

**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*.

2548

## 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.

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 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.

**2.** The heading of Division I.1 is amended by striking out “permanent”.

**3.** Section 1.2 is replaced by the following:

“**1.2.** No person may store used tires, except in the case of used tire reclamation businesses that store such tires and that hold a certificate of authorization issued for that purpose under section 22 of the Act.”

**4.** Section 1.3 is revoked.

**5.** Section 1.4 is replaced by the following:

“**1.4.** Every business that ceases its reclamation activities must clear its used tire storage site and restore it to the conditions it was in before it was used for storing used tires.”

**6.** The Regulation is amended by striking out “DIVISION I.2” and the heading “PROVISIONS SPECIFIC TO RECLAMATION BUSINESSES” before section 1.5.

**7.** Section 2 is amended

(1) by replacing “A person or a municipality” in the part preceding paragraph 1 by “A reclamation business”;

(2) by striking out “except for reclamation businesses for which only total capacity is required, the total number of stored tires and” in subparagraph *f* of paragraph 9.

**8.** Sections 3 to 5 are amended by replacing “A person or a municipality” by “A reclamation business”.

**9.** Section 13 is amended

(1) by replacing “A person or a municipality” in the first paragraph by “A reclamation business”;

(2) by replacing “17” in the third paragraph by “1.4”.

**10.** Section 16 is amended by replacing “17” by “1.4”.

**11.** Section 17 is amended

(1) by revoking the first paragraph;

(2) by replacing “A person or a municipality” in the second paragraph by “A reclamation business”.

**12.** Section 18 is amended

(1) by replacing “17” in the second paragraph by “1.4”;

(2) by replacing “the person or the municipality” in the third paragraph by “the reclamation business”.

**13.** Section 19 is revoked.

**14.** Sections 22 to 44 are revoked.

**15.** The following is inserted after section 44:

#### “DIVISION VIII.1

#### MONETARY ADMINISTRATIVE PENALTIES

**44.1.** 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 to keep, on the storage site, a copy of the fire prevention and emergency measures plan and its changes in accordance with section 4.

**44.2.** 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 a fire prevention and emergency measures plan containing the information and documents prescribed by section 2;

(2) to forward in writing to any person referred to in section 3 the fire prevention plan required or any changes to the plan in accordance with that section;

(3) to notify in writing the Minister of any change to the information or documents referred to in section 5 within the period provided for in that section.

**44.3.** 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

(1) stores more tires than necessary for the person’s operation for a period not exceeding 6 months, in contravention of section 1.5;

(2) fails to provide the Minister with or keep in force a guarantee in accordance with the conditions provided for in section 13;

(3) fails to forward a guarantee renewal or, where applicable, an equivalent guarantee within the period and on the conditions provided for in the third paragraph of section 18.

**44.4.** 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 notify the Minister of the closing of a storage site on the conditions prescribed by the second paragraph of section 17.

**44.5.** 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 stores used tires without meeting the conditions provided for in section 1.2.

**44.6.** 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

(1) to clear a storage site or restore it to the conditions it was in before it was used for storing used tires in accordance with section 1.4;

(2) to take, without delay, any of the measures to fight fire prescribed by section 5.1.”.

**16.** The heading of Division IX, before section 45, is amended by replacing “PENALTIES” by “PENAL SANCTIONS”.

**17.** Sections 45 to 47 are replaced by the following:

“**45.** Every person who contravenes section 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.

**46.** Every person who contravenes section 2, 3 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.

**47.** Every person who contravenes section 1.5 or 13 or the third paragraph of section 18 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.

**47.1.** Every person who

(1) contravenes the second paragraph of section 17,

(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.

**47.2.** Every person who contravenes section 1.2 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.

**47.3.** Every person who contravenes section 1.4 or 5.1 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

**47.4.** 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.”.

**18.** Section 48 is revoked.

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

2554

## Draft Regulation

Environment Quality Act  
(chapter Q-2)

### Waste water disposal systems for isolated dwellings — 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 waste water disposal systems for isolated dwellings, 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 waste water disposal systems for isolated dwellings 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. It provides for the penalties applicable in the event of contravention