

Draft Regulation

Environment Quality Act
(chapter Q-2)

Land Protection and Rehabilitation — 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 Land Protection and Rehabilitation 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 Land Protection and Rehabilitation 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, all the proposed fines include a significant increase 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 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 Land Protection and Rehabilitation Regulation

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

I. The Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) is amended by inserting the following after section 13:

“**13.1.** 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 an analysis report produced by an accredited laboratory for the period provided for in the third paragraph of section 8;

(2) to transmit to the Minister the attestation of conformity required under the second paragraph of section 9, according to the frequency provided for in that section.

13.2. 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 to transmit to the Minister, an analysis report made pursuant to section 8, according to the frequency provided for in the first paragraph of section 9.

13.3. 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 sample groundwater, on the conditions and according to the frequency provided for in section 7 or have those samples analyzed by a laboratory accredited by the Minister in accordance with the first paragraph of section 8;

(2) to transmit to the Minister a groundwater monitoring program and the opinion of a professional, within the time prescribed and according to the conditions provided for in section 11;

(3) to review and update a groundwater monitoring program for the purposes and according to the frequency provided for in section 13 or to send the program to the Minister within the time provided for in that section.

13.4. 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 on the monitoring of groundwater quality in accordance with section 4;

(2) to install a well system to monitor groundwater quality that complies with the requirements of section 6.

13.5. 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 inform the Minister if a limit value has been exceeded in accordance with the second paragraph of section 8.”.

2. Section 14 is replaced by the following:

“**14.** Every person who contravenes the third paragraph of section 8 or the second paragraph of section 9 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.

14.1. Every person who contravenes the first paragraph of section 9 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.

14.2. Every person who contravenes section 7, the first paragraph of section 8 or section 11 or 13 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.

14.3. Every person who contravenes section 4 or 6 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.

14.4. Every person who contravenes the second paragraph of section 8 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.”.

3. 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)

Landfilling and incineration of residual 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 the landfilling and incineration of residual 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 the landfilling and incineration of residual 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 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 H el ene Proteau, regional director, Direction r egionale de l’analyse et de l’expertise de Montr eal, Laval, Lanaudiere et Laurentides, Minist ere du D eveloppement durable, de l’Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montr eal (Qu ebec) 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 H el ene Proteau at the above address.

YVES-FRAN OIS BLANCHET,
*Minister of Sustainable Development,
Environment, Wildlife and Parks*
