

**10.2** 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 pay disposal charges and additional charges in the amounts fixed in section 3 or to send the charges according to the frequency and conditions provided for in the first paragraph of section 5;

(2) to weigh on the premises, upon receipt, all materials received at the disposal site as prescribed by the first paragraph of section 7;

(3) to install, use and maintain devices for weighing so as to provide reliable data as prescribed by the second paragraph of section 7 or to calibrate the devices at the frequency provided for therein;

(4) in the case of materials received, sorted and recovered for reclamation purposes, to weigh the recovered materials before they are transported off-site as prescribed by the third paragraph of section 7.»

**2.** Section 11 is replaced by the following:

“**11.** Every person who contravenes the second, third or fourth paragraph of section 5 or section 8 or 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.

**11.1.** Every person who contravenes section 3, the first paragraph of section 5 or section 7 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.

**11.2** 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.”

**3.** 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. 687-2013, 19 June 2013**

Environment Quality Act  
(chapter Q-2)

**Charges payable for the use of water  
— Amendment**

Regulation to amend the Regulation respecting the charges payable for the use of water

WHEREAS, under subparagraphs *e* and *e.1* 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 and establish measures providing for the use of economic instruments;

WHEREAS, under paragraph *s* of section 46 of the Act, the Government may make regulations to regulate withdrawals of surface water or groundwater;

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 charges payable for the use of water (chapter Q-2, r. 42.1);

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 charges payable for the use of water 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 use of water, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## **Regulation to amend the Regulation respecting the charges payable for the use of water**

Environment Quality Act  
(chapter Q-2, s. 31, 1st par., subpars. *e* and *e.1*, s. 46, par. *s*, and ss. 115.27, 115.34 and 124.1)

**1.** The Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1) is amended in section 4 by replacing the second sentence of the first paragraph by “The average volume is calculated on the basis of the monthly quantity of water used, divided by the number of days of use in the month concerned and is determined on the conditions provided for in section 3.1 of the Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14).”.

**2.** The third paragraph of section 8 is amended by replacing «on the website of the Ministère du Développement durable, de l'Environnement et des Parcs at [www.mddp.gouv.qc.ca](http://www.mddp.gouv.qc.ca)» by «on the website of the Ministère du Développement durable, de l'Environnement, de la Faune et des Parcs. The person preparing the declaration must certify that the information it contains is accurate.».

**3.** The following is inserted after section 11:

“**11.1.** 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 indicate in the annual declaration referred to in the first paragraph of section 8, the amount of the charges payable and, where applicable, whether or not water is incorporated into the product;

(2) to comply with the time limits or the conditions for sending to the Minister an annual declaration referred to in section 8 in accordance with the second or third paragraph of that section;

(3) to keep or make available to the Minister, in accordance with the third paragraph of section 8, documents in support of the annual declaration referred to in the second paragraph of that section;

(4) to keep the register prescribed in the fourth paragraph of section 8.

**11.2.** 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 the volume of water used in accordance with section 6;

(2) to pay the charges payable on the date or within the period provided for in section 7;

(3) to declare annually to the Minister the information listed in the second paragraph of section 8.”.

**4.** Section 12 is replaced by the following:

“**12.** Every person who contravenes the first, third or fourth paragraph of section 8 or fails to meet the transmission periods provided for in the second paragraph of that section 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.

**12.1.** Every person who contravenes section 6 or 7 or fails to declare annually to the Minister the information listed in the second paragraph of section 8 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.

**12.2.** 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.”.

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.