

Gouvernement du Québec

O.C. 653-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

**Application of section 32 of the Act
— Amendment**

Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act

WHEREAS, under subparagraphs *e*, *g* and *m* of the first paragraph of section 31 of the Environment Quality Act (chapter Q-2), the Government may make regulations to define standards for the protection and quality of the environment, determine the form and tenor of any authorization certificate, and determine the terms and conditions according to which every application for an authorization and every application to amend or renew any such document must be made;

WHEREAS, under paragraphs *d*, *l* and *p* of section 46 of the Act, the Government may make regulations to determine the standards of quality for any source of water supply, determine construction standards for waterworks, sewer and water treatment systems and exempt certain categories of projects, apparatus or equipment from the application of section 32 of the Act;

WHEREAS, under section 115.27 of the Act, the Government may, by regulation, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty and determine the amount of such penalty;

WHEREAS, under section 115.34 of the Act, the Government may, by regulation, determine the regulatory provisions whose contravention constitutes an offence and renders the offender liable to a fine, a term of imprisonment, or both the fine and imprisonment;

WHEREAS the Government made the Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act was published in Part 2 of the *Gazette officielle du Québec* of 27 March 2013 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the application of section 32
of the Environment Quality Act**

Environment Quality Act
(chapter Q-2, s. 31, 1st par., subpars. *e*, *g* and *m*, s. 46,
pars. *d*, *l* and *p*, and ss.115.27 and 115.34)

1. The Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2) is amended by inserting the following at the end of section 5:

“(6) the installation of sludge dewatering equipment in a lagoon-type treatment plant if the following conditions are met:

(a) the work is carried out in the operation area of the treatment plant;

(b) only sludge from the lagoons of the treatment plant are treated by the dewatering equipment;

(c) the process water from sludge dewatering is treated by the treatment plant;

(d) the work is not likely to modify the treatment capacity of the treatment plant.”.

2. Section 9 is amended by inserting “in a report” after “specify” in paragraph 1.

3. Section 9.1 is amended by replacing everything that follows “complies with this Regulation.” in the second paragraph by “The owner makes sure to obtain the certificate from the engineer within 90 days of the end of the work.”.

4. Section 11 is amended by adding “management” before “strategies” in subparagraph 3 of the second paragraph.

5. Section 16 is replaced by the following:

“**16.** Before undertaking the work covered by this Chapter, the owner must obtain a certificate from an engineer who is a member of the Ordre des ingénieurs du Québec certifying that the work has installation drawings and specifications that are in conformity with the 5-year plan authorized by the Minister.

The certificate must be given, where applicable, to the municipality or the borough, before the beginning of the work.”

6. Section 17 is amended by replacing everything that follows “Chapter IV.” by “The owner makes sure to obtain the certificate from the engineer within 90 days of the end of the work. The certificate must be given, where applicable, to the municipality or the borough, with the as-built plan, that is, a document integrating all the alterations made to works during the carrying out of work, including alterations related to their design.”

7. Section 20 is amended by replacing what follows “accessible” in the first paragraph by “on the website of the Ministère du Développement durable, de l’Environnement, de la Faune et des Parcs.”

8. The heading of Chapter V is replaced by “MONETARY ADMINISTRATIVE PENALTIES”.

9. The following is inserted after the heading of Chapter V and before section 24:

“**23.1.** 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 submit the certificates referred to in sections 16 and 17 on the form provided by the Minister in accordance with section 18.

23.2. 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 for the period prescribed or to make available to the Minister, on request, the analysis reports referred to in paragraph 4 of section 9 or the certificate referred to in the third paragraph of section 9.1 in accordance with those sections;

(2) to keep for the period prescribed or to make available to the Minister, on request, the certificates and plans referred to in section 19 in accordance with that section.

23.3. 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 send to the Minister the notices and the certificates referred to in section 5.2 within the period and on the conditions referred to therein;

(2) to comply with the standards provided for in section 8 regarding the acceptance tests and criteria for a main in the cases and for the mains referred to therein;

(3) to comply with any requirement provided for in paragraphs 1, 2 and 3 of section 9 in the case of work referred to in that section;

(4) to appoint an engineer referred to in section 9.1 or to obtain from the engineer the certificate required on the conditions provided for in the first or second paragraph of that section;

(5) to send to the municipality or borough the certificate or plan referred to in the second paragraph of section 16 or 17;

(6) to appoint an engineer referred to in the first paragraph of section 17 for monitoring the work covered therein or to obtain from the engineer the certificate required by that section;

(7) to carry out the work referred to in section 21 in accordance with the specifications prescribed by that section.

The penalty provided for in the first paragraph may also be imposed on any person who undertakes work referred to in section 16 without having obtained the required certificate in accordance with that section.

23.4. 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 reuse or use the soil referred to in the first or second paragraph of section 20 in accordance with the conditions provided for therein;

(2) to comply with the conditions relating to surplus excavated materials provided for in the third paragraph of section 20;

(3) to comply with any of the standards prescribed by paragraphs 1 to 5 of section 9.2 regarding the installation of a water intake or an outfall referred to therein;

(4) to ensure that the quantity of water taken from the water intake referred to in section 9.4 meets the standards prescribed therein.

The penalty provided for in the first paragraph may also be imposed on any person who uses products and materials referred to in section 23 that do not comply with the safety requirements prescribed therein.

23.5. 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 take any of the steps prescribed by section 9.3 in case of the permanent closing of a temporary industrial camp.”

10. Section 24 is replaced by the following:

**“CHAPTER VI
PENAL SANCTIONS**

24. Every person who contravenes section 18 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.

24.1. Every person who contravenes paragraph 4 of section 9, the third paragraph of section 9.1 or section 19 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.

24.2. Every person who contravenes section 5.2 or 8, paragraph 1, 2 or 3 of section 9, the first or second paragraph of section 9.1, or section 16, 17 or 21 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.

24.3. Every person who contravenes section 9.2, 9.4, 20 or 23 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.

24.4. Every person who contravenes section 9.3 or, pursuant to this Regulation, makes a declaration, communicates information or files a document that is 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.

24.5. 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.”

11. 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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Gouvernement du Québec

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**Regulation
— Amendment**

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WHEREAS, under section 115.27 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty and determine the amount of such penalty;

WHEREAS, under section 115.34 of the Act, the Government may, by regulation, determine the regulatory provisions whose contravention constitutes an offence and renders the offender liable to a fine, a term of imprisonment, or both the fine and imprisonment;

WHEREAS the Government made the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Regulation respecting the application of the Environment Quality Act was published in Part 2 of the *Gazette officielle du Québec* of 27 March 2013 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

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