

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*.

2565

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, Lanaudi ere 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*

Regulation to amend the Regulation respecting the landfilling and incineration of residual materials

Environment Quality Act
(chapter Q-2, s. 31, 1st par., subpars. *d, e* and *h*, ss. 57 and 64.1, s. 70, pars. 5 and 6, and ss. 115.27 and 115.34)

1. The Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19) is amended in section 36 by replacing the second paragraph by the following:

“As and when the development work is completed, the operator of a landfill must send to the Minister the reports of the independent experts in charge of verifying and supervising the work as required by section 35 and this section confirming compliance of the installation with the applicable standards, or indicating cases of non-compliance with those standards and remedial measures to be taken.”

2. Section 122 is amended by replacing “Regulation respecting the quality of the atmosphere (chapter Q-2, r. 38)” in the first paragraph by “Clean Air Regulation (chapter Q-2, r. 4.1)”.

3. The following is inserted after section 149:

“CHAPTER VI.1 MONETARY ADMINISTRATIVE PENALTIES

149.1. 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 have, at the landfill entrance, a sign complying with paragraph 1 of section 45;

(2) to prepare an annual report containing the data, documents or information provided for in subparagraphs 1 to 6 of the first paragraph of section 52;

(3) to form a watchdog committee within the period and in the manner provided for in the first and second paragraphs of section 72 or to ensure the operation of the committee in the case provided for in the fifth paragraph of that section;

(4) to fill any vacancy on the watchdog committee according to the terms referred to in the fourth paragraph of section 72;

(5) to inform the watchdog committee of any situation referred to in the first paragraph of section 77 or to make available to or provide the committee with, in a timely manner, all the documents or information prescribed by the second paragraph of that section;

(6) to pay all operating expenses of the watchdog committee in accordance with section 78;

(7) to post at the entrance to a landfill that has been permanently closed a sign complying with section 82 or the third paragraph of section 96, as the case may be.

149.2. 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 comply with the accessibility conditions prescribed by section 29 or 33;

(2) to obtain the reports referred to in the second paragraph of section 36 or to send them to the Minister in accordance with that paragraph;

(3) to enter in a log the information prescribed by the first paragraph of section 39, the second paragraph of section 40 or the third paragraph of section 40.1;

(4) to keep the log and its appendices referred to in section 39 or to make them available to the Minister, for the periods and on the conditions provided for in the second paragraph of section 39;

(5) to enter the results referred to in the fourth paragraph of section 42 or 105 in the annual report provided for in section 52;

(6) to have, at the engineered landfill entrance, a barrier or other device complying with paragraph 2 of section 45;

(7) to comply with the periods and conditions for sending the report provided for in the second paragraph of section 52;

(8) to keep the analysis reports referred to in the second paragraph of section 70 during the period provided for therein;

(9) to send to the Minister the results referred to in the first or third paragraph of section 71 in accordance with the periods and conditions for transmission provided for therein;

(10) to immediately notify the Minister in writing of the date of closure of a landfill in accordance with section 80;

(11) to have prepared or to send to the Minister, within the period provided for in section 81, the closure report referred to therein containing the elements prescribed by subparagraphs 1 to 3 of the first paragraph or the second paragraph of that section;

(12) to keep or make available to the Minister the results referred to in the fourth paragraph of section 127 within the periods and on the conditions provided for therein;

(13) to send to the Minister the sampling report referred to in the first paragraph of section 134 according to the periods and conditions provided for therein;

(14) to give notice in writing to the Minister and the regional county municipality in the cases and on the conditions provided for in the first or second paragraph of section 146;

(15) to notify the Minister in writing in the case and according to the period and conditions provided for in the second paragraph of section 155.

149.3. 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 accept, in an engineered landfill, the eligible residual materials generated in the territories referred to in paragraphs 1 to 4 of section 10 or the inedible meat referred to in section 11;

(2) to comply with the conditions provided for in section 17 relating to the integration of an engineered landfill into the surrounding landscape;

(3) to maintain a buffer zone complying with the first or second paragraph of section 18 or to comply with the activity restrictions in such a zone in accordance with the third paragraph of that section;

(4) to meet the conditions provided for in section 19 or 30 relating to the siting of a landfill;

(5) to provide the zones or components referred to in the first paragraph of section 31 with a groundwater collection system in the cases provided for therein;

(6) to ensure that a groundwater collection system referred to in the first paragraph of section 31 complies with the conditions provided for in the second or third paragraph of that section or that it be halted only in the case provided for in the fourth paragraph of that section;

(7) to verify whether the residual materials received in a landfill may be landfilled in accordance with section 37;

(8) to weigh residual materials received for landfilling in a landfill or to perform radiological testing as soon as the materials are received and in the manner prescribed by the first paragraph of section 38;

(9) to comply with the conditions for the installation, use or maintenance of the devices referred to in the second paragraph of section 38, as provided for in that paragraph;

(10) to obtain the results of the analyses or measures provided for in the second paragraph of section 40 before receiving the soils referred to therein;

(11) to verify the acceptance of soils referred to in section 40.1 by having taken to have them analyzed the samples referred to in the first or second paragraph of that section in accordance with the conditions provided for therein;

(12) to comply with the conditions relating to the deposit or covering of the residual materials provided for in the first or second paragraph of section 41;

(13) to comply with the conditions provided for in the first, second, third or fifth paragraph of section 42 relating to soils or other materials that may be used to cover residual materials;

(14) to make the periodic verifications prescribed by the fourth paragraph of section 42 according to the frequency and conditions provided for therein;

(15) to landfill residual materials in the zones prescribed by section 43;

(16) to comply with the visibility conditions provided for in section 46 regarding residual materials landfilling operations;

(17) to take the measures prescribed by the first paragraph of section 48 to prevent wind dispersal or scattering of residual materials referred to therein;

(18) to proceed with the cleaning prescribed by the second paragraph of section 48 in the case and on the conditions provided for therein;

(19) to take the necessary measures to prevent or eliminate any infestation of pests in accordance with section 49;

(20) to cover the landfilled residual materials with a final cover in the cases provided for in the first paragraph of section 50 and in accordance with paragraphs 2 to 6 of that section;

(21) to comply with the conditions provided for in the first or second paragraph of section 51 relating to the vegetative layer or the repair of a final cover of an engineered landfill;

(22) to comply with the conditions provided for in section 56 permitting the infiltration of leachate or water into residual materials disposal areas;

(23) to measure the groundwater piezometric level in the case provided for in the second paragraph of section 66 or to have made a comprehensive analysis of the parameters or substances referred to in the fifth paragraph of that section in the case and according to the conditions provided for therein;

(24) to continuously measure during the operating period of a biogas collection system referred to in section 68 the flow of biogas or record the results in accordance with the first paragraph of that section;

(25) to monitor or have monitored every 3 months the concentrations prescribed by subparagraph 1 of the first paragraph of section 68;

(26) to comply with the conditions provided for in the first or second paragraph of section 69 relating to the samples referred to therein;

(27) to send for analysis to a laboratory accredited by the Minister the samples taken pursuant to this Regulation in accordance with the first paragraph of section 70;

(28) to allow watchdog committee members free access to the landfill and to any equipment or facility at the landfill in accordance with section 79;

(29) to comply with the conditions provided for in paragraphs 1, 3 or 4 of section 90 relating to a trench landfill;

(30) to comply with the conditions provided for in the first, second, third or fourth paragraph of section 91 relating to the final cover of a trench landfill;

(31) to comply with the conditions provided for in the first or second paragraph of section 92 in case of a temporary closure of all or part of a trench landfill for a period of 3 months or more;

(32) to surround a northern landfill by a fence or any other device complying with subparagraphs 1 to 3 of the first or a fire barrier complying with the second paragraph of section 96;

(33) to comply with the conditions provided for in the second or third paragraph of section 97 relating to the materials removed or sludge from a northern landfill;

(34) to provide a northern landfill with a surface water collection system or to discharge the water collected outside the landfill site in accordance with section 98;

(35) to burn the combustible residual materials referred to in the first paragraph of section 99 at the frequency and on the conditions provided for therein;

(36) to comply with the concentrations of contaminants prescribed by the third paragraph of section 99 or the second paragraph of section 100 relating to the soil used as final cover of the residual materials;

(37) to comply with the conditions provided for in the first paragraph of section 100 in the case of closure or non-use of a northern landfill for a period of 6 months or more;

(38) to comply with the conditions provided for in subparagraph 1 of the second paragraph of section 105 relating to a construction or demolition waste landfill;

(39) to comply with the concentrations of contaminants prescribed by the third paragraph of section 105 or 106 relating to the soil used as final cover for the construction or demolition waste;

(40) to make the periodic verifications prescribed by the fourth paragraph of section 105 at the frequency and on the conditions provided for therein;

(41) to comply with the conditions provided for in the first, third, fourth or fifth paragraph of section 106 relating to the final cover of a construction or demolition waste landfill;

(42) to comply with the prohibition to raise the ground surface provided for in the second paragraph of section 106;

(43) to comply with the conditions provided for in the first paragraph of section 117 relating to the cover of residual materials deposited in a remote landfill;

(44) to comply with the landfilling conditions provided for in section 118 relating to the sludge referred to therein;

(45) to comply with the conditions provided for in the first or second paragraph of section 120 in the case of closure or non-use, as the case may be, of a remote landfill for the period provided for therein;

(46) to provide an incineration facility referred to in the first paragraph of section 124 with a handling area or pit complying with the first, second or third paragraph of that section;

(47) to comply with the conditions provided for in the fourth paragraph of section 124 relating to storage or parking outside an incineration facility;

(48) to provide an incineration facility referred to in the first paragraph of section 126 with at least 2 combustion chambers operating in compliance with the second or third paragraph of that section;

(49) to equip an incineration facility referred to in the first paragraph of section 126 with auxiliary burners complying with the fourth paragraph of that section;

(50) to equip an incineration facility referred to in the first, second or third paragraph of section 127 with the systems prescribed therein and complying with that section;

(51) to send, for analysis, to a laboratory accredited by the Minister the gas samples referred to in section 134 in accordance with the second paragraph of that section;

(52) to comply with the conditions provided for in the first paragraph of section 138 relating to the loading and unloading of residual materials at a transfer station, the stockpiling or parking outside such a station;

(53) to comply with the conditions provided for in the second paragraph of section 138 where residual materials transfer activities cease for a period of more than 12 hours;

(54) to comply with the maximum volumes of residual materials that may be stored in a transfer station in the cases and on the conditions provided for in section 139.3;

(55) to obtain a guarantee the amount of which is established by section 140 in the cases and on the conditions provided for therein;

(56) to send renewal of the guarantee or another guarantee to the Minister in the cases referred to in section 143 according to the time limits and conditions provided for in that section;

(57) to comply with the conditions provided for in the second paragraph of section 159 relating to the height of the residual materials layers.

149.4. 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 comply with the conditions provided for in the first paragraph of section 9 relating to the landfilling of fly ash or residue that contains fly ash;

(2) to site an engineered landfill on land that complies with the conditions prescribed by section 20, the first paragraph of section 21 or section 22;

(3) to ensure that the excavation carried out in a zone referred to in the second paragraph of section 21 complies with the conditions provided for therein;

(4) to comply with the conditions provided for in section 23 relating to the liner system referred to therein or at groundwater level;

(5) to comply with the conditions provided for in section 24 regarding the siting of an engineered landfill in a rock quarry or a mine;

(6) to provide an engineered landfill with a collection system complying with the first or third paragraph of section 25 or any other system in the case and on the conditions provided for in the second paragraph of that section;

(7) to provide an engineered landfill referred to in section 26 with a second collection system complying with that section;

(8) to comply with the conditions on design or the installation of leachate collection systems provided for in section 27;

(9) to ensure that every component of a system referred to in the first paragraph of section 28 is leakproof in accordance with that section;

(10) to provide an engineered landfill referred to in the first or second paragraph of section 32 with a biogas collection system complying with that section;

(11) to remove biogas collected in the landfills referred to in the second paragraph of section 32 using the equipment complying with the third or fourth paragraph of that section;

(12) to comply with the conditions provided for in the first or second paragraph of section 34 relating to the materials or the installation of the systems referred to in that section;

(13) to have verified the materials and equipment referred to in section 35 in accordance with that section;

(14) to have the work referred to in the first paragraph of section 36 supervised by independent experts in accordance with that section;

(15) to comply with the conditions provided for in the fourth or fifth paragraph of section 41 relating to the cover or landfilling of the residual materials referred to therein;

(16) to comply with the conditions provided for in the sixth paragraph of section 42 relating to the stockpiling in an engineered landfill of the contaminated soils or residual materials referred to therein;

(17) to maintain at all times in proper working order the systems referred to in section 44 or to control, maintain or clean those systems in accordance with that section;

(18) to comply with the terms provided for in the first, second or third paragraph of section 61 regarding the operation of the systems and equipment referred to therein;

(19) to ensure that the concentration of nitrogen or oxygen prescribed by the first paragraph of section 62 are met in the cases and on the conditions referred to therein;

(20) to comply with the conditions provided for in the third paragraph of section 62 relating to the halting of the biogas pumping system referred to therein;

(21) to take or have taken or have analyzed the samples prescribed by section 63 according to the frequency and conditions provided for in that section;

(22) to leak test or have leak tested the pipes or components referred to in the first or second paragraph of section 64 according to the frequency and conditions provided for therein;

(23) to install the required number of networks of observation well prescribed by section 65 in the cases and on the conditions provided for therein;

(24) to take or have taken or have analyzed the samples prescribed by the first paragraph of section 66 according to the frequency and conditions provided for in the first or third paragraph of that section;

(25) to measure or have measured the concentration of methane in the manner and at the frequency provided for in section 67;

(26) to measure or have measured the concentration of methane at the frequencies and on the conditions provided for in subparagraph 2 or 3 of the first paragraph of section 68 in the cases referred to therein;

(27) to continuously measure the destruction temperature or the flow rate of the biogas referred to in the first or second paragraph of section 68 or to verify the destruction efficiency for the organic compounds other than methane in the cases and on the conditions provided for in the second paragraph of that section;

(28) to permanently close a landfill in the cases provided for in section 80;

(29) to cover as soon as deposited the residual materials referred to in paragraph 2 of section 90 or the second paragraph of section 99 or 117 with other materials or soils in the cases provided for in those sections;

(30) to cover as soon as deposited bituminous coated materials referred to in subparagraph 2 of the second paragraph of section 105 with other materials;

(31) to provide a construction or demolition waste landfill with a system referred to in section 107 and to put in operation such system on the date provided for in the second paragraph of that section;

(32) to comply with the conditions provided for in section 108 relating to the final profile of a filled construction or demolition waste landfill;

(33) to comply with the conditions provided for in section 119 relating to the final cover of a remote landfill;

(34) to comply with the conditions provided for in the first paragraph of section 125 relating to the layout of an incineration facility referred to in that section;

(35) to perform or have performed the testing provided for in section 132 in the cases and on the conditions and according to the methods provided for in that section or the first paragraph of section 134.

149.5. 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) deposits permanently the residual materials referred to in the first paragraph of section 6 elsewhere than on a landfill authorized as provided for in that section;

(2) does not comply with the conditions and restrictions for siting provided for in section 13, 14, 15 or 16 relating to a landfill;

(3) fails to send to the Minister the information provided for in the second paragraph of section 71 in the case provided for therein;

(4) establishes a trench landfill in a territory other than those provided for in section 87 or does not comply with the conditions provided for in section 86 regarding the establishment of such landfill in one of the territories;

(5) does not comply with the conditions provided for in section 88 relating to the siting of a trench landfill or the lowering of the groundwater level;

(6) does not comply with the conditions permitting the establishment of a northern landfill provided for in section 94 or the conditions relating to the siting of such landfill provided for in section 95;

(7) does not comply with the conditions provided for in the first paragraph of section 97 relating to the bottom of the disposal areas of a northern landfill or the lowering of the groundwater level;

(8) does not comply with the conditions permitting the establishment or enlargement of a construction or demolition waste landfill referred to in the second paragraph of section 102 provided for in the first paragraph of section 103;

(9) does not comply with the conditions provided for in the second paragraph of section 104 relating to the siting of a construction or demolition waste landfill;

(10) establishes a remote landfill in a territory other than those provided for in section 112 or does not comply with the conditions provided for in section 111 or 114 regard the establishment or siting of such landfill in one of the territories;

(11) receives, in a remote landfill, residual materials prohibited pursuant to section 113;

(12) does not comply with the conditions provided for in section 116 relating to the bottom of the disposal areas of a remote landfill or the lowering of the groundwater level;

(13) operates a transfer station referred to in the first paragraph of section 139.1 while unauthorized to do so pursuant to that section;

(14) does not comply with the restriction provided for in the fourth paragraph of section 139.2 regarding the number of low capacity transfer stations that may be established in a territory referred to therein;

(15) establishes or enlarges a landfill referred to in section 145 without complying with the conditions provided for therein;

(16) does not comply with the conditions provided for in the second, third or fifth paragraph of section 161 relating to the acceptance in the sites referred to therein for landfilling of residual materials or materials referred to therein.

149.6. 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) disposes in a landfill referred to in section 4 materials, objects or substances listed therein that may not be disposed of in the landfill pursuant to that section;

(2) landfills residual materials listed in section 8 in a place other than a landfill, in contravention of that section;

(3) burns or allows to be burned residual materials in an engineered landfill, in contravention of section 47;

(4) batch discharges, in contravention of the third paragraph of section 53;

(5) dilutes, before their discharge into the environment, leachate or water referred to in section 55, in contravention of that section;

(6) establishes or enlarges a construction or demolition waste landfill, in contravention of the first paragraph of section 102;

(7) disposes in a construction or demolition waste landfill materials other than the waste within the meaning of section 101, in contravention of the second paragraph of section 103;

(8) burns or allows to be burned residual materials in a remote landfill, in contravention of section 115;

(9) disposes in an incineration facility referred to in the first paragraph of section 123 materials, objects or substances listed in section 4;

(10) accepts in a transfer station materials other than those allowed pursuant to section 137;

(11) accepts residual materials after the date provided for in the first paragraph of section 159 for the disposal areas referred to in that section;

(12) fails to permanently close a landfill referred to in the fourth paragraph of section 161, the area or trench of such landfill where it is prescribed to do so by that paragraph.

149.7. 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) fails to take the measures prescribed by the first paragraph of section 48 to minimize the release of odours that cause odour nuisances beyond the limits of an engineered landfill;

(2) emits dust visible in the atmosphere more than 2 metres from the emission source, in contravention of the first paragraph of section 48;

(3) discharges into the environment leachate and water referred to in the first paragraph of section 53 that do not comply with the limit values prescribed therein or those determined by the Minister pursuant to the third paragraph of that section;

(4) fails to ensure that the quality of the surface water referred to in the second paragraph of section 54 is not deteriorated in the case provided for therein;

(5) fails to ensure that the groundwater referred to in the first paragraph of section 57 complies at the observation wells with the limit values prescribed or those determined by the Minister pursuant to the third paragraph of that section;

(6) fails to ensure that the quality of the groundwater referred to in the second paragraph of section 58 is not deteriorated in the case provided for therein;

(7) fail to ensure that the concentration referred to in section 60 or the second paragraph of section 62 complies with the values provided for in those sections;

(8) emits into the atmosphere grey or black emissions the opacity of which exceeds 20% in the cases provided for in section 129;

(9) emits into the atmosphere combustion gases that do not comply with the values prescribed by paragraphs 1 to 5 of section 130.»

4. The heading of Chapter VII before section 150 is amended by replacing “OFFENCES” by “PENAL SANCTIONS”.

5. Sections 150 to 154 are replaced by the following:

“**150.** Every person who contravenes paragraph 1 of section 45, the first paragraph of section 52, 72, 77, 78 or 82 or the third paragraph of section 96 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.

19.1. Every person who contravenes section 29, 33, the second paragraph of section 36 or 39, the first paragraph of section 40, paragraph 2 of section 45, the second paragraph of section 52 or 70, the first or third paragraph of section 71, section 81, the fourth paragraph of section 127, section 146 or the second paragraph of section 155 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

(1) to enter in a log the information prescribed by the first paragraph of section 39, the second paragraph of section 40 or the third paragraph of section 40.1,

(2) to enter the results referred to in the fourth paragraph of section 42 or 105 in the annual report provided for in section 52,

(3) to immediately notify the Minister of the date of closure of an engineered landfill in accordance with section 80,

(4) to send to the Minister the testing report referred to in the first paragraph of section 134 in accordance with the time limits and conditions provided for therein,

also commits an offence and is liable to the same fines.

152.2. Every person who contravenes section 10, 11, 17, 18, 19, 30, 31, 37 or 38, the first or second paragraph of section 40.1, the first or second paragraph of section 41, the first, second, third or fifth paragraph of section 42, section 43

or 46, the second paragraph of section 48, section 49, 50, 51 or 56, the second or fifth paragraph of section 66, the first paragraph or subparagraph 1 of the first paragraph of section 68, section 69, the first paragraph of section 70, section 79, paragraph 1, 3 or 4 of section 90, the first, second, third or fourth paragraph of section 91, section 92, the first or second paragraph of section 96, the second or third paragraph of section 97, section 98, the first or third paragraph of section 99, section 100, subparagraph 1 of the second paragraph or third paragraph of section 105, the first, second, third, fourth or fifth paragraph of section 106, the first paragraph of section 117, section 118, 120, 124 or 126, the first, second or third paragraph of section 127, the second paragraph of section 134, section 138, 139.3, 140, 143 or the second paragraph of section 159 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.

Every person who fails

(1) to obtain the results of the analyses or measures provided for in the second paragraph of section 40 before receiving the soils referred to therein,

(2) to periodically make the verifications prescribed by the fourth paragraph of section 42 or 105 at the frequency and on the conditions provided for therein,

(3) to take the measures prescribed by the first paragraph of section 48 to minimize wind dispersal or scattering of residual material referred to therein,

also commits an offence and is liable to the same fines.

153. Every person who contravenes the first paragraph of section 9, any of sections 20 to 28, 32, 34 or 35, the first paragraph of section 36, the fourth or fifth paragraph of section 41, the sixth paragraph of section 42, section 44 or 61, the first or third paragraph of section 62, section 63, 64 or 65, the first or third paragraph of section 66, section 67, subparagraph 2 or 3 of the first paragraph or the second paragraph of section 68, paragraph 2 of section 90, the second paragraph of section 99, subparagraph 2 of the second paragraph of section 105, section 107 or 108, the second paragraph of section 117 or section 119, 125 or 132 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.

Every person who fails

(1) to permanently close an engineered landfill in the cases provided for in section 80,

(2) to take samples of the gases referred to in section 134 in accordance with the methods prescribed by the first paragraph of that section,

also commits an offence and is liable to the same fines.

154. Every person who

(1) contravenes the first paragraph of section 6, section 13, 14, 15 or 16, the second paragraph of section 71, the first paragraph of section 86, section 87 or 88, the first paragraph of section 94, 95, 97 or 103, the second paragraph of section 104, the first paragraph of section 111, section 112, 113, 114 or 116, the first paragraph of section 139.1, the fourth paragraph of section 139.2, section 145 or the second, third or fifth paragraph of section 161,

(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.

154.1. Every person who contravenes section 4, 8 or 47, the fourth paragraph of section 53, section 55, the first paragraph of section 102, the second paragraph of section 103, section 115, the first paragraph of section 123, section 137, the first paragraph of section 159 or the fourth paragraph of section 161 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.

154.2. Every person who contravenes the first or third paragraph of section 53, the second paragraph of section 54, section 57, the second paragraph of section 58, section 60, the second paragraph of section 62, the first paragraph of section 129 or section 130 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.

Every person who

(1) fails to take the measures prescribed by the first paragraph of section 48 to minimize the release of odours that cause odour nuisances beyond the limits of an engineered landfill,

(2) emits dust visible in the atmosphere more than 2 metres from the emission source, in contravention of the first paragraph of section 48,

also commits an offence and is liable to the same fines.

154.3. 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.”.

6. Section 168 is revoked.

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

2553

Draft Regulation

Environment Quality Act
(chapter Q-2)

Liquid effluents of petroleum refineries — 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 liquid effluents of petroleum refineries, 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 liquid effluents of petroleum refineries 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 add two new divisions. The first division provides for monetary administrative penalties and the second division, penal sanctions. The provisions provide amounts for the administrative penalties and the applicable penalties so that they are in keeping