

Gouvernement du Québec

O.C. 683-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

**Recovery and reclamation of products by enterprises
— Amendment**

Regulation to amend the Regulation respecting the recovery and reclamation of products by enterprises

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 recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1);

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 recovery and reclamation of products by enterprises 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 recovery and reclamation of products by enterprises, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the recovery and reclamation
of products by enterprises**

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

1. The Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1) is amended by inserting the following after section 53:

**“CHAPTER VI.1
MONETARY ADMINISTRATIVE PENALTIES**

53.1. 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 inform the Minister, within the period provided for in the first paragraph of section 6, of its intention to implement an individual program, to join a group of enterprises implementing a common program or to become a member of an organization referred to in section 4 or to submit to the Minister for that purpose the information and documents prescribed by the second or third paragraph of section 6;

(2) to attribute the costs related to the recovery and reclamation of a product only to that product and to internalize the costs in the price asked for the product as soon as it is put on the market as prescribed by the first paragraph of section 7;

(3) to comply with the conditions provided for in the second paragraph of section 7 relating to the visibility or disclosure of internalized costs;

(4) to provide for the management of recovered products in the manner prescribed by the second paragraph of section 8 and to obtain from the service providers and sub-contractors the information referred to in that paragraph;

(5) to provide to the Minister a document referred to in the third paragraph of section 8 where a management method may not be used, as required by that paragraph;

(6) to attach to the annual report an assessment of the implementation and effectiveness of the recovery and reclamation program at the frequency and on the conditions provided for in section 10;

(7) to send the Minister an annual report at the frequency and on the conditions provided for in the first paragraph of section 11 or to attach to the report an assessment at the frequency and on the conditions provided for in the second paragraph of that section;

(8) to record in a register the information referred to in the first paragraph of section 12, to provide a copy to the Minister on request in accordance with that paragraph or to keep the information for the period provided for in the second paragraph of that section;

(9) to record the information referred to in the fifth paragraph of section 13 and to keep the information for the period provided for therein;

(10) to include in the annual report the information provided for in the first paragraph of section 26, to provide the information in the manner provided for in the second paragraph of that section or to include the information in the assessment, as prescribed by the third paragraph of that section;

(11) to include in the annual report the information provided for in section 32;

(12) to include in the information, awareness and education activities specific activities adapted to various uses and clientele, on the conditions provided for in the first paragraph of section 38, or to include in the annual report the information provided for in the second paragraph of that section;

(13) to attach to the assessment a study or an update of such study required by section 45 or 51.

53.2. 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 submit to the Minister an annual report at the frequency and on the conditions provided for in the first paragraph of section 9 or to submit the information in that report to an audit engagement as prescribed by the second paragraph of that section;

(2) to include in the recovery and reclamation program measures aimed at destroying personal and confidential information as prescribed by section 25.

53.3. 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 recover and reclaim or to cause to be recovered and reclaimed the products referred to in the first paragraph of section 8 as prescribed by that section;

(2) to make the payment to the Green Fund required under the second paragraph of section 13 or the second or third paragraph of section 14 and at the frequency and in the manner provided for in the fourth paragraph of section 14;

(3) to transport, at the frequency and on the conditions provided for in the first paragraph of section 17, the recovered products to a site referred to in that section;

(4) to establish a drop-off centre on the conditions provided for in the first paragraph of section 18;

(5) to comply with the conditions relating to the drop-off centres or collection service for the industrial, commercial or institutional clientele provided for in the first paragraph of section 19;

(6) to offer a complementary collection service in the case and on the conditions provided for in the second paragraph of section 19;

(7) to offer access to and the deposit of products at the drop-off centres and the collection services free of charge as prescribed by section 21;

(8) to implement the recovery and reclamation program within the period prescribed by section 24, 31, 37, 44, 50 or 58 or to continue to implement a recovery system as prescribed by the first paragraph of section 59.

53.4. 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 recover and reclaim or to cause to be recovered and reclaimed a product by means of a recovery and reclamation program on the conditions prescribed by section 2;

(2) to recover and reclaim or to cause to be recovered and reclaimed a component by means of a recovery and reclamation program on the conditions prescribed by section 3;

(3) to comply with any of the requirements relating to the recovery and reclaim program provided for in paragraphs 1 to 11 of section 5, 58 or 59;

(4) to set up drop-off centres on the conditions provided for in section 16 or 17.»

2. Chapter VII is replaced by the following:

**“CHAPTER VII
PENAL SANCTIONS**

54. Every person who

(1) contravenes section 6 or 7, the second or third paragraph of section 8, or section 10, 11, 26, 32, 38, 45 or 51,

(2) fails to provide the notice of intention or the information or documents prescribed by section 58 or the second paragraph of section 59,

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.

55. Every person who contravenes the first or second paragraph of section 9 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.

56. Every person who

(1) contravenes the first paragraph of section 8, the second paragraph of section 13, the second, third or fourth paragraph of section 14, the first paragraph of section 18, section 19, 21, 24, 31, 37, 44 or 50,

(2) fails to transport, at the frequency and on the conditions provided for in the first paragraph of section 17, the recovered products to a site referred to in that section,

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.

56.1. Every person who

(1) contravenes section 2, 3 or 5,

(2) fails to set up drop-off centres on the conditions provided for in section 16 or 17,

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.

56.2. Every person who, 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.

56.3. 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.”

3. 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. 684-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

**Hot mix asphalt plants
— Amendment**

Regulation to amend the Regulation respecting hot mix asphalt plants

WHEREAS, under subparagraphs *e*, *h* and *h.2* 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 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 *b* and *c* 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;