

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.

206.4. 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 Title 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.”

8. Section 215 is amended by replacing “to 96.3 and 96.6” in the first paragraph by “to 96.10.”

9. 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

O.C. 658-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

Pits and quarries — Amendment

Regulation to amend the Regulation respecting pits and quarries

WHEREAS, under subparagraphs *e*, *h*, *h.2* 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 terms and conditions whereunder an application for an authorization, an application to amend or renew such an authorization must be made, determine the methods for collecting, analysing and computing any emission, deposit, issuance or discharge of a contaminant, and prescribe that analyses must be carried out in a laboratory accredited by the Minister pursuant to section 118.6 of the Act;

WHEREAS, under paragraphs *c* and *d* of section 46 of the Act, the Government may make regulations to determine the standards of quality for any source of water supply and determine the maximum quantity or concentration of a contaminant the discharge of which is allowed into water;

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 pits and quarries (chapter Q-2, r. 7);

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 pits and quarries 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 pits and quarries, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting pits and quarries

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

1. The Regulation respecting pits and quarries (chapter Q-2, r. 7) is amended by revoking section 8.

2. Section 24 is replaced by the following:

“**24.** Methods of analysis: The water samples required to ensure the enforcement of sections 22 and 23 must be sent, for analysis, to a laboratory accredited by the

Minister of Sustainable Development, Environment, Wildlife and Parks under section 118.6 of the Environment Quality Act (chapter Q-2).”.

3. The following is inserted after section 58:

**“DIVISION IX
MONETARY ADMINISTRATIVE PENALTIES**

59. A monetary administrative penalty of \$500 in the case of a natural person or \$1,000 in other cases may be imposed on any person who fails

(1) to take the required measures so that the guarantee policy remains in force or is renewed in the case and on the conditions provided for in section 6;

(2) to comply with the standards for the location of equipment in the case of replacement of or increase in production of a crushing or screening process as prescribed by the first paragraph of section 20;

(3) to send to an accredited laboratory a water sample for analysis as prescribed by section 24;

(4) to comply with the methods of measurement prescribed by section 28;

(5) to take the required measures to prevent dust emissions in the cases and on the conditions provided for in section 31;

(6) to install a dust collecting apparatus linked to a dust collector system as prescribed by section 32;

(7) to restore land in the cases provided for in section 36;

(8) to provide, in the restoration plan of a pit, a laying out of the land in operation meeting the conditions prescribed by section 38 or to stabilize the ground in accordance with that section;

(9) to comply with the standards relating to vertical cuts prescribed by the first paragraph of section 39 or to cover with vegetation the horizontal terraces as required by the second paragraph of that section;

(10) to store topsoil or overburden in accordance with the first paragraph of section 40 or to deposit the topsoil or overburden on leveled surface during restoration in accordance with the second paragraph of that section;

(11) to carry out the land restoration plan in accordance with section 41;

(12) to meet the conditions of revegetation of the land as prescribed by the first paragraph of section 43;

(13) to carry out the restoration in the manner prescribed and within the time limits provided for in section 45;

(14) to cease the operation of a pit where the guarantee policy ceases to be in force or is used by the Minister as prescribed by section 52;

(15) to comply with the standards relating to the preservation or tree planting prescribed by section 53;

(16) to restore the land dug in the cases and on the conditions provided for in section 56.

60. 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

(1) uses or installs equipment referred to in section 30 that is not in working condition or who uses, during production hours, such equipment that is not operating at optimum efficiency, in contravention of section 30;

(2) fails to comply with the prohibition to dynamite on the conditions and during the periods provided for in section 54.

61. 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

(1) to obtain a certificate of authorization in the cases and on the conditions provided for in section 2;

(2) to comply with the standards for the minimum distance between the operating site of a new pit or quarry and any territory zoned for residential, commercial or mixed purposes as provided for in section 10;

(3) to comply with the standards for the minimum distance between an operating site of a new pit or quarry and any dwelling, school or other educational institution, place of worship, campground or health and social services institution as provided for in section 11;

(4) to comply with the standards for the minimum distance between the operating site of a new pit or quarry and any stream, river, sea, lake, swamp or sandbank as provided for in the first paragraph of section 14;

(5) to obtain the authorization required by the third paragraph of section 14 to operate a new pit in any of the locations referred to in the first or second paragraph of that section in accordance with the third paragraph;

(6) to comply with the standards for the minimum distance between a new pit or quarry and any well, water source or other water intake used to supply a waterworks network as provided for in section 15;

(7) to submit a new application for a certificate of authorization in the cases and on the conditions provided for in the second paragraph of section 20;

(8) to comply with the conditions for the extension of a pit or quarry prescribed by section 21;

(9) to obtain a certificate of authorization for the use of fertilizing waste substances for the revegetation of a quarry or pit as prescribed by the second paragraph of section 43;

(10) to clear the surface of the pit or quarry from all debris referred to in section 44 on completion of the land restoration work in accordance with that section;

(11) to implement an altered restoration plan without having first forwarded the plan to the Minister for approval in accordance with section 46.

62. 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

(1) the standard for the minimum distance between the operating site of a pit or quarry and the boundaries of any ecological reserve as provided for in section 16;

(2) the standard for the minimum distance between private access roads to a new pit or quarry and any structure or immovable as provided for in section 17;

(3) the standard for the minimum distance between the operating site of a quarry and any public thoroughfare as provided for in section 18;

(4) the standard for the minimum distance between the operating site of a quarry and the property line of any piece of property owned by a party other than the operator of the lot in which the quarry is located as provided for in section 19.

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

(1) establishes a new pit or quarry, the operating site of which is located in a territory zoned for residential, commercial or mixed purposes, in contravention of section 10;

(2) operates a pit or quarry in a location referred to in the second paragraph of section 14, in contravention of section 14;

(3) undertakes the operation of a pit or quarry in any of the territories referred to in section 57, in contravention of section 57.

63. 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 to comply with

(1) the noise standards during the entire operation of a pit or quarry as prescribed by the second paragraph of section 12;

(2) the standard for the emission into the atmosphere of dust relating to crushers, dryers, screens, conveyors, elevators and bins installed in a quarry and any feeding or dumping point for aggregate material as prescribed by the first paragraph of section 25;

(3) the standard for the concentration of particulate matter relating to the sources of emission linked to a collecting system as prescribed by the second paragraph of section 25;

(4) the standard for the emission of particulate matter relating to the dust collecting apparatus linked to a dust collector system as prescribed by section 32;

(5) the emission standard for the handling, transportation, storage, deposit or elimination of dust recovered by dust collector systems as prescribed by section 33;

(6) the standard for the emission of impulsive or discontinuous seismic waves relating to the operation of a quarry as prescribed by section 34.

The penalty provided for in the first paragraph may also be imposed on any person who discharges into the environment water that does not comply with the standards prescribed by section 22 or 23.

DIVISION X **PENAL SANCTIONS**

64. Every person who

(1) contravenes section 6, the first paragraph of section 20, section 24, 28, 31, 36, 38, 39, 40 or 41, the first paragraph of section 43 or section 45, 52, 53 or 56,

(2) fails to install a dust collecting apparatus linked to a dust collector system in accordance with section 32,

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.

65. Every person who contravenes section 30 or 54 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.

66. Every person who

(1) contravenes section 2 or 11, the first or third paragraph of section 14, section 15, the second paragraph of section 20, section 21, the second paragraph of section 43 or section 44 or 46,

(2) fails to comply with the standards for the minimum distance between the operating site of a new pit or quarry and any territory zoned for residential, commercial or mixed purposes provided for in section 10,

(3) 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.

67. Every person who

(1) establishes a new pit or quarry, the operating site of which is located in a territory zoned for residential, commercial or mixed purposes, in contravention of section 10;

(2) contravenes the second paragraph of section 14 or section 16, 17, 18, 19 or 57,

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.

68. Every person who

(1) contravenes the second paragraph of section 12, section 22 or 23, the first or second paragraph of section 25 or section 33 or 34,

(2) fails to comply with the standard for the emission of particulate matter relating to the dust collecting apparatus linked to a dust collector system prescribed by section 32,

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.”

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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Gouvernement du Québec

O.C. 659-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

**Motor vehicle traffic in certain fragile environments
— Amendment**

Regulation to amend the Regulation respecting motor vehicle traffic in certain fragile environments

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 motor vehicle traffic in certain fragile environments (chapter Q-2, r. 9);