

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

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 makes some amendments that are part of regulatory streamlining in order to minimize certain administrative requirements imposed on individuals.

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 the liquid effluents of petroleum refineries

Environment Quality Act
(chapter Q-2, s. 22, s. 31, 1st par., subpars. *c, e, h, h.2,*
s. 46, par. *c,* and *ss.* 115.27 and 115.34)

- 1.** The Regulation respecting the liquid effluents of petroleum refineries (chapter Q-2, r. 16) is amended by striking out “, as stated in the declaration previously submitted to the Minister to that effect pursuant to section 16” in the second paragraph of section 15.
- 2.** Section 16 is revoked.
- 3.** Section 20 is amended by striking out the second paragraph.
- 4.** Section 22 is revoked.
- 5.** Section 23 is amended by replacing “pursuant to section 3, 22 or 24” by “concerning the daily refining capacity of crude oil”.
- 6.** Section 24 is amended by replacing “pursuant to section 3, 22 or 23” in the first paragraph by “concerning the daily refining capacity of crude oil”.

- 7.** The following is inserted after section 24:

“DIVISION V MONETARY ADMINISTRATIVE PENALTIES

25. 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 the data referred to in the second paragraph of section 15 in a register for a minimum period of 2 years;

(2) to respect the frequency or terms provided for in section 17 as to the sending of the results referred to in that section.

26. 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 send to the Minister the results referred to in section 17.

27. 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 sampling or preservation conditions of the samples provided for in section 18 or 19;

(2) to have the required analyses carried out under this Regulation by a laboratory accredited by the Minister in accordance with section 20;

(3) to change the declaration concerning the daily refining capacity of crude oil in the case provided for in section 24.

28. 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 treat, in accordance with section 13, waste water originating from sanitary facilities referred to in that section;

(2) to take the measurements referred to in section 14 or 15, according to the prescribed conditions.

29. 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 deposits in the environment a liquid effluent or storm water that does not comply with the standards provided for in section 4, 6, 9 or 11.

DIVISION VI PENAL SANCTIONS

30. Every person who fails

(1) to keep the data referred to in the second paragraph of section 15 in a register for a minimum period of 2 years,

(2) to respect the frequency or terms provided for in section 17 as to the sending of the results referred to in that section,

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.

31. Every person who fails to send the results referred to in section 17 to the Minister 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.

32. Every person who contravenes section 18, 19, 20 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.

33. Every person who

(1) contravenes section 13 or 14 or fails to take the measurements provided for in section 15 according to the prescribed conditions,

(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 \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

34. Every person who contravenes section 4, 6, 9 or 11 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.

35. 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.”

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

2550

Draft Regulation

Environment Quality Act
(chapter Q-2)

Motor vehicle traffic in certain fragile environments — 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 motor vehicle traffic in certain fragile environments, appearing below, may be made by the Government on the expiry of 60 days following this publication.

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 penal sanctions 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.

Further information on the draft Regulation may be obtained by contacting Édith Tremblay, regional director, Direction régionale de l'analyse et de l'expertise du Saguenay-Lac-St-Jean, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 3950, boulevard Harvey, 4^e étage, Jonquière (Québec) G7X 8L6; telephone: 418 695-7883, extension 305; fax: 418 695-8822; email: edith.tremblay@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 Édith Tremblay at the above address.

YVES-FRANÇOIS BLANCHET,
*Minister of Sustainable Development,
Environment, Wildlife and Parks*