

The draft Regulation proposes to amend the penal provisions provided for in the current Regulation. It provides 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 and an adjustment of all the minimum fines. Moreover, the draft Regulation does not introduce any provisions concerning monetary administrative penalties, taking into account section 115.28 of the Environment Quality Act and the fact that the Regulation respecting the protection of waters from pleasure craft discharges is enforceable by the municipalities.

Further information on the draft Regulation may be obtained by contacting Hélène Proteau, regional director, Direction régionale de l'analyse et de l'expertise de Montréal, Laval, Lanaudière et Laurentides, Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montréal (Québec) 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 Hélène Proteau at the above address.

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

Regulation to amend the Regulation respecting the protection of waters from pleasure craft discharges

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

1. The Regulation respecting the protection of waters from pleasure craft discharges (chapter Q-2, r. 36) is amended by replacing section 6 by the following:

“6. Every person who contravenes section 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.

6.1. Every person who contravenes section 2 or 5 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*.

2564

Draft Regulation

Environment Quality Act
(chapter Q-2)

Pulp and paper mills — 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 pulp and paper mills, 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 pulp and paper mills 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 or schedules 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 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 pulp and paper mills

Environment Quality Act
(chapter Q-2, s. 31, 1st par., subpars. *c*, *d*, *e* and *h*, s. 46, pars. *c*, *f* and *g*, s. 53.30, 1st par., subpars. 4 and 5, s. 70, pars. 2, 5, 6 and 7, and ss. 115.27 and 115.34)

1. The Regulation respecting pulp and paper mills (chapter Q-2, r. 27) is amended by inserting “or mill” in subparagraph 1 of the second paragraph of section 26 after “if the complex”.

2. Section 28 is amended by replacing “RPR_{NP}” in the third paragraph by “RPR_{NF}”.

3. Section 29 is amended by replacing “RPR_{NP}” in the third paragraph by “RPR_{NF}”.

4. Section 30 is amended

(1) by striking out the second paragraph;

(2) by replacing “RPR_{NP}” in the fourth paragraph by “RPR_{NF}”;

(3) by striking out the fifth paragraph.

5. Section 31 is amended

(1) by striking out the second paragraph;

(2) by replacing “RPR_{NP}” in the fourth paragraph by “RPR_{NF}”;

(3) by striking out the fifth paragraph.

6. Section 70 is amended

(1) by replacing subparagraph 5 of the first paragraph by the following:

“(5) AOX

(a) once a week on a day on which bleached pulp is produced, where a chlorinated product is used as a pulp bleaching agent, for an effluent discharged into the environment, into a storm sewer or into a sewer system if, in the latter case, an effluent is also discharged into the environment or into a storm sewer;

(b) once a month, at an interval of at least 21 days, for an effluent discharged into a sewer system;”;

(2) by replacing “if all the standards” in the last paragraph by “if the standards provided for in subparagraphs 2 and 4 of the first paragraph”.

7. Section 71 is amended by replacing “of the first paragraph” in the last paragraph by “in subparagraphs 1 and 2 of the first paragraph”.

8. Section 75 is amended by adding the following paragraph:

“If the stored materials consist of treatment sludge, de-inking sludge or bark, the parameters referred to in section 104 must all be measured.”.

9. Section 104 is amended by replacing the title of the right column “Average concentration” by “Standards”.

10. Section 122 is amended by striking out “taken before treatment” in the first paragraph.

11. Section 131 is amended by replacing “à stocker” in paragraph 10 of the French text by “à entreposer”.

12. The following is inserted after the heading of Chapter VII and before section 138:

“DIVISION I

MONETARY ADMINISTRATIVE PENALTIES

137.1. 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, in contravention of this Regulation, who fails to keep any log, result, measurement or any information for the period provided for in the Regulation.

137.2. 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) in contravention of this Regulation to set up a log or, where applicable, to keep it up to date;

(2) to send to the Minister or provide the Minister with the report provided for in section 65 or the first paragraph of section 113 in accordance with those sections.

137.3. 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 send to the Minister, within the time and on the conditions provided for therein, in particular as to the format or method of transmission,

(a) a prevention and intervention program for accidental discharge or the update of such a program in accordance with section 2;

(b) one of the notices referred to in section 3;

(c) an estimation of the interim reference production rate along with supporting documents in accordance with the second paragraph of section 7;

(d) any other data or measurement or any report or analysis report required by this Regulation, in cases where no other monetary administrative penalties are provided for such failure;

(2) to use an interim reference production rate in the cases and on the conditions provided for in section 9;

(3) to comply with the conditions provided for in section 11 as to the surface of a watercourse receiving the discharge;

(4) to perform a test or an inspection in accordance with the third paragraph of section 62, section 63 or 64;

(5) to correct any malfunction or inaccuracy in the primary element in accordance with section 66;

(6) to comply with the conditions to take, perform, keep or transport the analyses provided for in any of sections 76 to 79, section 85 or the first or second paragraph of section 105;

(7) to have the analyses referred to in section 79, the third paragraph of section 85 or section 105 or the second paragraph of section 112 performed by a laboratory accredited by the Minister in accordance with those sections;

(8) to install, calibrate or maintain in working order a system or device referred to in section 81, in the cases and on the conditions provided for in that section;

(9) to install, maintain in working order, inspect or test a measurement and recording system in accordance with the second paragraph of section 105;

(10) to carry out any measurement or analysis, any calculation or recording or to take any sample, within the time and on the conditions provided for in this Regulation, in cases where no other monetary administrative penalties are provided for such failure.

137.4. 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 of final effluent discharge provided for in section 10;

(2) to treat or discharge scrubbing water referred to in section 23 on the conditions provided for in that section;

(3) to separate cooling water from other process water in accordance with section 42;

(4) to treat or discharge sanitary wastewater in accordance with section 43 or 44;

(5) to install or maintain in working order a sampling station or a measurement system according to the conditions prescribed by any of sections 46 to 49 or the first or second paragraph of section 62, or fails to ensure access to those stations or systems for monitoring purposes in accordance with section 50;

(6) to install or maintain a drainage system for runoff water in the cases and on the conditions provided for in section 52 or 108;

(7) to ensure that an outdoor storage area is watertight or to collect water from the storage area in the cases and on the conditions provided for in the first or second paragraph of section 53;

(8) to comply with the sampling conditions provided for in section 67;

(9) to install or maintain a water collection system in accordance with section 102 or to treat the water in the cases and on the conditions provided for in that section;

(10) to comply with the conditions of elevation, grade, cover, landfill or storage of residual materials provided for in section 109, 114, 115, 116 or 118;

(11) to prohibit public access to a landfill site in accordance with section 110;

(12) to lay out water table observation wells in accordance with section 111;

(13) to comply with the requirements provided for in section 121 in respect of a permanently closed landfill site;

(14) to respect the frequencies and terms of sampling or measurements provided for in the first, second or third paragraph of section 122 in the cases and on the conditions provided for in that section;

(15) to respect the volumes of stored residual materials prescribed by section 127 or to treat excess residual materials in accordance with that section;

(16) to ensure that the storage area is watertight or to collect water from the storage area in accordance with section 128.

137.5. 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

(1) to comply with the conditions provided for in section 22 as to the treatment of wastewater or sludge referred to in that section;

(2) to close a landfill site or to immediately notify the Minister thereof in the cases and on the conditions provided for in section 119;

(3) to obtain from an independent expert a closure report of a landfill site that complies with section 120 or to send it to the Minister within the period provided for in that section.

137.6. 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) empties with the effluents the solids accumulated in any process water treatment equipment in contravention of section 21;

(2) establishes or alters an outdoor storage area referred to in section 51 without complying with the siting standards prescribed by that section;

(3) fails to install or maintain an emergency basin in a state of readiness in accordance with section 55;

(4) accepts residual materials other than those provided for in section 96, 117 or 129;

(5) establishes or enlarges a landfill facility in a prohibited place pursuant to section 99;

(6) landfills residual materials without complying with the conditions prescribed by section 100 or 101;

(7) deposits mill residual materials into the water in contravention of section 103;

(8) directs to a landfill site residual materials, sludge or residues that do not meet the conditions provided for in the first or second paragraph of section 106 or section 107.

137.7. 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) contravenes a standard related to an effluent prescribed by any of sections 12 to 17;

(2) dilutes an effluent or combines it with another effluent in contravention of any of sections 18 to 20;

(3) fails to respect a daily or monthly limit of loss or discharge prescribed by section 24 or 25, any of sections 27 to 33 or 35 to 41 on the conditions provided for therein;

(4) contravenes a concentration standard provided for in section 45, the first or second paragraph of section 53, any of sections 57 to 59 or section 104;

(5) dilutes water referred to in section 89 before it is discharged into the environment or into a storm sewer.”

13. The following is inserted before section 138:

**“DIVISION II
PENAL SANCTIONS”**

14. Sections 138 to 141 are replaced by the following:

“138. Every person who fails to keep any log, result or measurement for the period provided for, in accordance with the fourth paragraph of section 62, section 64, the third paragraph of section 80, section 86, the third paragraph of section 98, the sixth paragraph of section 105 or the third paragraph of section 112 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.

139. Every person who

(1) fails to keep the log provided for in the fourth paragraph of section 62, section 64 or the third paragraph of section 80,

(2) contravenes section 65 or the first paragraph of section 113,

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.

140. Every person who contravenes section 2 or 3, the second paragraph of section 7, section 9 or 11, the third paragraph of section 62, section 63, 64 or 66, any of sections 68 to 79, the first or second paragraph of section 80, any of sections 81 to 85, section 87, the first or second paragraph of section 98, the first, second, third, fourth or fifth paragraph of section 105, the first or second paragraph of section 112, the second paragraph of section 113 or the fourth paragraph of section 122 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.

141. Every person who

(1) contravenes section 10 or 23, any of sections 42 to 44 or 46 to 50, section 52, the first or second paragraph of section 62, section 67 or 102, any of sections 108 to 111

or 114 to 116, section 118, the second paragraph of section 121, the first, second or third paragraph of section 122 or section 127 or 128,

(2) fails to ensure that the outdoor storage area referred to in section 53 is watertight or to collect water from those areas,

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.

141.1 Every person who

(1) contravenes section 22, 119 or 120,

(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.

141.2. Every person who contravenes section 21, 51, 55 or 96, any of sections 99 to 101, section 103, the first or second paragraph of section 106, section 107, 117 or 129 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.

141.3. Every person who contravenes

(1) any of sections 12 to 20, section 24 or 25, any of sections 27 to 33 or 35 to 41, section 45, any of sections 57 to 59, section 89 or 104,

(2) the standards applicable to water from stored materials in accordance with section 53,

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.

141.4. 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 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.”

15. The heading of Schedule II is amended by striking out “monthly” before “report”.

16. The heading of Schedule III is amended by striking out “monthly” before “report”.

17. Schedule XVI is amended by replacing “(µhos/cm)» in the table under «Conductivity» by «(µS/cm)».

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

2558

Draft Regulation

Environment Quality Act
(chapter Q-2)

Quality of drinking water — 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 quality of drinking water, 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 quality of drinking water 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.