

Regulation to amend the Regulation respecting snow elimination sites

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

1. The Regulation respecting snow elimination sites (chapter Q-2, r. 31) is amended by replacing section 1 by the following:

“**1.** Snow that is removed and transported for elimination purposes may be placed for final deposit only at an elimination site authorized by the Minister under section 22 of the Environment Quality Act (chapter Q-2).

No person may establish, enlarge, alter or operate an elimination site unless the person has first obtained a certificate of authorization in accordance with the first paragraph.”

2. Sections 2 and 3 are revoked.

3. The following is inserted before section 4:

“**3.1.** 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 snow that has been removed and transported for elimination purposes at a site other than the snow elimination site authorized pursuant to the first paragraph of section 1;

(2) establishes, enlarges, alters or operates a snow elimination site without having first obtained an authorization from the Minister in accordance with the second paragraph of section 1.”

4. Section 4 is replaced by the following:

“**4.** Every person who fails to comply with section 1 or, 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.”

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

Draft Regulation

Environment Quality Act
(chapter Q-2)

Solid waste — 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 solid waste, 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 solid waste 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.

The draft Regulation also proposes a number of amendments and revocations to update the Regulation. Although the Regulation respecting solid waste was replaced by the Regulation respecting the landfilling and incineration of residual materials (chapter Q-2, r. 19), it still applies to residual materials disposal sites and disposal areas closed before 19 January 2009. It is proposed that all the sections not concerning those landfilling sites or areas be revoked, since they no longer apply. In addition, the draft Regulation proposes amendments to adapt the wording of certain sections to the context in which they apply solely to closed landfill sites.

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 solid waste

Environment Quality Act
(chapter Q-2, s. 20, s. 31, 1st par., subpars. *c, d, e, f, g, h, h.1* and *h.2*, s. 46, 1st par., subpars. *b, c, f* and *g*, s. 53.30, 1st par., subpars. 2, 3 and 4, ss. 55, 61 and 66, s. 87, pars. *c* and *d*, and ss. 124.1, 115.27 and 115.34)

- 1.** The Regulation respecting solid waste (chapter Q-2, r. 13) is amended by revoking paragraphs *a, c, d, h, j, k, p, q, r* and *s* of section 1.
- 2.** Sections 1.1 to 7.1, 9, 10, 17 to 21, 23 to 29 and 32 to 35 are revoked.
- 3.** Section 36 is amended by striking out everything that follows “must be useable”.
- 4.** Section 40 is replaced by the following:

“**40.** Posting of a sign: A conspicuous sign must be posted at the entrance to a sanitary landfill that has been permanently closed stating that the landfill is closed and that the disposal of residual materials is prohibited.”
- 5.** Sections 42 to 44 and 46 to 51 are revoked.
- 6.** Section 52 is amended by striking out “Outside regular operating hours or in the absence of compacting and covering attendants.”
- 7.** Sections 53 to 74 and 76 to 87 are revoked.
- 8.** Section 88 is replaced by the following:

“**8.** Other operating standards: Section 40 applies at all times, with the necessary modifications, to dry materials disposal sites.”

9. Sections 91 to 100.2 are revoked.

10. Section 100.3 is replaced by the following:

“**100.3.** Fence and gate: A waste disposal site in the North must be surrounded by a fence and gate to prevent access to the site. They must be at least 2,5 metres high and the gate must remain closed at all times.”

11. Sections 100.4 to 103, 105 to 118 and 123 to 125 are revoked.

12. Section 126 is amended

(1) by striking out subparagraphs *c, d, e* and *f* of the first paragraph;

(2) by striking out the second paragraph.

13. The following is inserted after section 126:

“DIVISION XVI.1

MONETARY ADMINISTRATIVE PENALTIES

126.1. 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 provide a permanently closed landfill with a sign that meets the requirements of section 40;

(2) to provide for a sign that meets the requirements of subparagraph *b* of the first paragraph of section 126, in the case and for the sites referred to in that section.

126.2. 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 prevent motor vehicles from entering a sanitary landfill by one of the means provided for in section 52, in the cases and under the conditions set out in that section;

(2) to surround a waste disposal site in the North with a fence and gate that meet the requirements of section 100.3;

(3) to permanently prohibit access to a site referred to in section 126, by a means that complies with the requirements of subparagraph *a* of the first paragraph of that section.

126.3. 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 carry out the sampling or analysis of the water samples referred to in section 30.3 in accordance with the terms and conditions of that section, section 30.4 or section 30.5;

(2) to ensure that the roads and areas referred in section 36 are useable;

(3) to provide a sanitary landfill with a buffer zone that meets the requirements of the first or second paragraph of section 39;

(4) to comply with either of the conditions prescribed by section 45 regarding the final cover or revegetation of a sanitary landfill;

(5) to ensure that the final profile of a dry materials disposal site meets the conditions set out in section 89;

(6) to immediately apply the final cover of a dry materials disposal site, in the cases and under the conditions set out in section 90.

126.4. 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 ensure that an outside stabilization or oxidation pond referred to in section 31.1 meets the conditions set out in paragraphs a to m of that section;

(2) to provide a sanitary landfill with a drainage system that complies with the requirements of section 38.

126.5. 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 comply with the siting standards prescribed by the first or second paragraph of section 31.

126.6. 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 dilutes leachate before it is discharged into a network referred to in section 30.1, in contravention of that section.

126.7. 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 discharges into a network referred to in section 30 leachate that does not comply with the standards prescribed by subparagraphs a to s of the first paragraph of that section.

DIVISION XVI.2 **PENAL SANCTIONS**

126.8. Every person who contravenes section 40 or subparagraph *b* of the first paragraph of section 126 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.

126.9. Every person who contravenes section 52 or 100.3 or subparagraph *a* of the first paragraph of section 126 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.

126.10. Every person who contravenes section 30.3, 30.4, 30.5, 36, 39, 45, 89 or 90 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.

126.11. Every person who contravenes section 31.1 or 38 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.

126.12. Every person who contravenes section 31 or, under 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.

126.13. Every person who contravenes section 30.1 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.

126.14. Every person who contravenes section 30 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.

126.15. 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.”

14. Sections 127, 128, 130 and 131 are revoked.

15. Section 132 is replaced by the following:

“Existing elimination sites: The provisions of this Regulation apply to elimination sites already established before 10 May 1978.”

16. Sections 132.1 to 138 are revoked.

17. Schedules A and C are revoked.

18. 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)

Used tire storage — 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 used tire storage, 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 used tire storage 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.

The draft Regulation also proposes a number of amendments and revocations to update the Regulation. The Regulation respecting used tire storage covers permanent used tire storage sites and businesses that store used tires and reclaim them. The Regulation provides that all new permanent used tire storage sites must cease receiving tires not later than 30 June 2002 and clear sites not later than 31 December 2008. As the dates for ceasing the accumulation and clearing of sites have passed, certain sections that referred to them are revoked. In addition, all sections referring to the storage conditions of those permanent used tire storage sites are also consequentially revoked. In addition, given that only reclamation businesses may from now on store used tires, the term “reclamation business” replaces the term “person or municipality”. Only the sections concerning used tire storage by reclamation businesses are kept.

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.

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

Regulation to amend the Regulation respecting used tire storage

Environment Quality Act
(chapter Q-2, ss. 53.30, 70, 115.27 and 115.34)

1. The Regulation respecting used tire storage (chapter Q-2, r. 20) is amended in section 1.1 by striking out the second paragraph.