

to 42 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.

67.1. Every person who

(1) fails to recover the halocarbons in the situations referred to in the first or second paragraph of section 10, the first or second paragraph of section 11, section 14, 15, 31, 32 or 36,

(2) contravenes the first paragraph of section 12 or the second paragraph of section 27,

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.

67.2. Every person who contravenes section 5 commits an offence and is liable, in the case of a natural person, to a fine of \$12,500 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 \$37,500 to \$6,000,000.

67.3. 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. Section 68 is revoked.

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

2259

Draft Regulation

Environment Quality Act
(chapter Q-2)

Hazardous materials — 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 hazardous materials, 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 hazardous materials 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 add monetary administrative penalties and amend the penal provisions provided for in the current Regulation. 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 certain minimum fines and, for offences considered to be more serious, terms of imprisonment.

The draft Regulation finally proposes some technical amendments to adjust outdated provisions and an amendment to section 70 so that the requirements in that section apply to the owner or operator rather than to the professional who carries out the work.

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 hazardous materials

Environment Quality Act

(chapter Q-2, s. 31, 1st par., subpars. *c* and *e*, s. 70.19, 1st par., subpars. 14, 15, 16, and 17, and ss. 115.27 and 115.34)

1. The Regulation respecting hazardous materials (chapter Q-2, r. 32) is amended by striking out paragraph 3 of section 31.

2. Section 63 is replaced by the following:

“**63.** Steel underground tanks that are not protected against corrosion by one of the systems referred to in section 61 must be removed from the ground.

Despite the foregoing, an unprotected tank installed before 1 December 1991 need not be removed immediately from the ground if the assessment of the state of the tank is in zone 2, 3 or 4 of the graph of Schedule 7. In that case, the removal of the tank and the necessary interventions are to be made according to the methods provided for in subparagraphs 2 to 4 of paragraph 3 of that Schedule.”

3. Section 70 is replaced by the following:

“**70.** The owner or operator must ensure that the work related to the installation of an underground tank is supervised by a qualified professional and that the qualified professional inspects the underground tank before and after it is set in place. In case of damage, the owner or operator must have the tank repaired according to the requirements of the manufacturer.

The owner or operator sends to the Minister of Sustainable Development, Environment, Wildlife and Parks, once the installation is completed, a report prepared by the professional referred to in the first paragraph attesting that the installation complies with the applicable standards or indicating that those standards have not been complied with.”

4. The following is inserted after section 138:

“CHAPTER VIII.1

MONETARY ADMINISTRATIVE PENALTIES

138.1. 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 keep a copy of the shipping document referred to in section 21, during the period and on the conditions provided for in that section, or to present it to the Minister upon request in accordance with that section;

(2) to submit to the Minister the statement prescribed by section 22 in accordance with that section;

(3) to keep on the storage site, in accordance with the third paragraph of section 62, the last working order certification of a system referred to in that section which contains the required information;

(4) to keep on the storage site the results of the analyses referred to in the second paragraph of section 75 for the period provided for in that section;

(5) to keep on the storage site the certificates of installation or maintenance referred to in the second paragraph of section 90;

(6) to comply with the conditions relating to the keeping of a register or a report referred to in any of sections 105 to 107, 110, 131, 132 or 135 to 137, in particular to indicate therein the required information or, where applicable, to comply with the period provided for to do so.

138.2. 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 enter into a written contract that contains the information prescribed by the second paragraph of section 11, prior to shipping a residual hazardous material, or to keep copies of the contract in accordance with that section;

(2) to keep the register referred to in the second paragraph of section 39 or to keep it at the storage sites for the period provided for in that section;

(3) to affix a tag on a receptacle, cargo container, tank or cargo tank in accordance with the first paragraph of section 46;

(4) to post a sign in accordance with the requirements of the second or third paragraph of section 46, section 76 or 100;

(5) to submit to the Minister the report referred to in the second paragraph of section 70 or section 74 in accordance with those sections;

(6) to have a closure report that complies with the requirements of the second or third paragraph of section 103 prepared or to send that closure report to the Minister in accordance with what is provided for in that section;

(7) to keep the information contained in the register referred to in section 108 in accordance with that section;

(8) to send to the Minister a report referred to in section 111 or 138 according to the frequency and schedule provided for therein;

(9) to send to the Minister, in the case referred to in the second paragraph of section 118 and as soon as possible, a notice containing the information prescribed by the third paragraph of that section;

(10) to keep the register provided for in section 130 or to keep it in accordance with section 133;

(11) to draw up the annual report provided for in section 134 in accordance with that section.

138.3. 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 drain a transformer referred to in section 16 or to drain a basin referred to in section 17 according to the conditions provided for therein;

(2) to have the analyses referred to in section 18 carried out by a laboratory accredited by the Minister in accordance with that section;

(3) to ensure that a tank or connection referred to in section 28 is equipped with a sampling system in accordance with that section;

(4) to comply with the building, layout or maintenance conditions of a building, shelter, drain or site prescribed by any of sections 33 to 36;

(5) to collect or to evacuate the water referred to in section 38 in accordance with that section;

(6) to inspect, according to the prescribed frequency, the good condition and good working order of the storage facilities in accordance with the first paragraph of section 39;

(7) to store residual hazardous materials in accordance with the requirements of section 40;

(8) to comply with a condition prescribed by the first paragraph of section 45 in respect of a vessel containing residual hazardous materials;

(9) to comply with a condition prescribed by any of sections 47 to 49 in respect of a cargo container;

(10) to comply with a condition or standard prescribed by any of sections 53 to 55, 57, 58, 60, 61 or 66 to 69 in respect of a tank;

(11) to place a tank referred to in section 56 in an area having an impermeable basin that complies with the requirements of the first paragraph of that section;

(12) to have the working order of the corrosion protection system inspected in accordance with the requirements of the first or second paragraph of section 62;

(13) to have a qualified professional supervise the work related to the installation of an underground tank, to have the tank inspected by a professional or, in case of damage, to have the tank repaired in accordance with the first paragraph of section 70;

(14) to place a cargo tank in an impermeable area, in the cases referred to in the first paragraph of section 78, or to comply with the conditions prescribed by that section or prescribed by the third paragraph of that section in respect of that area;

(15) to convey the accumulated water in a loading or unloading area in accordance with the fourth paragraph of section 78;

(16) to equip a cargo tank with a safety device that complies with the requirements of section 79;

(17) to comply with the layout conditions provided for in section 82 or 83 as to the storage site of materials referred to therein;

(18) to protect a building or storage site by means of an intrusion detection system in the cases and according to the conditions provided for in section 85;

(19) to comply, in respect of the systems referred to in the first paragraph of section 90 or section 92, with the design, installation or maintenance conditions provided for therein;

(20) to lay out a final disposal site in a way that prevents intrusions in accordance with section 99;

(21) to fill holes, fissures and subsidence in accordance with section 102;

(22) to send to the Minister, before the expiry of a guarantee provided in one of the forms prescribed by the first paragraph of section 123 and within the time provided for in that section, the renewal of that guarantee or any other guarantee that complies with the requirements of that section;

(23) to keep in force a liability insurance contract that complies with the requirements of the third paragraph of section 124.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) stores residual hazardous materials in a cargo tank that does not comply with the conditions prescribed by section 77;

(2) pursues an activity when the person has not provided or renewed the guarantee or the civil liability insurance policy provided for in section 123 or in the second paragraph of section 125.

138.4. 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 and in good condition the facilities, movable and immovable property, works and equipment referred to in section 29 or 37;

(2) to comply with the conditions prescribed by any of sections 41 to 44 as to the storage of the materials, objects or receptacles concerned;

(3) to pressure test an underground tank or piping when a leak is suspected in accordance with section 59;

(4) to remove from the ground an underground tank or piping referred to in section 63 or 64 according to the conditions prescribed therein;

(5) to replace the piping referred to in section 65;

(6) to set up a network of wells monitoring the quality of underground water in accordance with section 73;

(7) to cause to have analyzed the quality of the water of monitored wells, in accordance with the first paragraph of section 75, according to the frequency provided for in that section;

(8) to equip and protect any building or site referred to in section 84 or in any of sections 86 to 88 with the prescribed detection, extinguishing or emergency systems and devices, in the cases and on the conditions provided for therein;

(9) to ensure that all fire detection and intrusion detection systems comprise alarm transmission equipment in accordance with section 89;

(10) to ensure that every fire detection system comprises a fire alarm in accordance with section 91;

(11) to comply with the conditions relating to a final disposal site of hazardous materials prescribed by any of sections 95 to 97, in particular as to the various systems with which it is equipped and, where applicable, collected water;

(12) to ensure that the equipment and systems with which the final disposal site is equipped comply with the conditions prescribed by the first paragraph of section 98 or to maintain them periodically in accordance with the second paragraph of that section;

(13) to comply with the conditions prescribed by section 101 as to the final cover of a disposal site.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) violates the prohibitions provided for in any of sections 50 to 52 in respect of a tank;

(2) places, inside the same basin, tanks containing incompatible materials in contravention of the first paragraph of section 56;

(3) places, in the same loading or unloading zone, cargo tanks containing incompatible materials in contravention of the second paragraph of section 78.

138.5. 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

(1) fails to inform the Minister, within the time prescribed, in the case of

(a) accidental release of a hazardous material into the environment in accordance with subparagraph 2 of the first paragraph of section 9;

(b) a cessation of activities or the dismantling of any building in which there were hazardous materials in accordance with the first paragraph of section 13;

(c) contamination of ground water in accordance with the third paragraph of section 75;

(d) permanent termination of disposal operations in accordance with the first paragraph of section 103;

(2) fails, in the case of a cessation of activities, to decontaminate or dismantle the buildings and equipment referred to in the first paragraph of section 13 or, as the case may be, to decontaminate or ship to an authorized site materials from the dismantling in contravention of the second or third paragraph of that section;

(3) uses for energy generation purposes a residual hazardous material or used oil referred to in any of sections 24, 26 or 27 without complying with the conditions prescribed therein;

(4) uses a residual hazardous material for the manufacture of a fuel without complying with the conditions prescribed by section 25;

(5) abandons on its site an underground tank for a reason other than one of the reasons provided for in the first paragraph of section 71;

(6) transports hazardous materials to a hazardous material disposal site without holding a permit in contravention of section 117.

138.6. 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) ships a residual hazardous material to any person who is not authorized to receive such material in contravention of the first paragraph of section 11;

(2) entrusts hazardous materials to a carrier who does not hold the permit referred to in section 117 in contravention of the first paragraph of section 12;

(3) contravenes the prohibition provided for in section 15 as to reusing liquid from electrical equipment;

(4) stores residual hazardous materials in heaps outside a building without complying with the conditions prescribed by paragraph 3 or 4 of section 72.

138.7. 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) emits, deposits, discharges, releases or allows the emission, deposit, discharge or release of a hazardous material into the environment or into a sewage system in contravention of the requirements of section 8;

(2) fails to take any of the measures prescribed by subparagraph 1 or 3 of the first paragraph of section 9 in the case of accidental release of a hazardous material into the environment;

(3) mixes or dilutes residual hazardous materials with other materials without complying with the condition prescribed by section 10;

(4) uses oil not approved to settle dust in contravention of section 14;

(5) fails to decontaminate or to fill with an inert material an abandoned underground tank in contravention of the second paragraph of section 71;

(6) stores, in heaps outside a building, residual hazardous materials that do not comply with the conditions prescribed by paragraph 1 or 2 of section 72;

(7) places in a final disposal site one of the hazardous materials referred to in section 94;

(8) fails to equip a final disposal site with a collection system that complies with the requirements of section 97 or to treat the collected water in accordance with the requirements of that section.”

5. The heading of Chapter IX is amended by replacing “PENAL” before section 139 by “PENAL SANCTIONS”.

6. Sections 139 to 143 are replaced by the following:

139. Every person who contravenes section 21 or 22, the third paragraph of section 62, the second paragraph of section 75 or 90, any of sections 105 to 107, section 110, 131 or 132 or any of sections 135 to 137 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.

140. Every person who contravenes the second paragraph of section 11 or 39, section 46, the second paragraph of section 70, section 74, 76 or 100, paragraph 1 or 2 of section 103, section 108 or 111, the second or third paragraph of section 118, section 130, 133, 134 or section 138 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.

141. Every person who

(1) contravenes any of sections 16 to 18, section 28, any of sections 33 to 36, section 38, the first paragraph of section 39, section 40, the first paragraph of section 45, any of sections 47 to 49 or 53 to 55, section 57, 58, 60 or 61, the first or second paragraph of section 62, any of sections 66 to 69, the first paragraph of section 70, section 77, the first, third or fourth paragraph of section 78, section 79, 82, 83 or 85, the first paragraph of section 90, section 92, 99 or 102, the first or third paragraph of section 123, the third paragraph of section 124 or the second paragraph of section 125,

(2) fails to place a tank referred to in section 56 in an area having an impermeable basin that complies with the requirements of the first paragraph of that section,

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.

142. Every person who

(1) contravenes section 29 or 37, any of sections 41 to 44 or 50 to 52, section 59, any of sections 63 to 65, section 73, the first paragraph of section 75, the second paragraph of section 78, section 84, any of sections 86 to 88, section 89 or 91, any of sections 95 to 98 or section 101,

(2) places, inside the same basin, tanks containing incompatible materials in contravention of the first paragraph of section 56,

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.

143. Every person who

(1) contravenes subparagraph 2 of the first paragraph of section 9, section 13, any of sections 24 to 27, the first paragraph of section 71, the third paragraph of section 75, the first paragraph of section 103 or section 117,

(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.

143.1. Every person who contravenes the first paragraph of section 11 or 12, section 15 or paragraph 3 or 4 of section 72 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.

143.2. Every person who contravenes subparagraph 1 or 3 of the first paragraph of section 9, section 10 or 14, the second paragraph of section 71, paragraph 1 or 2 of section 72 or section 94 or 97 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.

143.3. Every person who contravenes section 8 commits an offence and is liable, in the case of a natural person, to a fine of \$12,500 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 \$37,500 to \$6,000,000.

143.4. 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 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.”

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

2562

Draft Regulation

Environment Quality Act
(chapter Q-2)

Hot mix asphalt plants — 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 hot mix asphalt plants, 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 hot mix asphalt plants 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.

No penal sanction is currently provided directly in the Regulation since section 109 of the Environment Quality Act, which is revoked but the application of which is transitionally maintained in force in accordance with section 61 of the Act to amend the Environment Quality Act in order to reinforce compliance, provides fines in cases of offences to regulations that do not provide any specifically.

The draft Regulation proposes to introduce two new divisions creating monetary administrative penalties and penalties applicable in the event of contravention of requirements related to the good working order of any equipment used or installed to abate the emission, deposit, issuance or discharge of contaminants into the environment. The new divisions also provide amounts for 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 all the fines and, for certain offences considered to be more serious, terms of imprisonment.

Lastly, the draft Regulation proposes two technical amendments.