

73. Every person who

(1) contravenes section 8, 9, 10 or 12, the first paragraph of section 24, the first or third paragraph of section 27, section 33 or 45 or the first or third paragraph of section 62,

(2) fails to inform the Minister in accordance with section 60,

(3) 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.

73.1. Every person who

(1) contravenes the first or second paragraph of section 6, section 7 or 13, the second paragraph of section 27, section 28, 29, 38, 39 or 40 or the second paragraph of section 62,

(2) stores contaminated soils on a floor or in a storage area that does not comply with the conditions provided for in section 16,

(3) accepts, in a contaminated soil transfer station, soils that do not meet the confinement conditions prescribed by section 30,

(4) introduces, in a contaminated soil transfer station, any other material that, under this Regulation, cannot be accepted by the contaminated soil transfer station,

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.

73.2. Every person who

(1) contravenes section 4, 5, 11 or 21, the second paragraph of section 24, the fourth paragraph of section 27, section 31 or the fourth paragraph of section 62,

(2) accepts, in a contaminated soil transfer station, soils containing one or more volatile organic compounds in concentrations greater than the limit values referred to in section 30,

(3) discharges into the environment liquid recovered from contaminated soils that does not comply with the values referred to in section 45,

(4) fails to implement the remedial measures referred to in section 60,

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.

73.3. 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.”

4. 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)

**Declaration of water withdrawals
— 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 declaration of water withdrawals, 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 declaration of water withdrawals 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 revoke certain provisions that are obsolete or 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 declaration of water withdrawals

Environment Quality Act
(chapter Q-2, ss. 46, 115.27 and 115.34)

1. The Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14) is amended in section 8 by striking out “after 10 September 2009”.

2. Section 9 is amended

(1) by striking out “and must attest to the accuracy of the information contained therein” at the end of the third paragraph;

(2) by replacing the sixth paragraph by the following:

“The person who writes a declaration provided for in this section must attest to the accuracy of the information contained therein.”.

3. Section 18.7 is amended

(1) by striking out “As of 1 January 2012,” in the first paragraph;

(2) by striking out “as of the same date,” at the beginning of the second paragraph;

(3) by adding the following paragraph:

“This section applies as of 1 January 2016 for water withdrawals made for agricultural or fish-breeding purposes during 2015.”.

4. The heading of Title III is amended by replacing “PENAL AND” by “PENALTIES AND”.

5. The heading of Chapter I, before section 19, is replaced by “MONETARY ADMINISTRATIVE PENALTIES”.

6. The following is inserted after the heading of Chapter I and before section 19:

“**18.8.** 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 send the declaration referred to in section 9 to the Minister within the periods or on the conditions provided for in the second, third or fourth paragraph of that section;

(2) to keep or make available to the Minister, during the period provided for, the documents in support of the declaration in accordance with the seventh paragraph of section 9;

(3) to keep or make available to the Minister a register prescribed by section 10 during the period and on the conditions provided for in that section.

18.9. 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 volumes of water withdrawn in the manner prescribed by section 5;

(2) to install appropriate measuring equipment in the cases and on the conditions provided for in section 5.1;

(3) to make the calculations or cause to be made the calculations prescribed by the second paragraph of section 7 in accordance with the conditions provided for therein or to have the estimates certified by a professional in accordance with the third paragraph of that section;

(4) to fit a withdrawal site referred to in section 8 with prescribed measuring equipment in accordance with that section;

(5) to send to the Minister the declaration referred to in section 9 in accordance with the first, fifth or sixth paragraph of that section;

(6) to comply with any conditions provided for in section 11 relating to the installation of measuring equipment or provided for in section 12 relating to the maintenance, verification or replacement of such equipment;

(7) to ensure that the reading of measuring equipment complies with section 13;

(8) to take the reading of volume data from measuring equipment at least once a month in accordance with the second paragraph of section 14;

(9) to comply with the indications provided for in section 15 relating to the volumes of water withdrawn if the measuring equipment ceases to function or malfunctions, or a discrepancy in a reading is detected;

(10) to comply with the conditions provided for in section 16 or 17 regarding an estimate of volumes of water withdrawn or the intervals of the measurements;

(11) to replace or modify the estimation method or use conforming measuring equipment if the margin of error established under the first paragraph of section 18 is exceeded in accordance with that section;

(12) to send to the Minister the declaration referred to in section 18.7 or any other information provided for in that section in accordance with the conditions provided for therein.

18.10. 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 tampers with or alters the proper functioning or reading of the measuring equipment or diverts water or otherwise affects the direction, flow rate or streamflow of water, so as to alter the evaluation required under this Regulation of the volume of withdrawals.

7. The following is inserted before section 19:

**“CHAPTER I.1
PENAL SANCTIONS”.**

8. Section 19 is replaced by the following:

19. Every person who contravenes the second, third, fourth or seventh paragraph of section 9 or section 10 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.

19.1. Every person who contravenes section 5 or 5.1, the second or third paragraph of section 7, section 8, the first, fifth or sixth paragraph of section 9, section 11, 12 or 13, the second paragraph of section 14, section 15, 16, 17, 18 or 18.7 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.

19.2. Every person who

(1) tampers with or alters the proper functioning or reading of the measuring equipment or diverts water or otherwise affects the direction, flow rate or streamflow of water, so as to alter the evaluation required under this Regulation of the volume of withdrawals,

(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.

19.3. 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.”.

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