

(8) to ensure that the parameters referred to in section 19 meet the standards in Chapter II before reopening the pool as prescribed by that section.

22.5. 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 fails

(1) to drain or disinfect the type of pool referred to in section 8 following the presence of vomitus or feces in accordance with the first paragraph of that section;

(2) to immediately evacuate or close access to the pool in the cases provided for in section 17;

(3) to ensure that the values of the residual disinfectant and pH meet the standards in Chapter II before permitting access to the pool in the case provided for in the second paragraph of section 18.”.

2. The heading of Chapter VI is amended by replacing “OFFENCES” by “PENAL SANCTIONS”.

3. Sections 23 to 28 are replaced by the following:

“**23.** Every person who contravenes the first or second paragraph of section 21 or fails to post the record at the frequency or on the conditions prescribed by section 22 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.

24. Every person who contravenes section 20 or the third paragraph of section 21 or fails to keep for the period provided for therein the record or reports referred to in section 22 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.

25. Every person who contravenes section 9, 10, 11 or 13, the first, second or third paragraph of section 14 or the first 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.

26. Every person who contravenes section 5, 6, 7, 8, 12, 15, 16 or 19 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.

27. 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.

28. Every person who contravenes section 8 or 17 or the second paragraph of section 18 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.

28.1. 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.”.

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)

Waterworks and sewer services — 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 waterworks and sewer services, 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 introduce penal provisions in the Regulation respecting waterworks and sewer services harmonized 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 penal provisions 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 and an adjustment of all the minimum fines.

Lastly, the draft Regulation amends certain sections 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 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 waterworks and sewer services

Environment Quality Act
(chapter Q-2, s. 46, pars. o, o.1 and o.2, and ss. 115.27 and 115.34)

1. The Regulation respecting waterworks and sewer services (chapter Q-2, r. 21) is amended in section 3 by striking out “and comply with the construction standards prescribed by this Regulation”.

2. The first paragraph of section 24 is replaced by the following:

“**24.** Right to service: Every operator of a waterworks or sewer service must connect to the operator’s system, for domestic consumption, every immovable along or in the immediate vicinity of the system following the request of the owner or the person who occupies or has possession of the immovable.”

3. Section 28 is revoked.

4. Section 52 is amended by replacing “24 hours” by “30 days”.

5. The following is inserted after section 57:

“DIVISION VII MONETARY ADMINISTRATIVE PENALTIES

58. 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 forward to the Minister a copy of the document referred to in section 23, in the case and within the period provided for in that section;

(2) to use the forms prescribed by section 33 for preparing the notices referred to in that section;

(3) to comply with the conditions provided for in section 34 regarding the content of the prior notice;

(4) to forward to the operator, in accordance with the second paragraph of section 34, a copy of the letter of objections referred to in that section;

(5) to carry identification as prescribed by the second paragraph of section 37;

(6) to submit an application for the transfer of a permit on the form prescribed by section 50;

(7) to submit to the Minister a report of operations in accordance with the frequency provided for and using the form prescribed by section 51;

(8) to notify the Minister of a change of address or telephone number within the period provided for in section 52;

(9) to submit the report provided for in section 51 on the form prescribed by section 55 in the case provided for in that section.

59. 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

(1) fails to draw up or keep a plan of his or her system, keep it up-to-date or plot on the plan guide marks to readily locate underground conduits and valves in accordance with section 11;

(2) suspends service to a subscriber without having met the prior conditions provided for in section 32.

60. 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 ensure that every construction or installation of waterworks and sewer equipment comply with the plans and specifications referred to in the authorization issued by the Minister in accordance with section 3;

(2) to make a connection according to the conditions provided for in section 14;

(3) to ensure impartial service among subscribers in accordance with section 19;

(4) to prevent any consumption of water in the case provided for in section 22 in accordance with the second paragraph of that section;

(5) to connect a building to the waterworks and sewer system in the case and on the conditions provided for in the first paragraph of section 24;

(6) to continue the service to a subscriber on the same conditions as those provided for in an agreement that is renewed under section 26;

(7) to ensure that the pressure of a waterworks system complies with the standards prescribed by section 27;

(8) to reimburse a subscriber proportionately to the duration of the interruption of service, as a reduction in the subscription fee, in accordance with the second paragraph of section 30;

(9) to comply with the amount that may be claimed in the case provided for in the second paragraph of section 36;

(10) to allow access for the needs of the service to the persons referred to in section 37, in accordance with the first paragraph of that section;

(11) to inform the Minister in writing or to give reasons for the decision when ceasing to operate a waterworks and sewer system in accordance with the conditions provided for in section 57.

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

(1) modifies the rates or applies new ones without first informing the Minister or without following the procedures prescribed by sections 41 and 42 in contravention of section 40;

(2) applies rates that are not uniform for subscribers in the same class of the same waterworks or sewer service in contravention of section 44;

(3) charges an annual rental for a meter greater than 10% of the purchase and installation cost, in contravention of section 46;

(4) collects the payment of subscriptions without complying with the terms prescribed by section 47 and without an agreement to that effect.

61. 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 continuous service to subscribers at all times in accordance with section 17;

(2) to comply with the conditions provided for in section 18 relating to the maintenance and repair of a waterworks or sewer system;

(3) to inspect the waterworks or sewer system at the periods provided for in section 20;

(4) to ensure that only persons referred to in section 21 have access to the devices, reservoirs and other installations of a waterworks or sewer service in accordance with that section;

(5) to stop any leak in the system as soon as it is discovered, in accordance with the second paragraph of section 22;

(6) to furnish the flow and pressure for protection against fire where an agreement has been concluded to that effect in accordance with section 25;

(7) to take all necessary steps in case of fire in accordance with section 31;

(8) to continue the service, in the case of objections from the subscriber, for as long as there is no agreement between the parties or no order issued by the Minister in accordance with the second paragraph of section 34;

(9) to restore service as soon as the cause for the interruption or suspension of service no longer prevails, in accordance with the first paragraph of section 36.

The penalty provided for in the first paragraph may also be imposed on any person who suspends or interrupts service to a subscriber where this Regulation does not allow to do so in contravention of section 35.

62. 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 notify the Minister without delay or inform the Minister of the measures the person intends to take to remedy the situation in the cases provided for in the first paragraph of section 22;

(2) to comply with an order made by the Minister under the second paragraph of section 24 or 38.

DIVISION VIII

PENAL SANCTIONS

63. Every person who

(1) contravenes section 23 or 33, the second paragraph of section 37 or section 50, 51, 52 or 55,

(2) fails to comply with the conditions provided for in section 34 relating to the content of the prior notice,

(3) fails to forward to the operator, in accordance with the second paragraph of section 34, a copy of the letter of objections referred to therein,

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.

64. Every person who contravenes section 11 or suspends service to a subscriber without having met the conditions provided for in section 32 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.

65. Every person who contravenes section 3, 14 or 19, the first paragraph of section 24, section 26, 27 or 30, the second paragraph of section 36, the first paragraph

of section 37 or section 40, 44, 46, 47 or 57 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.

Every person who fails to prevent any consumption of water in the case provided for in section 22, in accordance with the second paragraph of that section, also commits an offence and is liable to the same fines.

66. Every person who contravenes section 17, 18, 20, 21, 25, 31, 34 or 35 or the first paragraph of section 36 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.

Every person who fails to stop any leak in the person's system as soon as it is discovered in accordance with the second paragraph of section 22 also commits an offence and is liable to the same fines.

67. 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.

68. Every person who contravenes the first paragraph of section 22 or fails to comply with an order made by the Minister under the second paragraph of section 24 or 38 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.”

6. 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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