

(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*

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” 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.