

Draft Regulation

Environment Quality Act
(chapter Q-2)

Quality of the atmosphere — 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 the atmosphere, 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 of the Regulation respecting the quality of the atmosphere 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. It must be noted that the provisions of the Regulation have been replaced by the Clean Air Regulation (chapter Q-2, r. 4.1), except paragraph 33 of section 1 and sections 96.1 to 96.3 and 96.6 and certain other provisions that continue to apply as transitional measures to the extent provided for in Title VII of the Clean Air Regulation.

The draft Regulation proposes to add monetary administrative penalties and amend the penal provisions provided for in the current Regulation. It also provides amounts for the monetary administrative penalties and the penalties applicable in the event of contravention of provisions of the Regulation that still apply 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 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 the quality of the atmosphere

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

1. The Regulation respecting the quality of the atmosphere (chapter Q-2, r. 38) is amended by inserting the following after section 96.3:

“DIVISION XXX.1.1 MONETARY ADMINISTRATIVE PENALTIES

96.3.1. 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 duct or to treat the odours referred to in the second paragraph of section 16 by equipment for the treatment of gas;

(2) to comply with the conditions prescribed by the third paragraph of section 16 as to the operating areas for the processes and the stocking areas;

(3) to sample or to analyze a contaminant referred to in section 96 according to the method provided for in paragraph *i* of that section or according to an equivalent method.

96.3.2. 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 to comply with the conditions prescribed by the second paragraph of section 24 as to the location of a grain processing plant referred to in that section.

96.3.3. 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 comply with the maximum quantities of organic compound emissions established by section 12 in the cases provided for in that section;

(2) to comply with the standards of reduction of organic compound emissions established by section 13 in the case provided for in that section;

(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