

(3) to comply with the values established by the first or second paragraph of section 16 as to the concentration of odours discharged into the atmosphere, in the cases provided for in that section;

(4) to take the necessary measures to ensure the purposes referred to in section 19 in the case of emission of dust in the cases provided for in that section;

(5) to comply with the hourly quantities of particulate matter emissions referred to in the first paragraph of section 24 or the concentration provided for in the first paragraph of section 25 for those matters in the cases and on the conditions provided for in those sections;

(6) to comply with the emission standards that apply to a gas turbine established by section 35 in the cases provided for in that section;

(7) to comply with the emission standards of particulate matters established

(a) by section 42 and applicable to a cement plant in the cases provided for in that section;

(b) by section 45 and applicable to a furnace or a boiler in the cases provided for in that section;

(c) by section 62 and applicable to certain operations related to the operation of a foundry in the cases provided for in that section.”

**2.** The heading of Division XXX.2 is amended by replacing “PENALTIES” before section 96.4 by “PENAL SANCTIONS”.

**3.** Section 96.6 is replaced by the following:

“**96.6.** Every person who contravenes section 96.1 or 96.2 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.

**96.7.** Every person who

(1) contravenes the third paragraph of section 16 or paragraph i of section 96,

(2) fails to duct or to treat the odours referred to in the second paragraph of section 16 by equipment for the treatment of gas,

(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 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.

**96.8.** Every person who contravenes the second paragraph of section 24 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.

**96.9.** Every person who

(1) contravenes section 12, 13 or 19, the first paragraph of section 24, section 25, 35, 42, 45 or 62,

(2) fails to comply with the values established by the first or second paragraph of section 16 as to the concentration of odours discharged into the atmosphere,

commits an offence and is liable, in the case of 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.”

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

2566

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Recovery and reclamation of products by enterprises — 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 recovery and reclamation of products by enterprises, 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 provided for in the Regulation respecting the recovery and reclamation of

products by enterprises 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.

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 recovery and reclamation of products by enterprises**

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

**1.** The Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1) is amended by inserting the following after section 53:

### **“CHAPTER VI.1 MONETARY ADMINISTRATIVE PENALTIES**

**53.1.** 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 inform the Minister of its intention to implement an individual program, to join a group of enterprises implementing a common program or to become a member of an organization referred to in section 4 as prescribed by the first paragraph of section 6 and within the period indicated therein;

(2) to submit to the Minister the information and documents prescribed by the second or third paragraph of section 6;

(3) to attribute the costs related to the recovery and reclamation of a product only to that product and to internalize the costs in the price asked for the product as soon as it is put on the market as prescribed by the first paragraph of section 7;

(4) to comply with the conditions provided for in the second paragraph of section 7 relating to the visibility or disclosure of internalized costs;

(5) to provide for the management of recovered products in the manner prescribed by the second paragraph of section 8 and to obtain from the service providers and subcontractors the information referred to in that paragraph;

(6) to provide to the Minister a document referred to in the third paragraph of section 8 where a management method may not be used, as required by that paragraph;

(7) to attach to the annual report an assessment of the implementation and effectiveness of the recovery and reclamation program at the frequency and on the conditions provided for in section 10;

(8) to send the Minister an annual report at the frequency and on the conditions provided for in the first paragraph of section 11 or to attach to the report an assessment at the frequency and on the conditions provided for in the second paragraph of that section;

(9) to record in a register the information referred to in the first paragraph of section 12, to provide a copy to the Minister on request in accordance with that paragraph or to keep the information for the period provided for in the second paragraph of that section;

(10) to record the information referred to in the fifth paragraph of section 13 and to keep the information for the period provided for therein;

(11) to post the business days and hours of a drop-off centre on the conditions provided for in the second paragraph of section 18;

(12) to attach to the assessment a study or an update of such study required by section 45 or 51;

(13) to provide the Minister with the notice of intention and the information and documents referred to in section 58 within the period provided for therein;

(14) to implement the modulation of related costs within the period prescribed by the second paragraph of section 59.

**53.2.** 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 submit to the Minister an annual report at the frequency and on the conditions provided for in the first paragraph of section 9 or to submit the information in that report to an audit engagement as prescribed by the second paragraph of that section;

(2) to include in the recovery and reclamation program measures aimed at destroying personal and confidential information as prescribed by section 25;

(3) to include in the annual report the information provided for in the first paragraph of section 26, to provide the information in the manner provided for in the second paragraph of that section or to include the information in the assessment as prescribed by the third paragraph of that section;

(4) to include in the annual report the information provided for in section 32;

(5) to include in the information, awareness and education activities specific activities adapted to various uses and clienteles, on the conditions provided for in the first paragraph of section 38, or to include in the annual report the information provided for in the second paragraph of that section.

**53.3.** 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 recover and reclaim or to cause to be recovered and reclaimed the products referred to in the first paragraph of section 8 as prescribed by that section;

(2) to make the payment to the Green Fund required under the second paragraph of section 13 or the second or third paragraph of section 14 and at the frequency and in the manner provided for in the fourth paragraph of section 14;

(3) to establish a drop-off centre on the conditions provided for in the first paragraph of section 18;

(4) to comply with the conditions relating to the drop-off centres or collection service for the industrial, commercial or institutional clientele provided for in the first paragraph of section 19;

(5) to offer a complementary collection service in the case and on the conditions provided for in the second paragraph of section 19;

(6) to offer access to and the deposit of products at the drop-off centres and the collection services free of charge as prescribed by section 21;

(7) to implement the recovery and reclamation program within the period prescribed by section 24, 31, 37, 44, 50 or 58 or to continue to implement a recovery system as prescribed by the first paragraph of section 59.

**53.4.** 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 recover and reclaim or to cause to be recovered and reclaimed a product by means of a recovery and reclamation program on the conditions prescribed by section 2;

(2) to recover and reclaim or to cause to be recovered and reclaimed a component by means of a recovery and reclamation program on the conditions prescribed by section 3;

(3) to comply with any of the requirements relating to the recovery and reclaim program provided for in paragraphs 1 to 11 of section 5;

(4) to set up drop-off centres on the conditions provided for in section 16 or 17;

(5) to transport the products recovered at the frequency and on the conditions provided for in the first paragraph of section 17.”.

**2.** Chapter VII is replaced by the following:

## “CHAPTER VII PENAL SANCTIONS

**54.** Every person who

(1) contravenes section 6 or 7, the second or third paragraph of section 8, section 10, 11 or 12, the fifth paragraph of section 13, the second paragraph of section 18, section 45 or 51,

(2) fails to provide the notice of intention or the information or documents prescribed by section 58 or the second paragraph of section 59,

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.

**55.** Every person who contravenes the first or second paragraph of section 9, section 25, 26, 32 or 38 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.

**56.** Every person who

(1) contravenes the first paragraph of section 8, the second paragraph of section 13, the second, third or fourth paragraph of section 14, the first paragraph of section 18, section 19, 21, 24, 31, 37, 44 or 50,

(2) fails to implement a recovery and reclamation program within the period prescribed by section 58 or the first paragraph of section 59,

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.

**56.1.** Every person who contravenes section 2, 3, 5, 16 or 17 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.

**56.2.** Every person who, 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.

**56.3.** 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.”

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

2569

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Reuse of water containers with a capacity exceeding 8 litres — 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 reuse of water containers with a capacity exceeding 8 litres, 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 reuse of water containers with a capacity exceeding 8 litres 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, in particular an increase in the current fines, 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.

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*