

Gouvernement du Québec

O.C. 685-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

**Contaminated soil storage and contaminated soil transfer stations
— Amendment**

Regulation to amend the Regulation respecting contaminated soil storage and contaminated soil transfer stations

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 contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46);

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 contaminated soil storage and contaminated soil transfer stations 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 contaminated soil storage and contaminated soil transfer stations, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
contaminated soil storage and
contaminated soil transfer stations**

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

1. The Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46) is amended by inserting the following chapter after section 68:

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

68.1. 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 issue the document prescribed by the third paragraph of section 6 or, for the person who received the document, to keep it or make it available to the Minister for the period provided for in that section;

(2) to keep the logbook prescribed by the fourth paragraph of section 6 or to keep the logbook or make it available to the Minister for the period provided for in that section;

(3) to prepare the report prescribed by section 25;

(4) to keep or make available to the Minister the operations logbook and annexed documents referred to in section 50 for the period provided for in that section;

(5) to prepare the annual report prescribed by the first paragraph of section 61.

68.2. 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 provide a storage site with a sign that complies with the requirements of paragraph 1 of section 19;

(2) to enter in a logbook the information prescribed by section 20, to keep the logbook or to make it available to the Minister for the period provided for in the fifth paragraph of that section;

(3) to provide a transfer station with a sign that complies with the requirements of paragraph 1 of section 48;

(4) to enter in a logbook the information prescribed by section 49, the second paragraph of section 51 or section 52 or 54 or to annex to the logbook the analysis reports prescribed by the first paragraph of section 51 or section 59;

(5) to enter in a report referred to in the first paragraph of section 52 the results of the analyses prescribed in that section.

The penalty provided for in the first paragraph may also be imposed on any person who, in contravention of a provision of this Regulation, fails to communicate or to send to the Minister any report or study, within the time prescribed in cases where no other monetary administrative penalties are provided for such failure.

68.3. 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 determine, in accordance with section 14, 15, 42 or 43, the quality of the soils or water that may be altered by a storage site or transfer station;

(2) to take the necessary measures to prevent dust dispersal in accordance with section 18 or 53;

(3) to take a sample or measure, in accordance with the second paragraph of section 20, the first paragraph of section 52 or any of sections 56 to 58, by respecting, where applicable, the frequencies provided for in those sections;

(4) to protect contaminated soils at all times from bad weather in accordance with section 23;

(5) to provide land with a surface water drainage system in accordance with section 46;

(6) to ascertain, by means of an analysis report, the nature and concentration values of the substances present in the soils as prescribed by section 51;

(7) to analyze the samples referred to in section 59 in accordance with that section;

(8) to provide financial guarantee or to maintain or renew such a guarantee in accordance with this Regulation.

68.4. 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 lay out a storage area that complies with the requirements of section 16;

(2) to install observation wells according to the conditions prescribed by section 17 or 47;

(3) to place a barrier or other device preventing access to a contaminated soil storage site or a contaminated soil transfer station at the entrance of such sites in accordance with paragraph 2 of section 19 or section 48;

(4) to respect the maximum contaminated soil storage time provided for in section 22 or 32;

(5) to provide a buffer zone that complies with the requirements of section 41;

(6) to comply with the conditions to store contaminated soils prescribed by section 44, in particular as regards the building or storage area;

(7) to maintain in working order at all times the systems or network referred to in section 55.

68.5. 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

(1) fails to comply with section 8 or 10;

(2) establishes, enlarges or operates a contaminated soil storage site or a contaminated soil transfer station without holding a certificate of authorization referred to in section 12 or 33;

(3) fails to treat all run-off liquid from the contaminated soils in accordance with the first paragraph of section 24 or section 45;

(4) fails to have a characterization study of the land performed within 6 months after operations of a contaminated soil storage site or a contaminated soil transfer station have permanently ceased in accordance with the third paragraph of section 27 or 62.

The penalty provided for in the first paragraph may also be imposed on any person who fails, on the conditions provided for in that paragraph, to inform the Minister

(1) of the recovery of the soils referred to in section 9 following an accidental spill;

(2) of the date on which a contaminated soil storage site or a contaminated soil transfer station ceases its operations in accordance with the first paragraph of section 27 or 62;

(3) of the excess of the values referred to in section 60 and to indicate to the Minister the remedial measures taken or to be taken.

68.6. 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

(1) stores contaminated soils elsewhere than on the site of origin or ships them to a location other than a site legally authorized to receive such soils, in contravention of the first or second paragraph of section 6;

(2) handles soils referred to in section 7 without complying with the conditions provided for in that section;

(3) establishes a contaminated soil storage site in a flood plain referred to in section 13 or sites a contaminated soil transfer station in a flood plain referred to in section 38;

(4) stores contaminated soils on a floor that is not impermeable or capable of supporting the soils in contravention of section 16;

(5) fails to transfer all contaminated soils to an authorized site in accordance with the second paragraph of section 27 or 62;

(6) accepts, in a contaminated soil transfer station, soils other than those referred to in section 28 or accepts in that transfer station soils that do not comply with the standards prescribed by section 29 or 30;

(7) sites a contaminated soil transfer station in contravention of section 39 or 40.

The penalty provided for in the first paragraph may also be imposed on any person who introduces, into a contaminated soil transfer station, materials that, under this Regulation, cannot be accepted by the transfer station.

68.7. 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) disposes of contaminated soils referred to in section 4 on or in soils having a contaminant concentration lower than the contaminant concentration in the soils disposed of;

(2) mixes contaminated soils in contravention of the requirements of section 5;

(3) stores contaminated soils to be reclaimed without complying with the conditions provided for in section 11;

(4) stores contaminated soils without complying with the maximum volume provided for in section 21 or 31;

(5) discharges into the environment liquid that does not conform to the values referred to in the second paragraph of section 24;

(6) fails to take the measures prescribed by the fourth paragraph of section 27;

(7) accepts, in a contaminated soil transfer station, soils containing one or more volatile organic compounds in concentrations greater than the limit values referred to in section 30;

(8) discharges into the environment liquid recovered from contaminated soils that does not comply with the values referred to in section 45;

(9) fails to implement the remedial measures referred to in section 60;

(10) fails to take the measures prescribed by the fourth paragraph of section 62 in the case provided for in that section.”.

2. The heading of Chapter IV is amended by replacing “OFFENCES” before section 69 by “PENAL SANCTIONS”.

3. Sections 69 to 73 are replaced by the following:

“69. Every person who

(1) contravenes the third or fourth paragraph of section 6, section 50 or the first paragraph of section 61,

(2) fails to prepare the report prescribed by section 25,

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.

70. Every person who

(1) contravenes paragraph 1 of section 19, section 20, paragraph 1 of section 48 or section 49 or 54,

(2) fails to enter in a logbook the information prescribed by the second paragraph of section 51 or section 52, or to annex to the logbook the analysis reports prescribed by the first paragraph of section 51 or section 59;

(3) fails to enter in the report referred to in the first paragraph of section 52 the results of the analysis prescribed in that section;

(4) fails to send to the Minister a report or study in accordance with section 25, the third paragraph of section 27, the second paragraph of section 61 or the third paragraph of section 62, within the time prescribed in those sections,

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.

71. Every person who

(1) contravenes section 14, 15, 18, 23, 26, 42, 43, 46, 53, any of sections 56 to 58, or section 63 or 66,

(2) fails to take the samples referred to in the second paragraph of section 20 or in the first paragraph of section 52, in accordance with what is provided for therein, or to analyze, within the required time, the samples referred to in section 59,

(3) fails to ascertain the nature and concentration values of the substances present in the soils, as prescribed by section 51,

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.

72. Every person who

(1) fails to lay out a storage area that complies with the requirements of section 16,

(2) contravenes section 17, paragraph 2 of section 19, section 22, 32, 41, 44 or 47, paragraph 2 of section 48 or section 55,

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.

73. Every person who

(1) contravenes section 8, 9, 10 or 12, the first paragraph of section 24, the first or third paragraph of section 27, section 33 or 45 or the first or third paragraph of section 62,

(2) fails to inform the Minister in accordance with section 60,

(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.

73.1. Every person who

(1) contravenes the first or second paragraph of section 6, section 7 or 13, the second paragraph of section 27, section 28, 29, 38, 39 or 40 or the second paragraph of section 62,

(2) stores contaminated soils on a floor or in a storage area that does not comply with the conditions provided for in section 16,

(3) accepts, in a contaminated soil transfer station, soils that do not meet the confinement conditions prescribed by section 30,

(4) introduces, in a contaminated soil transfer station, any other material that, under this Regulation, cannot be accepted by the contaminated soil transfer station,

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.

73.2. Every person who

(1) contravenes section 4, 5, 11 or 21, the second paragraph of section 24, the fourth paragraph of section 27, section 31 or the fourth paragraph of section 62,

(2) accepts, in a contaminated soil transfer station, soils containing one or more volatile organic compounds in concentrations greater than the limit values referred to in section 30,

(3) discharges into the environment liquid recovered from contaminated soils that does not comply with the values referred to in section 45,

(4) fails to implement the remedial measures referred to in section 60,

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.

73.3. 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.”

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. 686-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

Charges payable for the disposal of residual materials
— **Amendment**

Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials

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 charges payable for the disposal of residual materials (chapter Q-2, r. 43), amended by Order in Council 547-2013 dated 5 June 2013;

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 charges payable for the disposal of residual materials 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 charges payable for the disposal of residual materials, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials

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

1. The Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) is amended by inserting the following after section 10:

“**10.1.** 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 send to the Minister the information provided for in the second paragraph of section 5 within the periods and on the conditions provided for therein;

(2) to notify the Minister if no charge is payable, within the periods and on the conditions provided for in the third paragraph of section 5;

(3) to sign the document and attest to the accuracy of the particulars it contains as prescribed in the fourth paragraph of section 5;

(4) to enter in a log the information provided for in the first paragraph of section 8 or to express the quantities in weight in accordance with the second paragraph of that section;

(5) to keep the logs at the disposal site or to make them available to the Minister for the period prescribed by the third paragraph of section 8;

(6) to send to the Minister an assessment of the quantity of residual materials disposed of according to the frequency and conditions provided for in section 9.