

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.

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^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 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 m³”;

(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