

## Regulation to amend the Regulation respecting motor vehicle traffic in certain fragile environments

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

**1.** The Regulation respecting motor vehicle traffic in certain fragile environments (chapter Q-2, r. 9) is amended by inserting the following after section 6:

“**6.1.** 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 uses a motor vehicle other than a snowmobile

(1) on the dunes in Îles-de-la-Madeleine, except on designated trails developed in accordance with the law, or on any other dunes in the domain of the State, as prohibited by section 2;

(2) in peat bogs in the domain of the State situated in the areas referred to in the first paragraph of section 3, as prohibited by that section;

(3) on the beaches, offshore bars, in marshes and swamps situated in the areas referred to in the first paragraph of section 4, as prohibited by that section.

**6.2.** 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 organizes or participates in a motor vehicle race, rally or competition in a marsh, swamp or peat bog, or on a dune, offshore bars or a beach, as prohibited by section 1.

**6.3.** Every person who contravenes section 2, 3 or 4 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.

**6.4.** Every person who contravenes section 1 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.”

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

2546

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Pits and quarries — 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 pits and quarries, 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 pits and quarries 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 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 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 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<sup>e</sup> 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

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Environment, Wildlife and Parks*

## Regulation to amend the Regulation respecting pits and quarries

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 pits and quarries (chapter Q-2, r. 7) is amended by revoking section 8.

**2.** Section 24 is replaced by the following:

“**24.** Methods of analysis: The water samples required to ensure the enforcement of sections 22 and 23 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 Environment Quality Act (chapter Q-2).”

**3.** The following is inserted after section 58:

### “DIVISION IX MONETARY ADMINISTRATIVE PENALTIES

**59.** A monetary administrative penalty of \$500 in the case of a natural person or \$1,000 in other cases may be imposed on any person who fails

(1) to take the required measures so that the guarantee policy remains in force or is renewed in the case and on the conditions provided for in section 6;

(2) to comply with the standards for the location of equipment in the case of replacement of or increase in production of a crushing or screening process as prescribed by the first paragraph of section 20;

(3) to send to an accredited laboratory a water sample for analysis as prescribed by section 24;

(4) to comply with the methods of measurement prescribed by section 28;

(5) to take the required measures to prevent dust emissions in the cases and on the conditions provided for in section 31;

(6) to install a dust collecting apparatus linked to a dust collector system as prescribed by section 32;

(7) to restore land in the cases provided for in section 36;

(8) to provide, in the restoration plan of a pit, a laying out of the land in operation meeting the conditions prescribed by section 38 or to stabilize the ground in accordance with that section;

(9) to comply with the standards relating to vertical cuts prescribed by the first paragraph of section 39 or to cover with vegetation the horizontal terraces as required by the second paragraph of that section;

(10) to store topsoil or overburden in accordance with the first paragraph of section 40 or to deposit the topsoil or overburden on leveled surface during restoration in accordance with the second paragraph of that section;

(11) to carry out the land restoration plan in accordance with section 41;

(12) to meet the conditions of revegetation of the land as prescribed by the first paragraph of section 43;

(13) to carry out the restoration in the manner prescribed and within the time limits provided for in section 45;

(14) to cease the operation of a pit where the guarantee policy ceases to be in force or is used by the Minister as prescribed by section 52;

(15) to comply with the standards relating to the preservation or tree planting prescribed by section 53;

(16) to restore the land dug in the cases and on the conditions provided for in section 56.

**60.** 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

(1) uses or installs equipment referred to in section 30 that is not in working condition or who uses, during production hours, such equipment that is not operating at optimum efficiency, in contravention of that section;

(2) fails to comply with the prohibition to dynamite on the conditions and during the periods provided for in section 54.

**61.** 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

(1) to obtain a certificate of authorization in the cases and on the conditions provided for in section 2;

(2) to comply with the standards for the minimum distance between the operating site of a new pit or quarry and any territory zoned for residential, commercial or mixed purposes as provided for in section 10;

(3) to comply with the standards for the minimum distance between an operating site of a new pit or quarry and any dwelling, school or other educational institution, place of worship, campground or health and social services institution as provided for in section 11;

(4) to obtain the authorization required by section 14 to operate a new pit in any of the locations referred to in the first or second paragraph of that section in accordance with the third paragraph;

(5) to comply with the standards for the minimum distance between a new pit or quarry and any well, water source or other water intake used to supply a waterworks network as provided for in section 15;

(6) to submit a new application for a certificate of authorization in the cases and on the conditions provided for in the second paragraph of section 20;

(7) to obtain a certificate of authorization for the use of fertilizing waste substances for the revegetation of a quarry or pit as prescribed by the second paragraph of section 43;

(8) to clear the surface of the pit or quarry from all debris referred to in section 44 on completion of the land restoration work in accordance with that section;

(9) to implement an altered restoration plan without having first forwarded the plan to the Minister for approval in accordance with section 46.

**62.** 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 fails to comply with

(1) the standards for the minimum distance between the operating site of a new pit or quarry and any stream, river, sea, lake, swamp or sandbank as provided for in the first paragraph of section 14;

(2) the standard for the minimum distance between the operating site of a pit or quarry and the boundaries of any ecological reserve as provided for in section 16;

(3) the standard for the minimum distance between private access roads to a new pit or quarry and any structure or immovable as provided for in section 17;

(4) the standard for the minimum distance between the operating site of a quarry and any public thoroughfare as provided for in section 18;

(5) the standard for the minimum distance between the operating site of a quarry and the property line of any piece of property owned by a party other than the operator of the lot in which the quarry is located as provided for in section 19;

(6) the conditions for extending a pit or quarry prescribed by section 21.

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

(1) establishes a new pit or quarry, the operating site of which is located in a territory zoned for residential, commercial or mixed purposes, in contravention of section 10;

(2) operates a pit or quarry in a location referred to in the second paragraph of section 14, in contravention of that section;

(3) undertakes the operation of a pit or quarry in any of the territories referred to in section 57, in contravention of that section.

**63.** 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 fails to comply with

(1) the noise standards during the entire operation of a pit or quarry as prescribed by the second paragraph of section 12;

(2) the standard for the emission into the atmosphere of dust relating to crushers, dryers, screens, conveyors, elevators and bins installed in a quarry and any feeding or dumping point for aggregate material as prescribed by the first paragraph of section 25;

(3) the standard for the concentration of particulate matter relating to the sources of emission linked to a collecting system as prescribed by the second paragraph of section 25;

(4) the standard for the emission of particulate matter relating to the dust collecting apparatus linked to a dust collector system as prescribed by section 32;

(5) the emission standard for the handling, transportation, storage, deposit or elimination of dust recovered by dust collector systems as prescribed by section 33;

(6) the standard for the emission of impulsive or discontinuous seismic waves relating to the operation of a quarry as prescribed by section 34.

The penalty provided for in the first paragraph may also be imposed on any person who discharges into the environment water that does not comply with the standards prescribed by section 22 or 23.

## DIVISION X PENAL SANCTIONS

### 64. Every person who

(1) contravenes section 6, the first paragraph of section 20, section 24, 28, 31, 36, 38, 39, 40 or 41, the first paragraph of section 43 or section 45, 52, 53 or 56,

(2) fails to install a dust collecting apparatus linked to a dust collector system in accordance with section 32,

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.

65. Every person who contravenes section 30 or 54 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.

### 66. Every person who

(1) contravenes section 2 or 11, the third paragraph of section 14, section 15, the second paragraph of section 20 or 43 or section 44 or 46,

(2) fails to comply with the standards for the minimum distance between the operating site of a new pit or quarry and any territory zoned for residential, commercial or mixed purposes provided for in section 10,

(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 \$10,000 to \$3,000,000.

### 67. Every person who

(1) establishes a new pit or quarry, the operating site of which is located in a territory zoned for residential, commercial or mixed purposes, in contravention of section 10;

(2) contravenes the first or second paragraph of section 14 or section 16, 17, 18, 19, 21 or 57,

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.

### 68. Every person who

(1) contravenes the second paragraph of section 12, section 22 or 23, the first or second paragraph of section 25 or section 33 or 34,

(2) fails to comply with the standard for the emission of particulate matter relating to the dust collecting apparatus linked to a dust collector system prescribed by section 32,

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.

69. 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.”

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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## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Protection of waters from pleasure craft discharges — 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 protection of waters from pleasure craft discharges, 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 Regulation respecting the protection of waters from pleasure craft discharges 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.