

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 motor vehicle traffic in certain fragile environments 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 motor vehicle traffic in certain fragile environments, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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

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

1. The Regulation respecting motor vehicle traffic in certain fragile environments (chapter Q-2, r. 9) is amended by inserting the following after section 6:

“**6.1.** 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 uses a motor vehicle other than a snowmobile

(1) on the dunes in Îles-de-la-Madeleine, except on designated trails developed in accordance with the law, or on any other dunes in the domain of the State, as prohibited by section 2;

(2) in peat bogs in the domain of the State situated in the areas referred to in the first paragraph of section 3, as prohibited by that section;

(3) on the beaches, offshore bars, in marshes and swamps situated in the areas referred to in the first paragraph of section 4, as prohibited by that section.

6.2. 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 organizes or participates in a

motor vehicle race, rally or competition in a marsh, swamp or peat bog, or on a dune, offshore bars or a beach, as prohibited by section 1.

6.3. Every person who contravenes section 2, 3 or 4 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.

6.4. Every person who contravenes section 1 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.”.

2. 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. 660-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

Biomedical waste — Amendment

Regulation to amend the Regulation respecting biomedical waste

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 biomedical waste (chapter Q-2, r. 12);

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 biomedical waste 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 biomedical waste, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting biomedical waste

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

1. The Regulation respecting biomedical waste (chapter Q-2, r. 12) is amended by inserting the following after section 64:

“DIVISION III.2

MONETARY ADMINISTRATIVE PENALTIES

64.1. 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 comply with the minimum measurement of a label prescribed by the second paragraph of section 23;

(2) to inform the Minister in writing of the completion of the work in accordance with paragraph 4 of section 36;

(3) to comply with the conditions relating to a sign prescribed by the second paragraph of section 38.

64.2. 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 the register prescribed by section 12, 13 or 14, according to the conditions and frequencies provided for therein;

(2) to prepare a report that complies with the requirements of section 15 on the date provided for in that section;

(3) to keep a report or register referred to in section 16 for the period provided for in that section;

(4) to send in writing to the Minister the information prescribed by section 18 on the date provided for in that section;

(5) to affix or to fill out an identification label that complies with the requirements of the first paragraph of section 23;

(6) to affix a sign that complies with the requirements of the first paragraph of section 38;

(7) to notify the Minister in writing of any change referred to in section 64 within the period provided for in that section.

64.3. 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 comply with the conditions prescribed by section 9 in respect of ash from the incineration of biomedical waste;

(2) to comply with the safety conditions prescribed by section 17 as to the site at which biomedical waste is stored or treated;

(3) to design the building intended for storing or treating biomedical waste referred to in section 28 in accordance with that section;

(4) to set up cleaning equipment referred to in section 29 in accordance with that section;

(5) to unload biomedical waste in accordance with the requirements of section 31;

(6) to comply with the safety conditions of the compartments prescribed by the third paragraph of section 40;

(7) to carry out cleaning referred to in section 45 after biomedical waste has been unloaded in accordance with that section;

(8) to set up a guarantee or to keep it in force in accordance with section 56, or to forward a renewed guarantee or to provide an equivalent guarantee in accordance with the third paragraph of section 60.

The penalty provided for in the first paragraph may also be imposed on any person who, in contravention of section 32 or the first paragraph of section 40, delivers or transports biomedical waste where the conditions provided for in any of sections 10, 22 or 23 or, where applicable, section 33 are not complied with.

64.4. 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 keep in good working order the equipment referred to in section 8;

(2) to keep biomedical waste at the temperature provided for in the second paragraph of section 22, section 33 or the third paragraph of section 40;

(3) to ensure that vehicles or containers used to transport biomedical waste serve only for that purpose in accordance with section 37;

(4) to equip a vehicle used to transport biomedical waste with either of the elements provided for in section 39.

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

(1) mechanically compresses biomedical waste in contravention of section 10;

(2) stores biomedical waste in contravention of the requirements of section 21;

(3) puts biomedical waste referred to in the first paragraph of section 22 into containers that do not comply with the conditions provided for in that section;

(4) transfers biomedical waste from one vehicle to another during transport in contravention of section 43.

64.5. 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

(1) to notify the Minister in writing of the date on which the operations of a facility referred to in section 36 will shut down or to file a timetable with the Minister of shutdown operations within the period provided for in paragraph 1 of that section;

(2) to carry out the removal or cleaning work prescribed by paragraph 2 or 3 of section 36 on the conditions provided for in that section;

(3) to notify the Minister if, during transport, biomedical waste or a substance is released into the environment in accordance with paragraph 3 of section 44.

64.6. 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 treat biomedical waste in accordance with the requirements of section 5, 6 or 7 according to their nature or place of origin;

(2) to ship or to consign biomedical waste referred to in section 24 or 25 to a holder of a certificate of authorization referred to therein.

The penalty provided for in the first paragraph may also be imposed on any person who, in contravention of section 35, receives biomedical waste where the treatment or storage operations of biomedical waste have permanently ceased or are suspended.

64.7. 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

(1) discharges biomedical waste into a sewer system in contravention of section 11;

(2) fails to take any of the measures prescribed by paragraph 1 or 2 of section 44 in the cases and on the conditions provided for in that section.”.

2. The heading of Division IV is amended by replacing “PENALTIES” before section 65 by “PENAL SANCTIONS”.

3. Sections 65 and 66 are replaced by the following:

“**65.** Every person who contravenes the second paragraph of section 23, paragraph 4 of section 36 or the second paragraph of section 38 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.

66. Every person who contravenes any of sections 12 to 18, the first paragraph of section 23 or 38 or section 64 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.

66.1. Every person who

(1) contravenes section 9, 17, 28, 29, 31 or 32, the first paragraph of section 40, section 45 or 56 or the third paragraph of section 60,

(2) fails to comply with the safety conditions prescribed by the third paragraph of section 40,

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.

66.2. Every person who

(1) contravenes section 8, 10, 21, 22, 33, 37, 39 or 43,

(2) fails to keep biomedical waste at the temperature provided for in the third paragraph of section 40,

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.

66.3. Every person who

(1) contravenes any of paragraphs 1 to 3 of section 36 or paragraph 3 of section 44,

(2) 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.

66.4. Every person who contravenes any of sections 5 to 7, 24, 25 or 35 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.

66.5. Every person who contravenes section 11 or paragraph 1 or 2 of section 44 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.

66.6. 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*.

Gouvernement du Québec

O.C. 661-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

**Solid waste
—Amendment**

Regulation to amend the Regulation respecting solid waste

WHEREAS, under section 20 and subparagraphs *c, d, e, f, g* and *h* to *h.2* of the first paragraph of section 31 of the Environment Quality Act (chapter Q-2), the Government may make regulations to prohibit, limit and control sources of contamination, define standards for the protection and quality of the environment, determine the terms and conditions whereunder an application for an authorization and an application to amend or renew an authorization must be made, determine the form and tenor of such an authorization, determine the methods for collecting, analysing and computing any emission, deposit, issuance or discharge of a contaminant, and prescribe that any analyses must be carried out in a laboratory accredited by the Minister pursuant to section 118.6 of the Act;

WHEREAS, under paragraphs *b, c, f* and *g* of section 46 of the Act, the Government may make regulations to determine the maximum quantity or concentration of contaminant the discharge of which is allowed into water;

WHEREAS, under subparagraphs 2, 3 and 4 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials;

WHEREAS, under paragraphs *c* and *d* of section 87 of the Act, the Government may make regulations to regulate construction, location and maintenance in respect of installations intended to receive or eliminate waste water and prescribe for each class of immovables or installations the issuance of a permit;

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;