

(4) to keep on the conditions and for the period provided for in section 22 the supporting documents and the records referred to in that section.

22.2. 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

(1) sells or trades a credit obtained pursuant to this Regulation otherwise than for the purposes referred to in the second paragraph of section 14;

(2) fails to pay the Minister, not later than 31 August of the fifth year following the model year, the fees payable for vehicles of a given model year in accordance with section 19.”

2. The heading of Chapter IV before section 23 is replaced by “PENAL SANCTIONS AND FINAL AND TRANSITIONAL”.

3. Section 23 is replaced by the following:

“**23.** Every person who contravenes the first paragraph of section 14, section 21 or 22 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.

23.1. Every person who contravenes the second paragraph of section 14 or section 19 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.

23.2. 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.”

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

2551

Draft Regulation

Environment Quality Act
(chapter Q-2)

Groundwater Catchment —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 Groundwater Catchment Regulation, 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 Groundwater Catchment 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 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 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 Groundwater Catchment Regulation

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

1. The Groundwater Catchment Regulation (chapter Q-2, r. 6) is amended by inserting the following after section 49:

“CHAPTER VI.1 MONETARY ADMINISTRATIVE PENALTIES

49.1. 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 post at the boundaries of the immediate protection area of a catchment site referred to in the third paragraph of section 24 a notice indicating the information prescribed therein;

(2) to send an application for renewal with the required notice within the period provided for in the second paragraph of section 38;

(3) to seal off the bore holes which have been drilled and which will not be used for the purpose of collecting or monitoring groundwater in the case and on the conditions provided for in section 45.

49.2. 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 take the measures necessary to maintain the quality of groundwater of the sites referred to in the first paragraph of section 24;

(2) to install a fence complying with the prescriptions of the third paragraph of section 24 in the case provided for therein;

(3) to keep up to date the inventory referred to in the third paragraph of section 25 or to make available upon request to the Minister the information prescribed therein;

(4) to send to the municipality a copy of the documents referred to in the fourth paragraph of section 25;

(5) to notify the farm operators referred to in section 28 in the cases and on the conditions provided for therein;

(6) to keep the results of the monitoring program or to make them available on request to the Minister in accordance with the fifth paragraph of section 44.

49.3. 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 requirements concerning sampling, analysis or transmission of the results of the analyses provided for in the first or third paragraph of section 21;

(2) to carry out the finishing grade within the immediate protection area in accordance with the fifth paragraph of section 24;

(3) to have prepared, for the catchment sites concerned, the documents prescribed by the first paragraph of section 25.

49.4. 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 carry out installation works or modification of a groundwater catchment work or to use the materials prescribed to do so in accordance with section 4;

(2) to comply with the prohibition to install a catchment work closer than the distances provided for in section 5;

(3) to carry out the spreading of the substances prescribed on the periphery of the areas of prohibition so as to prevent runoff into those areas in accordance with the fourth paragraph of section 26;

(4) to take samples to ensure, for the cases provided for, a groundwater quality monitoring program or to have the samples analyzed by a laboratory accredited by the Minister in accordance with the first or second paragraph of section 44.

49.5. 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 comply with the restrictions of activities, facilities or deposits provided for in the fourth paragraph of section 24 within the immediate protection area concerned;

(2) to obtain the authorization of the Minister for the projects referred to in section 31;

(3) to obtain the authorization of the Minister for every groundwater operation project in the territory of Îles-de-la-Madeleine in accordance with section 40;

(4) to make known to the Minister within the period prescribed the presence of any of the organic compounds in the monitoring program in accordance with the third paragraph of section 44;

(5) to cover safely an observation well so as to prevent contaminant infiltration in accordance with section 46.

49.6. 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) erects or lays out a raising facility or animal waste storage facility within the distances provided for in accordance with section 29;

(2) stores directly on the ground the substances referred to in section 30 without complying with the distances prescribed by that section;

(3) continues the operation of a catchment site while the presence of an organic compound in the monitoring program is confirmed, in contravention of the fourth paragraph of section 44.

49.7. 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 spreads the substances referred to in the first, second or third paragraph of section 26 without complying with the conditions provided for therein.”

2. The heading of Chapter VII before section 50 is amended by adding “SANCTIONS” after “PENAL”:

3. Sections 50 to 52 are replaced by the following:

“**50.** Every person who contravenes section 18, the second paragraph of section 38 or section 45 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.

Every person who fails to post a notice in accordance with the prescriptions of the third paragraph of section 24 also commits an offence and is liable to the same fines.

51. Every person who contravenes section 19 or 20, the first paragraph of section 24, the third or fourth paragraph of section 25, section 28 or the fifth paragraph of section 44 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.

Every person who fails to install a fence complying with the prescriptions of the third paragraph of section 24 in the case provided for therein also commits an offence and is liable to the same fines.

52. Every person who contravenes section 16, the first paragraph of section 17, the first or third paragraph of section 21, the first paragraph of section 22, the fifth paragraph of section 24 or the first paragraph of section 25 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.

52.1. Every person who contravenes any of sections 4 to 14 or 23, the fourth paragraph of section 26, section 43, the first or second paragraph of section 44, the first paragraph of section 53 or the first paragraph of section 54 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.

52.2. Every person who

(1) contravenes section 15, the fourth paragraph of section 24, section 31 or 40, the third paragraph of section 44 or section 46,

(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.

52.3. Every person who contravenes section 29, 30 or 42 or the fourth paragraph of section 44 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.

52.4. Every person who contravenes the first, second or third paragraph of section 26 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.

52.5. 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.”

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