of section 53.0.1 to send to the Minister the attestations or report referred to therein, as the case may be,

(8) to provide a copy of the report referred to in the second paragraph of section 53.3 to the user who so requests in accordance with that paragraph,

also commits an offence and is liable to the same fines.

**46.** Every person who contravenes the second paragraph of section 28, the first paragraph of section 33, section 36.1 or the second paragraph of section 44.2 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.

Every person who fails

(1) to make available to the Minister for a period of 10 years, from the date it is signed by a professional, the notice referred to in the second paragraph of section 6,

(2) to obtain a written access right in the cases and on the conditions provided for in section 9.1,

(3) to make available to the Minister, for a minimum period of 5 years, a copy of the plan and the document of explanation referred to in section 21.0.1 and including the information provided for in that section ,

(4) to enter daily in a record the information prescribed by the fourth or fifth paragraph of section 22, to sign or keep in paper form for 2 years that record or to make it available to the Minister,

(5) to immediately send to the Minister and the public health director the declaration provided for in the fourth paragraph of section 36,

(6) to make available to the Minister for at least 5 years the attestation referred to in section 53.2,

(7) to complete or to keep the report referred to in the second paragraph of section 53.3 or to make it available to the Minister for a minimum period of 5 years,

also commits an offence and is liable to the same fines.

**47.** Every person who

(1) contravenes section 41 or 44.1 or the first paragraph of section 44.3,

(2) fails to send for analysis the samples referred to in the first paragraph of section 44.4 to a laboratory accredited by the Minister in accordance with that section,

(3) fails to send to the Minister the reports prescribed by the second paragraph of section 53.0.1 containing the information provided for therein,

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.

**48.** Every person who contravenes section 8, 9, 11 or 12, the third paragraph of section 12.1, section 13 or 14, the first paragraph of section 14.1, section 15, 18, 19 or 21, the second paragraph of section 21.1, the first, second or third paragraph of section 22, section 22.0.1 or 26, the second paragraph of section 27, the first paragraph of section 28, the second or third paragraph of section 29, the first paragraph of section 30, the first paragraph of section 32, the first, third or fourth paragraph of section 39, section 40, 42 or 44, the first, second, third or fourth paragraph of section 44.0.2 or the first paragraph of section 53.0.1 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

Every person who fails

(1) to ensure, by a prepared notice signed by a professional, that the equipment in place meets the requirements provided for in the second paragraph of section 6,

(2) to comply with the conditions provided for in section 9.2 relating to the products used for the treatment of water intended for human consumption,

(3) to provide to the person in charge of the supplying distribution system the contact information prescribed by the second paragraph of section 12.1;

(4) to measure the pH of the water for the samples referred to in section 17,

(5) to ensure that the sampling points where samples are collected enable to obtain data representative of the quality of water for the whole network in accordance with section 21.0.1,

(6) to measure daily the flow rate, volume, temperature and pH of the water in accordance with the fourth paragraph of section 22,

(7) to equip a facility referred to in the fifth paragraph of section 22 with software that allows for continuous calculation and an alarm complying with that paragraph,

(8) to measure the quantity of free residual disinfectant or, as the case may be, the free and total residual disinfectant in the samples referred to in section 23,

(9) to ensure, in the case of a tank truck, that the water transfer operations are performed under such sanitary conditions that the water quality is not affected in accordance with the first paragraph of section 27,

(10) to send for analysis the samples referred to in the first paragraph of section 31 to a laboratory accredited by the Minister in accordance with that section,

(11) to give users the notices prescribed by the fourth paragraph of section 36 according to the frequency and the conditions provided for therein,

(12) to measure the quantity of free and total residual disinfectant in the samples referred to in the second paragraph of section 39,

(13) to send to the Minister the attestation prescribed by the third paragraph of section 53 within the period and on the conditions provided for therein,

(14) to hold the attestation referred to in section 53.2 in accordance with the conditions provided for therein,

also commits an offence and is liable to the same fines.

**49.** Every person who

(1) contravenes section 17.1, the fourth paragraph of section 35, the second paragraph of section 35.1, the first paragraph of section 36, the fifth paragraph of section 39 or section 39.1 or 44.5,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**49.1.** Every person who contravenes the first paragraph of section 29, the first, second, third or fifth paragraph of section 35 or the first or third paragraph of section 35.1 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.

**49.2.** Every person who

(1) contravenes section 1,2, 3, 5 or 5.1, the first paragraph of section 6, the second or third paragraph of section 36, section 37 or 38,

(2) fails to notify the persons referred to in the second paragraph of section 12.1 in the cases provided for therein or, as the case may be, to take the corrective measures to remedy the situation,

(3) fails to ensure that the water used to fill the tank and intended for human consumption complies with the standards prescribed by the first paragraph of section 27,

(4) fails to install or maintain in place or to ensure to be installed or maintained in place pictograms complying with the conditions of visibility or manufacture provided for in the first paragraph of section 44.2,

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.

**49.3.** 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 Chapter 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.”

**8.** Schedule 4 to this Regulation is amended

(1) by replacing subparagraph 1 of the first paragraph of section 5 of Division IV of Chapter I under Title I by the following:

“(1) collect samples in containers provided by a laboratory accredited by the Minister by filling them to the brim;”;

(2) by replacing “HCI” in the first line under “Preservative” under note 1 of the Table Preservation standards of organic substances under Title II by “HCI”;

(3) by replacing “Must contain 1 mL of ammonium chloride per litre of sample” in the fourth line under “Preservative” under note 1 of the Table Preservation standards of organic substances under Title II by “Must contain 1 mL of ammonium chloride per 100 mg/L of sample”;

(4) by replacing in the lines under “Type of container” under note 2 of the Table Preservation standards of organic substances under Title II

(a) for “PO” and “PS” the word “Bottle” by “Container”;

(b) for “P” the words “Bottles and cap coatings” by “Containers and cap coatings, if applicable.”.

**9.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 5 of section 44.9, introduced by section 5 of this Regulation, and subparagraph 2 of the second paragraph of section 48, replaced by section 7 of this Regulation, which come into force on 8 March 2017.

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Quality of the atmosphere — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the quality of the atmosphere, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting the quality of the atmosphere with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with. It must be noted that the provisions of the Regulation have been replaced by the Clean Air Regulation (chapter Q-2, r. 4.1), except paragraph 33 of section 1 and sections 96.1 to 96.3 and 96.6 and certain other provisions that continue to apply as transitional measures to the extent provided for in Title VII of the Clean Air Regulation.

The draft Regulation proposes to add monetary administrative penalties and amend the penal provisions provided for in the current Regulation. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation that still apply so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Pierre Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

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## Regulation to amend the Regulation respecting the quality of the atmosphere

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

**1.** The Regulation respecting the quality of the atmosphere (chapter Q-2, r. 38) is amended by inserting the following after section 96.3:

### “DIVISION XXX.1.1 MONETARY ADMINISTRATIVE PENALTIES

**96.3.1.** 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 duct or to treat the odours referred to in the second paragraph of section 16 by equipment for the treatment of gas;

(2) to comply with the conditions prescribed by the third paragraph of section 16 as to the operating areas for the processes and the stocking areas;

(3) to sample or to analyze a contaminant referred to in section 96 according to the method provided for in paragraph *i* of that section or according to an equivalent method.

**96.3.2.** 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 fails to comply with the conditions prescribed by the second paragraph of section 24 as to the location of a grain processing plant referred to in that section.

**96.3.3.** 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 comply with the maximum quantities of organic compound emissions established by section 12 in the cases provided for in that section;

(2) to comply with the standards of reduction of organic compound emissions established by section 13 in the case provided for in that section;

(3) to comply with the values established by the first or second paragraph of section 16 as to the concentration of odours discharged into the atmosphere, in the cases provided for in that section;

(4) to take the necessary measures to ensure the purposes referred to in section 19 in the case of emission of dust in the cases provided for in that section;

(5) to comply with the hourly quantities of particulate matter emissions referred to in the first paragraph of section 24 or the concentration provided for in the first paragraph of section 25 for those matters in the cases and on the conditions provided for in those sections;

(6) to comply with the emission standards that apply to a gas turbine established by section 35 in the cases provided for in that section;

(7) to comply with the emission standards of particulate matters established

(a) by section 42 and applicable to a cement plant in the cases provided for in that section;

(b) by section 45 and applicable to a furnace or a boiler in the cases provided for in that section;

(c) by section 62 and applicable to certain operations related to the operation of a foundry in the cases provided for in that section.”

**2.** The heading of Division XXX.2 is amended by replacing “PENALTIES” before section 96.4 by “PENAL SANCTIONS”.

**3.** Section 96.6 is replaced by the following:

“**96.6.** Every person who contravenes section 96.1 or 96.2 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.

**96.7.** Every person who

(1) contravenes the third paragraph of section 16 or paragraph i of section 96,

(2) fails to duct or to treat the odours referred to in the second paragraph of section 16 by equipment for the treatment of gas,

(3) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, false or misleading,

commits an offence and is liable, in the case of 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.

**96.8.** Every person who contravenes the second paragraph of section 24 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.

**96.9.** Every person who

(1) contravenes section 12, 13 or 19, the first paragraph of section 24, section 25, 35, 42, 45 or 62,

(2) fails to comply with the values established by the first or second paragraph of section 16 as to the concentration of odours discharged into the atmosphere,

commits an offence and is liable, in the case of 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.”

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Recovery and reclamation of products by enterprises — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions provided for in the Regulation respecting the recovery and reclamation of

products by enterprises with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## **Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises**

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

**1.** The Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1) is amended by inserting the following after section 53:

### **“CHAPTER VI.1 MONETARY ADMINISTRATIVE PENALTIES**

**53.1.** 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

(1) to inform the Minister of its intention to implement an individual program, to join a group of enterprises implementing a common program or to become a member of an organization referred to in section 4 as prescribed by the first paragraph of section 6 and within the period indicated therein;

(2) to submit to the Minister the information and documents prescribed by the second or third paragraph of section 6;

(3) to attribute the costs related to the recovery and reclamation of a product only to that product and to internalize the costs in the price asked for the product as soon as it is put on the market as prescribed by the first paragraph of section 7;

(4) to comply with the conditions provided for in the second paragraph of section 7 relating to the visibility or disclosure of internalized costs;

(5) to provide for the management of recovered products in the manner prescribed by the second paragraph of section 8 and to obtain from the service providers and subcontractors the information referred to in that paragraph;

(6) to provide to the Minister a document referred to in the third paragraph of section 8 where a management method may not be used, as required by that paragraph;

(7) to attach to the annual report an assessment of the implementation and effectiveness of the recovery and reclamation program at the frequency and on the conditions provided for in section 10;

(8) to send the Minister an annual report at the frequency and on the conditions provided for in the first paragraph of section 11 or to attach to the report an assessment at the frequency and on the conditions provided for in the second paragraph of that section;

(9) to record in a register the information referred to in the first paragraph of section 12, to provide a copy to the Minister on request in accordance with that paragraph or to keep the information for the period provided for in the second paragraph of that section;

(10) to record the information referred to in the fifth paragraph of section 13 and to keep the information for the period provided for therein;

(11) to post the business days and hours of a drop-off centre on the conditions provided for in the second paragraph of section 18;

(12) to attach to the assessment a study or an update of such study required by section 45 or 51;

(13) to provide the Minister with the notice of intention and the information and documents referred to in section 58 within the period provided for therein;

(14) to implement the modulation of related costs within the period prescribed by the second paragraph of section 59.

**53.2.** 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 an annual report at the frequency and on the conditions provided for in the first paragraph of section 9 or to submit the information in that report to an audit engagement as prescribed by the second paragraph of that section;

(2) to include in the recovery and reclamation program measures aimed at destroying personal and confidential information as prescribed by section 25;

(3) to include in the annual report the information provided for in the first paragraph of section 26, to provide the information in the manner provided for in the second paragraph of that section or to include the information in the assessment as prescribed by the third paragraph of that section;

(4) to include in the annual report the information provided for in section 32;

(5) to include in the information, awareness and education activities specific activities adapted to various uses and clienteles, on the conditions provided for in the first paragraph of section 38, or to include in the annual report the information provided for in the second paragraph of that section.

**53.3.** 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 fails

(1) to recover and reclaim or to cause to be recovered and reclaimed the products referred to in the first paragraph of section 8 as prescribed by that section;

(2) to make the payment to the Green Fund required under the second paragraph of section 13 or the second or third paragraph of section 14 and at the frequency and in the manner provided for in the fourth paragraph of section 14;

(3) to establish a drop-off centre on the conditions provided for in the first paragraph of section 18;

(4) to comply with the conditions relating to the drop-off centres or collection service for the industrial, commercial or institutional clientele provided for in the first paragraph of section 19;

(5) to offer a complementary collection service in the case and on the conditions provided for in the second paragraph of section 19;

(6) to offer access to and the deposit of products at the drop-off centres and the collection services free of charge as prescribed by section 21;

(7) to implement the recovery and reclamation program within the period prescribed by section 24, 31, 37, 44, 50 or 58 or to continue to implement a recovery system as prescribed by the first paragraph of section 59.

**53.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to recover and reclaim or to cause to be recovered and reclaimed a product by means of a recovery and reclamation program on the conditions prescribed by section 2;

(2) to recover and reclaim or to cause to be recovered and reclaimed a component by means of a recovery and reclamation program on the conditions prescribed by section 3;

(3) to comply with any of the requirements relating to the recovery and reclaim program provided for in paragraphs 1 to 11 of section 5;

(4) to set up drop-off centres on the conditions provided for in section 16 or 17;

(5) to transport the products recovered at the frequency and on the conditions provided for in the first paragraph of section 17.”.

**2.** Chapter VII is replaced by the following:

## “CHAPTER VII PENAL SANCTIONS

**54.** Every person who

(1) contravenes section 6 or 7, the second or third paragraph of section 8, section 10, 11 or 12, the fifth paragraph of section 13, the second paragraph of section 18, section 45 or 51,

(2) fails to provide the notice of intention or the information or documents prescribed by section 58 or the second paragraph of section 59,

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.

**55.** Every person who contravenes the first or second paragraph of section 9, section 25, 26, 32 or 38 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.

**56.** Every person who

(1) contravenes the first paragraph of section 8, the second paragraph of section 13, the second, third or fourth paragraph of section 14, the first paragraph of section 18, section 19, 21, 24, 31, 37, 44 or 50,

(2) fails to implement a recovery and reclamation program within the period prescribed by section 58 or the first paragraph of section 59,

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.

**56.1.** Every person who contravenes section 2, 3, 5, 16 or 17 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**56.2.** Every person who, pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**56.3.** 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 Chapter 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.”

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Reuse of water containers with a capacity exceeding 8 litres — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting the reuse of water containers with a capacity exceeding 8 litres, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting the reuse of water containers with a capacity exceeding 8 litres with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation, in particular an increase in the current fines, so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines and an adjustment of all the minimum fines.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
Minister of Sustainable Development,  
Environment, Wildlife and Parks



## Regulation to amend the Regulation respecting the reuse of water containers with a capacity exceeding 8 litres

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpar. e, and ss. 53.28, 115.27 and 115.34)

**1.** The Regulation respecting the reuse of water containers with a capacity exceeding 8 litres (chapter Q-2, r. 44) is amended by inserting the following after section 2:

“**2.1.** 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 markets water intended for human consumption in containers with a capacity exceeding 8 litres that do not satisfy any of the conditions in section 2.”

**2.** Section 3 is replaced by the following

“**3.** Every person marketing water intended for human consumption in containers with a capacity exceeding 8 litres that do not comply with any of the conditions in section 2 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.”

**3.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2572

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Snow elimination sites — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting snow elimination sites, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20),

is to harmonize the penal provisions of the Regulation respecting snow elimination sites with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

The Regulation respecting snow elimination sites requires that operators of snow elimination sites established before 18 September 1997 file and have approved a depollution program to make the necessary changes to the sites so that they meet the new planning and operation criteria. The depollution programs had to be completed not later than 1 November 2002. In addition, the Regulation provides a framework for the discharging of snow into bodies of water and watercourses as a means of elimination, which is prohibited since 1 November 2000. As those dates have passed, it is proposed to revoke or amend the sections providing for or referring to those dates to adapt them to the current requirements.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

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## Regulation to amend the Regulation respecting snow elimination sites

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpars. *c*, *e* and *f*, and  
ss. 115.27 and 115.34)

**1.** The Regulation respecting snow elimination sites (chapter Q-2, r. 31) is amended by replacing section 1 by the following:

“**1.** Snow that is removed and transported for elimination purposes may be placed for final deposit only at an elimination site authorized by the Minister under section 22 of the Environment Quality Act (chapter Q-2).

No person may establish, enlarge, alter or operate an elimination site unless the person has first obtained a certificate of authorization in accordance with the first paragraph.”

**2.** Sections 2 and 3 are revoked.

**3.** The following is inserted before section 4:

“**3.1.** 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

(1) deposits snow that has been removed and transported for elimination purposes at a site other than the snow elimination site authorized pursuant to the first paragraph of section 1;

(2) establishes, enlarges, alters or operates a snow elimination site without having first obtained an authorization from the Minister in accordance with the second paragraph of section 1.”

**4.** Section 4 is replaced by the following:

“**4.** Every person who fails to comply with section 1 or, pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.”

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Solid waste — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting solid waste, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting solid waste with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation, so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

The draft Regulation also proposes a number of amendments and revocations to update the Regulation. Although the Regulation respecting solid waste was replaced by the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), it still applies to residual materials disposal sites and disposal areas closed before 19 January 2009. It is proposed that all the sections not concerning those landfilling sites or areas be revoked, since they no longer apply. In addition, the draft Regulation proposes amendments to adapt the wording of certain sections to the context in which they apply solely to closed landfill sites.

Further information on the draft Regulation may be obtained by contacting H  l  ne Proteau, regional director, Direction r  gionale de l'analyse et de l'expertise de Montr  al, Laval, Lanaudiere et Laurentides, Minist  re du D  veloppement durable, de l'Environnement,

de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting solid waste

Environment Quality Act  
(chapter Q-2, s. 20, s. 31, 1st par., subpars. *c, d, e, f, g, h, h.1* and *h.2*, s. 46, 1st par., subpars. *b, c, f* and *g*, s. 53.30, 1st par., subpars. 2, 3 and 4, ss. 55, 61 and 66, s. 87, pars. *c* and *d*, and ss. 124.1, 115.27 and 115.34)

- 1.** The Regulation respecting solid waste (chapter Q-2, r. 13) is amended by revoking paragraphs *a, c, d, h, j, k, p, q, r* and *s* of section 1.
- 2.** Sections 1.1 to 7.1, 9, 10, 17 to 21, 23 to 29 and 32 to 35 are revoked.
- 3.** Section 36 is amended by striking out everything that follows “must be useable”.
- 4.** Section 40 is replaced by the following:
 

“**40.** Posting of a sign: A conspicuous sign must be posted at the entrance to a sanitary landfill that has been permanently closed stating that the landfill is closed and that the disposal of residual materials is prohibited.”
- 5.** Sections 42 to 44 and 46 to 51 are revoked.
- 6.** Section 52 is amended by striking out “Outside regular operating hours or in the absence of compacting and covering attendants.”
- 7.** Sections 53 to 74 and 76 to 87 are revoked.
- 8.** Section 88 is replaced by the following:

“**8.** Other operating standards: Section 40 applies at all times, with the necessary modifications, to dry materials disposal sites.”

**9.** Sections 91 to 100.2 are revoked.

**10.** Section 100.3 is replaced by the following:

“**100.3.** Fence and gate: A waste disposal site in the North must be surrounded by a fence and gate to prevent access to the site. They must be at least 2.5 metres high and the gate must remain closed at all times.”

**11.** Sections 100.4 to 103, 105 to 118 and 123 to 125 are revoked.

**12.** Section 126 is amended

(1) by striking out subparagraphs *c, d, e* and *f* of the first paragraph;

(2) by striking out the second paragraph.

**13.** The following is inserted after section 126:

### “DIVISION XVI.1

#### MONETARY ADMINISTRATIVE PENALTIES

**126.1.** 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

(1) to provide a permanently closed landfill with a sign that meets the requirements of section 40;

(2) to provide for a sign that meets the requirements of subparagraph *b* of the first paragraph of section 126, in the case and for the sites referred to in that section.

**126.2.** 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 prevent motor vehicles from entering a sanitary landfill by one of the means provided for in section 52, in the cases and under the conditions set out in that section;

(2) to surround a waste disposal site in the North with a fence and gate that meet the requirements of section 100.3;

(3) to permanently prohibit access to a site referred to in section 126, by a means that complies with the requirements of subparagraph *a* of the first paragraph of that section.

**126.3.** 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 fails

(1) to carry out the sampling or analysis of the water samples referred to in section 30.3 in accordance with the terms and conditions of that section, section 30.4 or section 30.5;

(2) to ensure that the roads and areas referred in section 36 are useable;

(3) to provide a sanitary landfill with a buffer zone that meets the requirements of the first or second paragraph of section 39;

(4) to comply with either of the conditions prescribed by section 45 regarding the final cover or revegetation of a sanitary landfill;

(5) to ensure that the final profile of a dry materials disposal site meets the conditions set out in section 89;

(6) to immediately apply the final cover of a dry materials disposal site, in the cases and under the conditions set out in section 90.

**126.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to ensure that an outside stabilization or oxidation pond referred to in section 31.1 meets the conditions set out in paragraphs a to m of that section;

(2) to provide a sanitary landfill with a drainage system that complies with the requirements of section 38.

**126.5.** 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 comply with the siting standards prescribed by the first or second paragraph of section 31.

**126.6.** 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 dilutes leachate before it is discharged into a network referred to in section 30.1, in contravention of that section.

**126.7.** 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 discharges into a network referred to in section 30 leachate that does not comply with the standards prescribed by subparagraphs a to s of the first paragraph of that section.

## **DIVISION XVI.2** **PENAL SANCTIONS**

**126.8.** Every person who contravenes section 40 or subparagraph *b* of the first paragraph of section 126 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.

**126.9.** Every person who contravenes section 52 or 100.3 or subparagraph *a* of the first paragraph of section 126 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.

**126.10.** Every person who contravenes section 30.3, 30.4, 30.5, 36, 39, 45, 89 or 90 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.

**126.11.** Every person who contravenes section 31.1 or 38 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**126.12.** Every person who contravenes section 31 or, under this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**126.13.** Every person who contravenes section 30.1 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.

**126.14.** Every person who contravenes section 30 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.

**126.15.** 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.”.

**14.** Sections 127, 128, 130 and 131 are revoked.

**15.** Section 132 is replaced by the following:

“Existing elimination sites: The provisions of this Regulation apply to elimination sites already established before 10 May 1978.”.

**16.** Sections 132.1 to 138 are revoked.

**17.** Schedules A and C are revoked.

**18.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2548

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Used tire storage — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting used tire storage, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting used tire storage with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the

penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

The draft Regulation also proposes a number of amendments and revocations to update the Regulation. The Regulation respecting used tire storage covers permanent used tire storage sites and businesses that store used tires and reclaim them. The Regulation provides that all new permanent used tire storage sites must cease receiving tires not later than 30 June 2002 and clear sites not later than 31 December 2008. As the dates for ceasing the accumulation and clearing of sites have passed, certain sections that referred to them are revoked. In addition, all sections referring to the storage conditions of those permanent used tire storage sites are also consequentially revoked. In addition, given that only reclamation businesses may from now on store used tires, the term “reclamation business” replaces the term “person or municipality”. Only the sections concerning used tire storage by reclamation businesses are kept.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l’analyse et de l’expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l’Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting used tire storage

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

**1.** The Regulation respecting used tire storage (chapter Q-2, r. 20) is amended in section 1.1 by striking out the second paragraph.

**2.** The heading of Division I.1 is amended by striking out “permanent”.

**3.** Section 1.2 is replaced by the following:

“**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.”

**4.** Section 1.3 is revoked.

**5.** Section 1.4 is replaced by the following:

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

**6.** The Regulation is amended by striking out “DIVISION I.2” and the heading “PROVISIONS SPECIFIC TO RECLAMATION BUSINESSES” before section 1.5.

**7.** Section 2 is amended

(1) by replacing “A person or a municipality” in the part preceding paragraph 1 by “A reclamation business”;

(2) by striking out “except for reclamation businesses for which only total capacity is required, the total number of stored tires and” in subparagraph *f* of paragraph 9.

**8.** Sections 3 to 5 are amended by replacing “A person or a municipality” by “A reclamation business”.

**9.** Section 13 is amended

(1) by replacing “A person or a municipality” in the first paragraph by “A reclamation business”;

(2) by replacing “17” in the third paragraph by “1.4”.

**10.** Section 16 is amended by replacing “17” by “1.4”.

**11.** Section 17 is amended

(1) by revoking the first paragraph;

(2) by replacing “A person or a municipality” in the second paragraph by “A reclamation business”.

**12.** Section 18 is amended

(1) by replacing “17” in the second paragraph by “1.4”;

(2) by replacing “the person or the municipality” in the third paragraph by “the reclamation business”.

**13.** Section 19 is revoked.

**14.** Sections 22 to 44 are revoked.

**15.** The following is inserted after section 44:

#### “DIVISION VIII.1

#### MONETARY ADMINISTRATIVE PENALTIES

**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.

**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.

**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.

**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.

**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.

**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 it 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.”

**16.** The heading of Division IX, before section 45, is amended by replacing “PENALTIES” by “PENAL SANCTIONS”.

**17.** Sections 45 to 47 are replaced by the following:

“**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.

**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.

**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.

**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 incomplete, 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.

**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.

**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

**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.”

**18.** Section 48 is revoked.

**19.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2554

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Waste water disposal systems for isolated dwellings — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting waste water disposal systems for isolated dwellings with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation. It provides for the penalties applicable in the event of contravention

of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the fines. No monetary administrative penalties are provided for since certain municipalities have the responsibility for the application of the current Regulation and those municipalities have not been designated to impose any in accordance with section 115.28 of the Environment Quality Act.

Lastly, a technical amendment is proposed for one section.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting waste water disposal systems for isolated dwellings

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

**1.** The Regulation respecting waste water disposal systems for isolated dwellings (chapter Q-2, r. 22) is amended by revoking the second paragraph of section 3.

**2.** The heading of Division XVI is replaced by "PENAL SANCTIONS AND MISCELLANEOUS".

**3.** Section 89 is replaced by the following:

"**89.** Every person who contravenes section 1.3, 3.3, 3.4, 5, 7.1, 8 or 9, section 11.3, 13, 14, 15, 16, 16.5 or 17, any of subparagraphs *a* to *h.1* of the first paragraph of section 21, section 22 or 24, any of paragraphs *a* to *c* of section 25.1, section 25.2 or 26, paragraph *a* or *c* of the first

paragraph of section 27, section 30, any of paragraphs *a* to *c* of section 31.1, section 32 or 33, any of paragraphs *a* to *e* or subparagraph *g* of the first paragraph of section 34, section 36 or 36.1, any of paragraphs *a* to *h* of the first paragraph of section 37, section 38 or 39.1, any of paragraphs *b* to *f* of section 39.2, section 40, any of subparagraphs *a* to *j* of the first paragraph of section 41, section 44, 46 or 47, paragraphs *a*, *a.1* or *b* to *h* of section 48, section 49, 51, 52, 53, or 55, the first paragraph of section 56, section 57, 59 or 60, paragraphs *a* or *b* of the first paragraph of section 61, section 63, 66, 67, 70, 71, 73, 74, 87.11, 87.17 or 87.19, the first paragraph of section 87.22, section 87.23, the second paragraph of section 87.24, section 87.25, 87.25.1 or 87.26, the second paragraph of section 87.30.1 or section 87.32 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.

Every person who fails to install a prefabricated septic tank in accordance with paragraphs *m* and *o* of section 10 in accordance with section 11 also commits an offence and is liable to the fines provided for in the first paragraph.

**89.1.** Every person who contravenes section 3.2, 7, 7.2, 10, 11.2, 12 or 16.4, paragraph *a.2* of section 48, section 65 or 87.10, the first paragraph of section 87.16, the first paragraph of section 87.30.1 or section 87.31 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.

**89.2.** Every person who contravenes the first or second paragraph of section 4, the first paragraph of section 87.14.1 or the second paragraph of section 87.27 or 87.28 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.

**89.3.** Every person who contravenes section 3.1, 6 or 11, the second paragraph of section 11.1, section 16.2, subparagraph *i* of the first paragraph of section 21, paragraph *d* of section 25.1, subparagraph *b* of the first paragraph of section 27, paragraph *d* of section 31.1, subparagraph *f* of the first paragraph or the second paragraph of section 34, subparagraph *i* of the first paragraph of section 37, paragraph *a* of section 39.2, subparagraph *k* of the first paragraph of section 41, the second paragraph of section 56, subparagraph *c* of the first paragraph of section 61, section 87.8, 87.14, the second paragraph of section 87.16, the second or third paragraph of section 87.22, the third or fourth paragraph of section 87.24 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.



Every person who fails to ensure that

(1) a prefabricated septic tank complies with the BNQ standard prescribed by section 11,

(2) the systems referred to in section 11.1, 16.2, 87.8 or 87.14 comply with the NQ standards prescribed therein,

also commits an offence and is liable to the fines provided for in the first paragraph.

**89.4.** Every person who

(1) contravenes section 11.4, 16.6, 87.12 or 87.18, the first paragraph of section 87.27 or 87.28, section 87.29 or 87.30,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**89.5.** Every person who contravenes the first paragraph of section 3 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.

**89.6.** 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.”

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*

2556

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Water quality in swimming pools and other artificial pools — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting water quality in swimming pools and other artificial pools, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting water quality in swimming pools and other artificial pools with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting H el ene Proteau, regional director, Direction r egionale de l'analyse et de l'expertise de Montr eal, Laval, Lanaudiere et Laurentides, Minist ere du D eveloppement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montr eal (Qu ebec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mdefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## **Regulation to amend the Regulation respecting water quality in swimming pools and other artificial pools**

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

**1.** The Regulation respecting water quality in swimming pools and other artificial pools (chapter Q-2, r. 39) is amended by inserting the following after section 22:

### **“CHAPTER V.1 MONETARY ADMINISTRATIVE PENALTIES**

**22.1.** 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

(1) to enter the water monitoring results in the record in accordance with the first paragraph of section 21 or to do the certification required under the first or the second paragraph of that section;

(2) to post the record at the frequency or on the conditions prescribed in section 22.

**22.2.** 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 keep a record containing the information prescribed by section 20;

(2) to ensure that the entries or certifications in the record are compliant as prescribed by the third paragraph of section 21;

(3) to keep, for the period provided for therein, the record or reports referred to in section 22 or to make them available to the Minister.

**22.3.** 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 fails

(1) to sample water at the frequencies or on the conditions prescribed by section 9, 10 or 11 or to make the results of the microbiological analyses available at the frequency provided for in the second paragraph of section 10;

(2) to collect, preserve, analyze or send water samples in accordance with the methods prescribed by section 13;

(3) to send water samples, forms or analysis results at the frequency or on the conditions prescribed by section 14;

(4) to evacuate the pool, close the access to the pool or increase the chlorine concentration at the frequency or on the conditions prescribed by the first paragraph of section 18.

**22.4.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to ensure compliance with the microbiological or physicochemical quality of pool water prescribed by section 5;

(2) to ensure compliance with the chlorine, bromine or oxidation-reduction potential (ORP) standards prescribed by section 6;

(3) to ensure compliance with the pool water clarity standards prescribed by section 7;

(4) to drain or disinfect daily the type of pool referred to in section 8 before refilling or reusing the pool in accordance with the first paragraph of that section;

(5) to take the necessary measures to enable adequate monitoring of the quality of water made available to the users in the case or on the conditions provided for in section 12;

(6) to immediately communicate any result indicating that the water does not meet a microbiological standard to the person in charge of the pool, as prescribed by section 15;

(7) to take the necessary remedial measures if the pool water does not meet any of the water quality standards in Chapter II, to ascertain whether the system is being adequately maintained and operated, to adjust the level of residual disinfectant in the water or to collect or have a second sample collected to test for the presence of the identified microorganism in the cases or on the conditions provided for in section 16;

(8) to ensure that the parameters referred to in section 19 meet the standards in Chapter II before reopening the pool as prescribed by that section.

**22.5.** 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 fails

(1) to drain or disinfect the type of pool referred to in section 8 following the presence of vomitus or feces in accordance with the first paragraph of that section;

(2) to immediately evacuate or close access to the pool in the cases provided for in section 17;

(3) to ensure that the values of the residual disinfectant and pH meet the standards in Chapter II before permitting access to the pool in the case provided for in the second paragraph of section 18.”

**2.** The heading of Chapter VI is amended by replacing “OFFENCES” by “PENAL SANCTIONS”.

**3.** Sections 23 to 28 are replaced by the following:

“**23.** Every person who contravenes the first or second paragraph of section 21 or fails to post the record at the frequency or on the conditions prescribed by section 22 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.

**24.** Every person who contravenes section 20 or the third paragraph of section 21 or fails to keep for the period provided for therein the record or reports referred to in section 22 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.

**25.** Every person who contravenes section 9, 10, 11 or 13, the first, second or third paragraph of section 14 or the first 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.

**26.** Every person who contravenes section 5, 6, 7, 8, 12, 15, 16 or 19 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

**27.** Every person who, pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**28.** Every person who contravenes section 8 or 17 or the second paragraph of section 18 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.

**28.1.** 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 Chapter 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.”

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

2567

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Waterworks and sewer services — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting waterworks and sewer services, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The main purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to introduce penal provisions in the Regulation respecting waterworks and sewer services harmonized with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

No penal sanction is currently provided directly in the Regulation since section 109 of the Environment Quality Act, which is revoked but the application of which is

transitionally maintained in force in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance, provides fines in cases of offences to regulations that do not provide any specifically.

The draft Regulation proposes to introduce penal provisions in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines and an adjustment of all the minimum fines.

Lastly, the draft Regulation amends certain sections to revoke certain provisions that are obsolete or to correct technical or terminology errors.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Hélène Proteau at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting waterworks and sewer services

Environment Quality Act  
(chapter Q-2, s. 46, pars. o, o.1 and o.2, and ss. 115.27 and 115.34)

**1.** The Regulation respecting waterworks and sewer services (chapter Q-2, r. 21) is amended in section 3 by striking out “and comply with the construction standards prescribed by this Regulation”.

**2.** The first paragraph of section 24 is replaced by the following:

“**24.** Right to service: Every operator of a waterworks or sewer service must connect to the operator’s system, for domestic consumption, every immovable along or in the immediate vicinity of the system following the request of the owner or the person who occupies or has possession of the immovable.”.

**3.** Section 28 is revoked.

**4.** Section 52 is amended by replacing “24 hours” by “30 days”.

**5.** The following is inserted after section 57:

### “DIVISION VII MONETARY ADMINISTRATIVE PENALTIES

**58.** 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

(1) to forward to the Minister a copy of the document referred to in section 23, in the case and within the period provided for in that section;

(2) to use the forms prescribed by section 33 for preparing the notices referred to in that section;

(3) to comply with the conditions provided for in section 34 regarding the content of the prior notice;

(4) to forward to the operator, in accordance with the second paragraph of section 34, a copy of the letter of objections referred to in that section;

(5) to carry identification as prescribed by the second paragraph of section 37;

(6) to submit an application for the transfer of a permit on the form prescribed by section 50;

(7) to submit to the Minister a report of operations in accordance with the frequency provided for and using the form prescribed by section 51;

(8) to notify the Minister of a change of address or telephone number within the period provided for in section 52;

(9) to submit the report provided for in section 51 on the form prescribed by section 55 in the case provided for in that section.

**59.** 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

(1) fails to draw up or keep a plan of his or her system, keep it up-to-date or plot on the plan guide marks to readily locate underground conduits and valves in accordance with section 11;

(2) suspends service to a subscriber without having met the prior conditions provided for in section 32.

**60.** 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 ensure that every construction or installation of waterworks and sewer equipment comply with the plans and specifications referred to in the authorization issued by the Minister in accordance with section 3;

(2) to make a connection according to the conditions provided for in section 14;

(3) to ensure impartial service among subscribers in accordance with section 19;

(4) to prevent any consumption of water in the case provided for in section 22 in accordance with the second paragraph of that section;

(5) to connect a building to the waterworks and sewer system in the case and on the conditions provided for in the first paragraph of section 24;

(6) to continue the service to a subscriber on the same conditions as those provided for in an agreement that is renewed under section 26;

(7) to ensure that the pressure of a waterworks system complies with the standards prescribed by section 27;

(8) to reimburse a subscriber proportionately to the duration of the interruption of service, as a reduction in the subscription fee, in accordance with the second paragraph of section 30;

(9) to comply with the amount that may be claimed in the case provided for in the second paragraph of section 36;

(10) to allow access for the needs of the service to the persons referred to in section 37, in accordance with the first paragraph of that section;

(11) to inform the Minister in writing or to give reasons for the decision when ceasing to operate a waterworks and sewer system in accordance with the conditions provided for in section 57.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) modifies the rates or applies new ones without first informing the Minister or without following the procedures prescribed by sections 41 and 42 in contravention of section 40;

(2) applies rates that are not uniform for subscribers in the same class of the same waterworks or sewer service in contravention of section 44;

(3) charges an annual rental for a meter greater than 10% of the purchase and installation cost, in contravention of section 46;

(4) collects the payment of subscriptions without complying with the terms prescribed by section 47 and without an agreement to that effect.

**61.** A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to ensure continuous service to subscribers at all times in accordance with section 17;

(2) to comply with the conditions provided for in section 18 relating to the maintenance and repair of a waterworks or sewer system;

(3) to inspect the waterworks or sewer system at the periods provided for in section 20;

(4) to ensure that only persons referred to in section 21 have access to the devices, reservoirs and other installations of a waterworks or sewer service in accordance with that section;

(5) to stop any leak in the system as soon as it is discovered, in accordance with the second paragraph of section 22;

(6) to furnish the flow and pressure for protection against fire where an agreement has been concluded to that effect in accordance with section 25;

(7) to take all necessary steps in case of fire in accordance with section 31;

(8) to continue the service, in the case of objections from the subscriber, for as long as there is no agreement between the parties or no order issued by the Minister in accordance with the second paragraph of section 34;

(9) to restore service as soon as the cause for the interruption or suspension of service no longer prevails, in accordance with the first paragraph of section 36.

The penalty provided for in the first paragraph may also be imposed on any person who suspends or interrupts service to a subscriber where this Regulation does not allow to do so in contravention of section 35.

**62.** 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 notify the Minister without delay or inform the Minister of the measures the person intends to take to remedy the situation in the cases provided for in the first paragraph of section 22;

(2) to comply with an order made by the Minister under the second paragraph of section 24 or 38.

## **DIVISION VIII**

### **PENAL SANCTIONS**

**63.** Every person who

(1) contravenes section 23 or 33, the second paragraph of section 37 or section 50, 51, 52 or 55,

(2) fails to comply with the conditions provided for in section 34 relating to the content of the prior notice,

(3) fails to forward to the operator, in accordance with the second paragraph of section 34, a copy of the letter of objections referred to therein,

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.

**64.** Every person who contravenes section 11 or suspends service to a subscriber without having met the conditions provided for in section 32 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.

**65.** Every person who contravenes section 3, 14 or 19, the first paragraph of section 24, section 26, 27 or 30, the second paragraph of section 36, the first paragraph

of section 37 or section 40, 44, 46, 47 or 57 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.

Every person who fails to prevent any consumption of water in the case provided for in section 22, in accordance with the second paragraph of that section, also commits an offence and is liable to the same fines.

**66.** Every person who contravenes section 17, 18, 20, 21, 25, 31, 34 or 35 or the first paragraph of section 36 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

Every person who fails to stop any leak in the person's system as soon as it is discovered in accordance with the second paragraph of section 22 also commits an offence and is liable to the same fines.

**67.** Every person who, pursuant to this Regulation, makes a declaration, communicates information or files a document that is incomplete, 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.

**68.** Every person who contravenes the first paragraph of section 22 or fails to comply with an order made by the Minister under the second paragraph of section 24 or 38 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.

**69.** 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.”

**6.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Wood-burning appliances — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act (chapter Q-2), that the Regulation to amend the Regulation respecting wood-burning appliances, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation, in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance (2011, chapter 20), is to harmonize the penal provisions of the Regulation respecting wood-burning appliances with those enacted by the Act and determine the provisions of the Regulation that may give rise to a monetary administrative penalty if they are not complied with.

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation and add monetary administrative penalties. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation, so that they are in keeping with those referred to in the Environment Quality Act, taking into account the objective seriousness of non-compliance and its potential consequences on human health or the environment. Consequently, the draft Regulation proposes a significant increase in all the maximum fines, an adjustment of all the minimum fines and, for certain offences considered to be more serious, terms of imprisonment.

Further information on the draft Regulation may be obtained by contacting Pierre Paquin, regional director, Direction régionale de l'analyse et de l'expertise de l'Estrie et de la Montérégie, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 201, Place Charles-Le Moyne, 2<sup>e</sup> étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Mr. Paquin at the above address.

YVES-FRANÇOIS BLANCHET,  
*Minister of Sustainable Development,  
Environment, Wildlife and Parks*

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## Regulation to amend the Regulation respecting wood-burning appliances

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

**1.** The Regulation respecting wood-burning appliances (chapter Q-2, r. 1) is amended by inserting the following after section 7:

### “CHAPTER II.1 MONETARY ADMINISTRATIVE PENALTIES

**7.1.** 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 to keep the documents referred to in section 7 for the period and according to the conditions provided for therein.

**7.2.** 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 manufactures, sells, offers for sale or distributes in Québec a wood-burning appliance that does not comply with the requirements set in Chapter II, as prescribed by section 3.”

**2.** The heading of chapter III is amended by replacing “OFFENCES” by “PENAL SANCTIONS”.

**3.** Sections 8 and 9 are replaced by the following:

“**8.** Every person who contravenes section 7 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 \$6,000,000.

**9.** Every person who contravenes section 3 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.”

**4.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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