

Every person who fails to ensure that

(1) a prefabricated septic tank complies with the BNQ standard prescribed by section 11,

(2) the systems referred to in section 11.1, 16.2, 87.8 or 87.14 comply with the NQ standards prescribed therein,

also commits an offence and is liable to the fines provided for in the first paragraph.

89.4. Every person who

(1) contravenes section 11.4, 16.6, 87.12 or 87.18, the first paragraph of section 87.27 or 87.28, section 87.29 or 87.30,

(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.

89.5. Every person who contravenes the first paragraph of section 3 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.

89.6. 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.”

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

2556

Draft Regulation

Environment Quality Act
(chapter Q-2)

Water quality in swimming pools and other artificial pools — 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 water quality in swimming pools and other artificial pools, 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 water quality in swimming pools and other artificial pools 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 H el ene Proteau, regional director, Direction r egionale de l'analyse et de l'expertise de Montr eal, Laval, Lanaudiere et Laurentides, Ministere du D eveloppement durable, de l'Environnement, de la Faune et des Parcs, 5199, rue Sherbrooke Est, bureau 3860, Montr eal (Qu ebec) H1T 3X9; telephone: 514 873-3636, extension 244; fax: 514 873-5662; email: helene.proteau@mdefp.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 water quality in swimming pools and other artificial pools

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

1. The Regulation respecting water quality in swimming pools and other artificial pools (chapter Q-2, r. 39) is amended by inserting the following after section 22:

“CHAPTER V.1 MONETARY ADMINISTRATIVE PENALTIES

22.1. 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 enter the water monitoring results in the record in accordance with the first paragraph of section 21 or to do the certification required under the first or the second paragraph of that section;

(2) to post the record at the frequency or on the conditions prescribed in section 22.

22.2. 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 keep a record containing the information prescribed by section 20;

(2) to ensure that the entries or certifications in the record are compliant as prescribed by the third paragraph of section 21;

(3) to keep, for the period provided for therein, the record or reports referred to in section 22 or to make them available to the Minister.

22.3. 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 sample water at the frequencies or on the conditions prescribed by section 9, 10 or 11 or to make the results of the microbiological analyses available at the frequency provided for in the second paragraph of section 10;

(2) to collect, preserve, analyze or send water samples in accordance with the methods prescribed by section 13;

(3) to send water samples, forms or analysis results at the frequency or on the conditions prescribed by section 14;

(4) to evacuate the pool, close the access to the pool or increase the chlorine concentration at the frequency or on the conditions prescribed by the first paragraph of section 18.

22.4. 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 compliance with the microbiological or physicochemical quality of pool water prescribed by section 5;

(2) to ensure compliance with the chlorine, bromine or oxidation-reduction potential (ORP) standards prescribed by section 6;

(3) to ensure compliance with the pool water clarity standards prescribed by section 7;

(4) to drain or disinfect daily the type of pool referred to in section 8 before refilling or reusing the pool in accordance with the first paragraph of that section;

(5) to take the necessary measures to enable adequate monitoring of the quality of water made available to the users in the case or on the conditions provided for in section 12;

(6) to immediately communicate any result indicating that the water does not meet a microbiological standard to the person in charge of the pool, as prescribed by section 15;

(7) to take the necessary remedial measures if the pool water does not meet any of the water quality standards in Chapter II, to ascertain whether the system is being adequately maintained and operated, to adjust the level of residual disinfectant in the water or to collect or have a second sample collected to test for the presence of the identified microorganism in the cases or on the conditions provided for in section 16;

(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*.

2567

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