

Draft Regulations

Draft Regulation

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

Environmental standards for heavy vehicles

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, that the Regulation respecting environmental standards for heavy vehicles, the text of which appears below, may be made by the Government on the expiry of 60 days following this publication.

The purpose of the draft Regulation is to set environmental standards for diesel, gasoline and gas-powered heavy vehicles having a net mass in excess of 3,000 kg. The standards apply to the pollution control devices and systems on the heavy vehicles and to the testing of heavy vehicle emissions. Roadside testing to assess compliance with the standards is to be conducted by highway controllers of the Société de l'assurance automobile du Québec. Non-compliance with the standards will result in fines, the requirement to repair the vehicle and subsequent testing in an establishment accredited by the Minister of Sustainable Development, Environment and Parks.

The draft Regulation has an impact on small and medium-sized businesses that own or operate heavy vehicles. The objective of preventive maintenance underlying the draft Regulation is to encourage enterprises to have the necessary repairs made as soon as defects appear in heavy vehicle pollution control systems, so as to reduce the likelihood of smoke emissions that could result in fines. In the event of non-compliance with the standards, the procedures proposed for roadside testing will reduce vehicle idle time and inspection costs to a minimum.

Further information may be obtained by contacting

Jean-Pierre Létourneau
Ministère du Développement durable,
de l'Environnement et des Parcs
Programme d'inspection et d'entretien
des véhicules automobiles
675, boulevard René-Lévesque Est, 6^e étage
Québec (Québec) G1R 5V7
Telephone : (418) 521-3813, extension 4974
Fax : (418) 646-0001
E-mail : jean-pierre.letourneau@mddep.gouv.qc.ca.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 60-day period, to the undersigned, Édifice Marie-Guyart, 30^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7.

THOMAS J. MULCAIR,
*Minister of Sustainable Development,
Environment and Parks*

Regulation respecting environmental standards for heavy vehicles

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. *a, c, d, e, h, h.1, h.2* and *l*, s. 53, pars. *a, b* and *c*, and ss. 109.1, 118.6 and 124.0.1)

CHAPTER I SCOPE AND INTERPRETATION

1. The purpose of this Regulation is to set environmental standards for heavy vehicles. The standards apply to the pollution control devices and systems on heavy vehicles and to the testing of heavy vehicle emissions.

For the purposes of this Regulation, roadside testing to assess compliance with the standards is to be conducted on public highways within the meaning of section 4 of the Highway Safety Code (R.S.Q., c. C-24.2).

2. The heavy vehicles to which this Regulation applies are heavy vehicles within the meaning of subparagraph *a* of subparagraph 3 of the first paragraph of section 2 of the Act respecting owners and operators of heavy vehicles (R.S.Q., c. P-30.3) as well as minibuses and tow trucks referred to in subparagraph *b* of that subparagraph having a net mass in excess of 3,000 kg.

3. This Regulation does not apply to heavy vehicles when they are participating in an automobile contest, show or race on a track or other location closed to all other automobile traffic.

4. The owner of a heavy vehicle includes a person referred to in section 2 of the Highway Safety Code.

A laboratory accredited by the Minister of Sustainable Development, Environment and Parks under section 118.6 of the Environment Quality Act (R.S.Q., c. Q-2) includes an establishment accredited to assess the compliance of heavy vehicles with the environmental standards prescribed by this Regulation.

CHAPTER II POLLUTION CONTROL DEVICES AND SYSTEMS

5. Every heavy vehicle being operated in the part of the territory of Québec situated south of the 55th parallel and every heavy vehicle sold, leased, placed at the disposal of a person for valuable consideration or offered in any way to be sold, leased or placed at the disposal of a person for valuable consideration must be equipped with a pollution control device or system in working order that reduces the emission of hydrocarbons, carbon monoxide, nitrogen oxide or particles into the atmosphere.

This section does not apply to heavy vehicles that, with regard to the contaminants referred to in the first paragraph, comply with the emission standards prescribed by the regulations under the Motor Vehicle Safety Act (S.C. 1993, c. 16) or the Canadian Environmental Protection Act (S.C. 1999, c. 33) without being equipped with a pollution control device or system.

6. No owner of a heavy vehicle may allow a heavy vehicle pollution control device or system to be removed or modified and no person may remove or modify such a device or system, except to replace a defective device or system.

7. A replacement pollution control device or system installed on a heavy vehicle must conform to the device or system used as a replacement device or system by the vehicle manufacturer. The identification code of the manufacturer of the replacement system or device must be indicated on the device or system.

8. Sections 5 to 7 do not apply to heavy vehicles modified to operate solely on propane gas or natural gas.

CHAPTER III HEAVY VEHICLE EMISSIONS

DIVISION I GENERAL

9. Heavy vehicles being operated in the part of the territory of Québec situated south of the 55th parallel must comply with the emission standards prescribed in this Chapter that apply to a vehicle powered by diesel, gasoline or gas.

10. The owner of a non-compliant heavy vehicle is required within 30 days after receiving a repair notice from the Minister to repair the vehicle or have it repaired and to obtain an attestation from an accredited establishment certifying that the heavy vehicle complies with the environmental standards.

DIVISION II EMISSIONS FROM DIESEL-POWERED HEAVY VEHICLES

11. No air emission from a diesel-powered heavy vehicle may exceed the opacity percentages listed in the following table, based on the vehicle model year:

Model year	Opacity (%)
For two years following the date of coming into force of this Regulation	
1991 and later	45
1990 and earlier	60
For subsequent years	
1991 and later	40
1990 and earlier	55

12. The opacity of emissions from diesel-powered heavy vehicles is measured using an opacimeter in accordance with the Society of Automotive Engineers recommended practice J1667 Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles.

DIVISION III EMISSIONS FROM GASOLINE OR GAS-POWERED HEAVY VEHICLES

13. No gasoline, natural gas or propane gas-powered heavy vehicle may emit hydrocarbons (HC) and carbon monoxide (CO) into the atmosphere in excess of the values listed in the following table, based on the vehicle model year:

Model year	HC (ppm)	CO (%)	Visible emissions (s/min)
≥ 1998	200	1	5
1988-97	220	1.2	5
1980-87	300	3	5
1975-79	400	4	5
1970-74	800	6.5	5
≤ 1969	1000	8	5

In addition, the sum of carbon dioxide (CO₂) and carbon monoxide (CO) concentrations must not be less than 6%.

14. Hydrocarbon, carbon dioxide and carbon monoxide concentration in gasoline or gas-powered vehicle emissions is measured using a four-gas or five-gas analyzer in accordance with the Preconditioned Two Speed Idle Test Procedure [USEPA Publication EPA-AA-TSS-I/M-90-3 January 1991 – Recommended I/M Short Test Procedures for the 1990's: Six Alternatives].

CHAPTER IV ACCREDITED ESTABLISHMENTS

15. An accredited establishment must measure emissions from a heavy vehicle for which a repair notice has been notified by the Minister following roadside testing by highway controllers of the Société de l'assurance automobile du Québec pursuant to an agreement under sections 519.64 to 519.66 of the Highway Safety Code.

If the test results meet the requirements of this Regulation, the establishment issues an attestation to the owner of the heavy vehicle certifying that the heavy vehicle is in compliance with environmental standards at the time of the emission measurement.

The attestation must indicate

- (1) the attestation number;

- (2) the make, model, year and type of heavy vehicle;

- (3) the licence plate number and vehicle identification number;

- (4) the names and addresses of the driver and the owner of the vehicle and the owner's identification number;

- (5) the name of the person who performed the emission measurement, the person's number, if any, the address or location of the measurement and the date and time of the measurement;

- (6) the emission measurement result and the signature of the person who performed the measurement;

- (7) the environmental standards that apply to the vehicle; and

- (8) that the vehicle complies with the standards on the date and at the time of the emission measurement.

The establishment must send a copy of the attestation to the Minister using a medium based on information technology not later than the working day that follows the working day on which the attestation is issued.

CHAPTER V PENALTIES

16. Every owner of a heavy vehicle being operated in the part of the territory of Québec situated south of the 55th parallel when the vehicle does not conform to section 5 is liable to a fine of

- (1) \$300 to \$600, in the case of a natural person; and

- (2) \$600 to \$1,200, in the case of a legal person.

Every person who sells, leases, places at the disposal of a person for valuable consideration or offers in any way to sell, lease or place at the disposal of a person for valuable consideration a heavy vehicle that does not conform to section 5 is liable to the fine prescribed in the first paragraph.

17. Every owner of a heavy vehicle who allows a pollution control device or system to be removed or modified contrary to section 6 is liable to a fine of

- (1) \$750 to \$1,500, in the case of a natural person; and

- (2) \$1,500 to \$3,000, in the case of a legal person.

Every person who removes or modifies a pollution control device or system contrary to section 6 is liable to the fine prescribed in the first paragraph.

18. Every person who installs a replacement pollution control device or system that does not conform to section 7 is liable to a fine of

(1) \$750 to \$1,500, in the case of a natural person; and

(2) \$1,500 to \$3,000, in the case of a legal person.

19. Every owner of a heavy vehicle that does not comply with section 9 is liable to a fine of

(1) \$100 to \$200, in the case of a natural person; and

(2) \$200 to \$400, in the case of a legal person.

20. Every owner of a heavy vehicle who does not comply with the requirements of section 10 is liable to a fine of

(1) \$750 to \$1,500, in the case of a natural person; and

(2) \$1,500 to \$3,000, in the case of a legal person.

21. In the case of a second or subsequent offence, the fines prescribed in this chapter are doubled.

22. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.