

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^e 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^e 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 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^e étage, Longueuil (Québec) J4K 2T5; telephone: 450 928-7607, extension 225; fax: 450 928-7755; email: pierre.paquin@mddefp.gouv.qc.ca