

(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*.

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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.

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 hot mix asphalt plants

Environment Quality Act
(chapter Q-2, s. 31, 1st par., subpars. *e, h, h.1* and *h.2*, s. 46, pars. *b, c, e* and *f*; and ss.115.27 and 115.34)

1. The Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended by replacing section 17 by the following:

“**17.** Methods of analysis: The water samples taken to ensure the enforcement of sections 15 and 16 must be sent, for analysis, to a laboratory accredited by the Minister of Sustainable Development, Environment, Wildlife and Parks under section 118.6 of the Act.”

2. The following is inserted after section 25:

“DIVISION VI.1 MONETARY ADMINISTRATIVE PENALTIES

25.1. 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 submit a new noise estimate to the Minister in the case provided for in the second paragraph of section 12.

25.2. 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 comply with the location standards prescribed in the first paragraph of section 12 in the cases provided for therein;

(2) to send, for analysis, to an accredited laboratory the water samples referred to in section 17 in accordance with that section;

(3) to meet the conditions relating to the equipment of a hot mix asphalt plant provided for in section 18;

(4) to comply with the methods of measurement prescribed by section 20;

(5) to comply with the height prescribed by section 22 for a stack referred to therein;

(6) to control dust emissions referred to in section 24 by the means prescribed therein.

25.3. 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 uses or installs equipment referred to in section 27 that is not in good working order or who uses, during production hours, such equipment that is not working optimally, in contravention of that section.

25.4. 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) builds or alters a hot mix asphalt plant, or undertakes the operation or increases the production of such a plant, without the certificate of authorization required, in contravention of section 4;

(2) builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, less than 300 m from a territory referred to in section 8, in contravention of that section;

(3) fails to comply with the location standards prescribed by section 9 or 13 on the conditions provided for in those sections.

25.5. 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) builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, in a territory referred to in section 8, in contravention of that section;

(2) fails to comply with the location standard provided for in section 14 regarding a public highway.

25.6. 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 noise standards referred to in the second paragraph of section 10 in the case or on the conditions provided for in that section or in the second paragraph of section 12;

(2) discharges water into the environment that does not meet the emission standards prescribed by paragraph *a* or *b* of section 15 or section 16;

(3) emits into the atmosphere particulate matter that does not meet the emission standards prescribed by the first paragraph of section 19 or the opacity standards prescribed by the second paragraph of that section;

(4) fails to take the measures prescribed by section 23 so as to ensure that no loss of dust into the atmosphere is visible more than 2 m from the source of emission;

(5) fails to take the measures required to prevent the dust emissions referred to in section 25.

DIVISION VI.2 **PENAL SANCTIONS**

25.7. Every person who fails to submit a new noise estimate to the Minister in the case provided for in the second paragraph of section 12 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.

25.8. Every person who contravenes the first paragraph of section 12, section 17, 18, 22, 22 or 24 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.

25.9. Every person who contravenes section 27 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.

25.10. Every person who

(1) contravenes section 4, 9 or 13,

(2) builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, less than 300 m from a territory referred to in section 8, in contravention of that section,

(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.

25.11. Every person who

(1) builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, in a territory referred to in section 8, in contravention of that section,

(2) contravenes section 14,

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.

25.12. Every person who

(1) contravenes the second paragraph of section 10, section 15, 16, 19, 23 or 25,

(2) fails to comply with the noise standards referred to in the second paragraph of section 10 in the case and on the conditions provided for in the second paragraph of section 12,

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.

25.13. 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 Division 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.”

3. Section 28 is revoked.

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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