

**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.

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## 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@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 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*.

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## 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.