NATIONAL ASSEMBLY

FIRST SESSION FORTY-FIRST LEGISLATURE

Bill 102

(2017, chapter 4)

An Act to amend the Environment Quality Act to modernize the environmental authorization scheme and to amend other legislative provisions, in particular to reform the governance of the Green Fund

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EXPLANATORY NOTES

This Act makes a number of amendments to the Environment Quality Act mainly in order to modernize the environmental authorization schemes it prescribes, in particular to take climate change issues more fully into account.

The Act provides for a new ministerial authorization scheme applicable to the filing and examination of authorization applications, as well as to the issue of authorizations. This general scheme is complemented by specific provisions to take into account the nature of certain activities and the particular impact they may have on health and the environment. The proposed authorization scheme replaces not only the current authorization certificate scheme but also the depollution attestation scheme applicable to certain industrial establishments and the authorization schemes applicable, respectively, to certain water withdrawals, to water management and treatment facilities, and to the installation and operation of equipment designed to reduce or prevent releases of contaminants into the atmosphere, as well as the permit scheme applicable to hazardous materials management.

More precisely, the Act clarifies, in the Environment Quality Act, the elements to be considered when examining authorization applications, and defines the scope of the Minister's power to prescribe conditions in an authorization in order to protect the quality of the environment and prevent adverse effects on the life, health, safety, welfare or comfort of human beings or on ecosystems, living species or property. In that regard, it clearly states that, in examining an application, the Minister may take into account the greenhouse gas emissions attributable to a project and prescribe measures in the authorization to reduce them. The grounds on which the Minister may refuse to issue an authorization are also clarified.

The Environment Quality Act is also amended to facilitate pilot projects by granting the Minister the possibility of issuing, on certain conditions, an authorization for research and experimental purposes when the objective of a project is to assess the environmental performance of a new technology or practice.

In addition, more information of an environmental nature will be considered to be public than was previously the case. Ministerial

authorizations are to be made public in a register that can be accessed on the website of the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques. The register will include most of the documents considered an integral part of an authorization, as well as the studies on which an authorization is based.

The procedure for transferring an authorization is simplified: rather than requiring the prior authorization of the Minister, such a transfer may be done by operation of law, provided certain steps are followed.

Under the Act, the Minister may designate, by regulation, activities that, subject to the conditions, restrictions and prohibitions specified in the regulation, are eligible for a declaration of compliance. He or she also has the power to exempt, by regulation, certain activities from requiring an authorization. The Government may also exercise these powers by making a regulation applicable to a specific sector of activity.

The Minister or the Government, as applicable, may, on the conditions the Minister or the Government specifies, exempt a project from requiring prior authorization provided the project is urgently needed to repair or prevent a real or apprehended disaster.

The provisions of the Environment Quality Act which govern the environmental impact assessment and review procedure are also modified. More specifically, on an exceptional basis, the Government will be able to make a project subject to the procedure even though it is not subject to it under a regulation, provided the Government is of the opinion that the project involves major environmental issues, such as climate change issues. Provision has also been made in the Act to give the public an opportunity to submit observations to the Minister as to the issues that should be addressed by an environmental impact assessment. Furthermore, if such an assessment is considered incomplete, the Minister may declare it to be inadmissible. In addition to conferring investigation and public hearing mandates on the Bureau d'audiences publiques sur l'environnement, the Minister may mandate the latter to hold mediation sessions and targeted consultations. The notion of frivolousness with regard to a public consultation application made to the Minister is also clarified.

Under the Act, the Government will be allowed to exempt those parts of a project that it authorizes from requiring subsequent ministerial authorization. Provision is also made for a public register of environmental impact assessments to be created, in which project

documents produced as part of the environmental impact assessment and review procedure will be accessible to the public. The Minister will be able to enter into an agreement with any competent authority in cases where a project is also subject to an environmental assessment under an Act of a legislative authority other than the Parliament of Québec, in order to coordinate or unify assessment procedures.

Provisions governing the Bureau d'audiences publiques sur l'environnement are also amended. The Government is thus granted the power to establish a process for selecting members of the Bureau, which may involve the creation of a selection committee.

A strategic environmental assessment process is incorporated into the Environment Quality Act. The new process is aimed at ensuring that environmental issues and the principles of sustainable development are more fully taken into account in the strategies, plans and programs of government departments and agencies.

The Minister's powers to issue orders and intervene in other ways are adjusted to reflect the new authorization scheme and the priority granted under the current Act to certain debts owed to the Minister is broadened. The Minister or the Government, as applicable, is also granted the power to limit the exercise of an activity carried on in compliance with the law or to stop the activity or make it subject to new conditions in order to remedy a situation that, on the basis of new or additional information that has become available or new or additional scientific knowledge, is considered to present a serious risk for health or the environment.

The Act also makes amendments to the provisions of the Environment Quality Act which concern, among other things, land protection and rehabilitation and regulatory powers, as well as to penal provisions and provisions relating to monetary administrative penalties. It also introduces new measures governing the cessation of certain activities and the carrying out of certain projects on a former hazardous materials elimination site. The depollution attestation scheme applicable to municipal water treatment or management works is modified, partly in order to replace the current renewal mechanism by a more flexible system of periodic review.

Certain provisions governing the greenhouse gas cap-and-trade system are modified in order to make it possible, by ministerial regulation and in the cases provided by law, to determine the greenhouse gas emissions of the emitters concerned.

Under the Act, Native communities will be able to receive the compensation, currently paid to municipalities, for the services they provide to ensure recovery and reclamation of residual materials. The approval and consultation process applicable to the development and renewal of regional municipalities' residual materials management plans is simplified.

The system for accrediting laboratories is modified to include other types of establishments or persons and other types of activities, and to provide certain rules for the issue, amendment, suspension, revocation or termination of such accreditations.

The Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs is also amended to establish a new mode of governance for the Green Fund, including through the creation of the Conseil de gestion du Fonds vert, whose mission is to provide a governance framework for the Fund and coordinate its management in keeping with the principles of sustainable development, effectiveness, efficiency and transparency. The Fund for the Protection of the Environment and the Waters in the Domain of the State is also established. The latter fund is dedicated to the financing of any measure the Minister may carry out within the scope of his or her functions that is not related to a matter covered by the Green Fund.

In addition, the Watercourses Act is amended to eliminate certain duplications of the obligations prescribed by the Dam Safety Act. For instance, the provisions of the Watercourses Act requiring government approval of plans and specifications for works before they are constructed are repealed.

The Act amends the Regulation respecting the application of the Environment Quality Act to remove the requirement to submit a certificate of compliance with municipal by-laws when filing an application for ministerial authorization. In addition, the Environment Quality Act is amended to require persons who file such an application with the Minister to send a copy of it to the municipality in whose territory the project concerned will be carried out.

It also contains provisions amending various Acts and regulations to ensure their consistency with the new provisions.

Lastly, the Act contains transitional provisions intended mainly to govern the transition from the authorization schemes currently set out in the Environment Quality Act and the new authorization scheme proposed by the Act.

LEGISLATION AMENDED BY THIS ACT:

– Financial Administration Act (chapter A-6.001);

– Act respecting land use planning and development (chapter A-19.1);

– Act respecting commercial aquaculture (chapter A-20.2);

– Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2);

– Charter of Ville de Gatineau (chapter C-11.1);

– Charter of Ville de Québec, national capital of Québec (chapter C-11.5);

– Cities and Towns Act (chapter C-19);

– Municipal Code of Québec (chapter C-27.1);

– Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

– Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2);

– Natural Heritage Conservation Act (chapter C-61.01);

– Act respecting administrative justice (chapter J-3);

– Mining Act (chapter M-13.1);

– Act respecting the Ministère des Transports (chapter M-28);

– Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);

– Environment Quality Act (chapter Q-2);

– Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1);

– Watercourses Act (chapter R-13);

– Public Health Act (chapter S-2.2);

– Act to amend the Environment Quality Act (1987, chapter 25);

– Act respecting the boundaries of the waters in the domain of the State and the protection of wetlands along part of the Richelieu River (2009, chapter 31);

– Act to increase the number of zero-emission vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (2016, chapter 23).

LEGISLATION REPEALED BY THIS ACT:

– Act to amend the Environment Quality Act (1992, chapter 56).

REGULATIONS AMENDED BY THIS ACT:

– Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2);

– Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3);

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

– Agricultural Operations Regulation (chapter Q-2, r. 26);

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

– Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1);

– Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48).

Bill 102

AN ACT TO AMEND THE ENVIRONMENT QUALITY ACT TO MODERNIZE THE ENVIRONMENTAL AUTHORIZATION SCHEME AND TO AMEND OTHER LEGISLATIVE PROVISIONS, IN PARTICULAR TO REFORM THE GOVERNANCE OF THE GREEN FUND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

ENVIRONMENT QUALITY ACT

1. The Environment Quality Act (chapter Q-2) is amended by inserting the following before Chapter I:

"PRELIMINARY PROVISION

The purpose of this Act is to protect the environment and the living species inhabiting it, to the extent provided for by law. The Act fosters the reduction of greenhouse gases, and makes it possible to take into consideration the evolution of knowledge and technologies, climate change issues and human health protection issues, as well as the realities of the territories and the communities living in them.

The Act affirms the collective and public interest character of the environment, which is inseparable from its ecological, social and economic dimensions.

The fundamental objectives of the Act ensure that environmental protection, improvement, restoration, development and management are of general interest.

The Act ensures compliance with the principles of sustainable development as defined in the Sustainable Development Act (chapter D-8.1.1) and consideration of cumulative impacts."

2. Chapter I and Division I of the Act become Title I and Chapter I, respectively.

3. Section 1 of the Act is amended

(1) by inserting the following paragraph after paragraph 5:

"(5.1) "contaminant release": any deposit, discharge, issue or emission of contaminants in or into the environment;";

(2) by replacing "emission" in paragraph 8 by "release";

(3) by inserting the following paragraphs after paragraph 11:

"(11.1) "elimination of residual materials": any operation for the final deposit or discharge of residual materials in or into the environment, in particular by dumping, storage or incineration, including operations to treat or transfer residual materials with a view to their elimination;

"(11.2) "reclamation of residual materials": any operation to obtain usable substances or products, or energy, from residual materials through re-use, recycling or biological treatment, including composting and biomethanation, land farming, regeneration or any other process that does not constitute elimination;";

(4) by striking out the paragraph numbers and placing the paragraphs in alphabetical order;

(5) by adding the following paragraph at the end:

"In addition, in this Act, "activities" includes work, structures and works, unless the context indicates otherwise."

4. Division II of Chapter I of the Act becomes Chapter II of Title I.

5. Section 2.2 of the Act is amended

(1) by replacing ", emission, deposit, issuance or discharge" in the second paragraph by "or release";

(2) by replacing "emitted, deposited, issued or discharged" in the third paragraph by "released";

(3) by striking out the fifth paragraph.

6. Division II.1 of Chapter I of the Act becomes Chapter II.1 of Title I.

7. Section 6.2 of the Act is amended

(1) by inserting "on a part-time basis" after "members" in the second paragraph;

(2) by adding the following paragraph at the end:

"Despite the first and second paragraphs, if a member's term expires in the course of work relating to a matter already referred to the member, the term is extended until the work is completed."

8. The Act is amended by inserting the following sections after section 6.2:

"**6.2.1.** The president is responsible for the administration and general management of the Bureau.

"**6.2.2.** The Government shall establish a member selection procedure that must include the creation of a selection committee.

A member may be reappointed without it being necessary to follow the selection procedure established under this section.

"**6.2.3.** The Bureau and its members may not be prosecuted for an act done in good faith in the performance of their duties."

9. Section 6.3 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

"The Bureau must hold public hearings or targeted consultations where the Minister so requires. At the Minister's request, it must also hold mediation sessions.";

(2) by replacing "Divisions II and III of Chapter II" in the third paragraph by "Chapters II and III of Title II";

(3) by replacing the fourth paragraph by the following paragraph:

"Except for the purposes of section 31.3.5, the Minister shall publish a notice, on the Minister's department's website or by any other means he deems appropriate, of each mandate to inquire that he entrusts to the Bureau."

10. Section 6.4 of the Act is replaced by the following section:

"**6.4.** The Bureau may carry out two or more public hearing, targeted consultation and mediation mandates simultaneously.

Such mandates are conducted by one or more members of the Bureau, designated by the president."

11. Section 6.6 of the Act is amended by replacing the first paragraph by the following paragraph:

"The Bureau shall adopt by-laws for its internal management. It must also adopt rules of procedure for the conduct of public hearings, targeted consultations and mediation sessions; such rules must include the terms and conditions of public participation by any appropriate technological means."

12. Section 6.7 of the Act is amended by replacing "sixty" by "15".

13. Sections 6.11 and 6.12 of the Act are repealed.

14. Division III.1 of Chapter I of the Act becomes Chapter III of Title I.

15. Section 19.7 of the Act is amended by replacing "a certificate of authorization" by "an authorization".

16. Division IV of Chapter I of the Act is replaced by the following:

"**CHAPTER IV**

"ENVIRONMENTAL PROTECTION RESPONSIBILITIES

"**DIVISION I**

"GENERAL PROVISIONS

"**20.** No one may release or allow the release into the environment of a contaminant in a quantity or concentration greater than that determined in accordance with this Act.

The same prohibition applies to the release of any contaminant whose presence in the environment is prohibited by regulation or is likely to adversely affect the life, health, safety, welfare or comfort of human beings, or cause damage to or otherwise impair the quality of the environment or ecosystems, living species or property.

"**21.** Anyone responsible for the accidental release into the environment of a contaminant referred to in section 20 must, without delay, stop the release and notify the Minister.

"**DIVISION II**

"PROCEDURES TO REGULATE CERTAIN ACTIVITIES

"§1. — *Ministerial authorization*

"**22.** Subject to subdivisions 2 and 3, no one may, without first obtaining an authorization from the Minister, carry out a project involving one or more of the following activities:

(1) the operation of an industrial establishment referred to in Division III, to the extent provided for in that division;

(2) any withdrawal of water, including related work and works, to the extent provided for in Division V;

(3) the establishment, alteration or extension of any water management or treatment facility referred to in section 32, and the installation and operation of any other apparatus or equipment designed to treat water, in particular in order to prevent, abate or stop the release of contaminants into the environment or a sewer system;

(4) any work, structures or other intervention carried out in a constant or intermittent watercourse, or a lake, pond, marsh, swamp or bog;

(5) the management of hazardous materials, to the extent provided for in subdivision 4 of Division VII.1;

(6) the installation and operation of an apparatus or equipment designed to prevent, abate or stop the release of contaminants into the atmosphere;

(7) the establishment and operation of a residual materials elimination facility;

(8) the establishment and operation of a residual materials reclamation facility, including any storage or treatment of such materials for the purpose of reclaiming them;

(9) any construction on land formerly used as a residual materials elimination site and any work to change the use of such land; or

(10) any other activity determined by government regulation.

The Minister's prior authorization must also be obtained for a project involving another activity likely to result in the release of contaminants into the environment or affect the quality of the environment, including the following activities:

(1) the construction of an industrial establishment;

(2) the operation of an industrial establishment other than one referred to in subparagraph 1 of the first paragraph;

(3) the use of an industrial process; or

(4) an increase in the production of property or services.

"**23.** A person or municipality that applies to the Minister for an authorization must provide the following information and documents:

(1) a description of the activity and its location;

(2) the nature, quantity, concentration and location of any and all contaminants likely to be released into the environment; and

(3) any other information or documents determined by regulation, which information or documents may vary according to the class of activities and the territory in which they will be carried on.

The information and documents referred to in subparagraphs 1 and 2 of the first paragraph are public, subject to the first paragraph of section 118.5.3. A regulation made under subparagraph 3 of the first paragraph may also determine which of the information and documents concerned are public.

The regulation may also prescribe the terms and conditions governing the authorization applications, including the use of a specific form; those terms and conditions may vary according to the type of structure, works, industrial process, industry, work or other activity.

The Minister will not consider any application that does not include the information and documents determined by regulation or does not comply with the terms and conditions prescribed in the regulation.

On sending an authorization application to the Minister, the applicant must also send a copy to the municipality in whose territory the project concerned by the application will be carried out.

"**23.1.** A person or municipality that applies to the Minister for an authorization must, in the application, identify the information and documents that are not public under section 23 and that the person or municipality considers to be a confidential industrial or trade secret, and justify that claim.

If the Minister does not agree with the applicant's claim as to the confidentiality of the information and documents identified under the first paragraph and decides to make them public, the Minister must notify the applicant in writing of the decision. The Minister's decision becomes enforceable on the expiry of 15 days after the notice is sent.

This section does not have the effect of restricting the scope of section 118.4.

"**24.** When assessing a project's impacts on the quality of the environment, the Minister shall take the following elements into consideration:

(1) the nature of the project and how it is to be carried out;

(2) the characteristics of the milieu affected;

(3) the nature, quantity, concentration and location of any and all contaminants that are likely to be released into the environment;

(4) if the project results from a program that has undergone a strategic environmental assessment under Chapter V, the findings of the assessment; and

(5) in the cases provided for by government regulation, the greenhouse gas emissions attributable to the project and the reduction measures the project may entail.

The Minister may also take into account the expected climate change risks to and impacts on the project and the milieu in which it will be carried out, the adaptation measures the project may entail and Québec's commitments with regard to the reduction of greenhouse gases.

The Minister may, within the time and in the manner and form the Minister determines, require a residual materials management plan specifying the nature and estimated quantity of residual materials that will be generated by the activity over a given period and their mode of management, as well as any other information, document or study the Minister deems necessary in order to know the impacts of the project on the quality of the environment before making a decision.

"**25.** On issuing an authorization, the Minister may prescribe any condition, restriction or prohibition the Minister deems advisable for protecting the quality of the environment and preventing adverse effects on the life, health, safety, welfare or comfort of human beings or on ecosystems, living species or property, and which may concern, among other things,

(1) measures to mitigate the impacts of the activity on the environment, human health or other living species, and measures to protect the quality of the environment, including measures aimed at regulating the activity concerned or the operation of the facility or establishment concerned;

(2) an environmental monitoring program and the sending of monitoring reports, and any other supervision or control measures, including the installation of equipment or an apparatus for that purpose;

(3) measures to ensure that the characteristics and support capacity of the receiving environment and its ecosystem are respected;

(4) the period when an activity will be carried out;

(5) residual materials management;

(6) site restoration measures and post-closure management on cessation of activities;

(7) the forming of a watchdog committee;

(8) measures to reduce the greenhouse gas emissions attributable to the activity; and

(9) the adaptation measures required because of the expected climate change risks to and impacts on the activity or the milieu in which the activity will be carried on.

However, before prescribing a condition, restriction or prohibition under this section, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations.

"**26.** If of the opinion that it is necessary for adequate protection of the environment, human health or other living species, the Minister may, in an authorization, prescribe any standard, condition, restriction or prohibition that differs from those prescribed by government regulation, if

(1) the Minister deems that those that apply are insufficient to ensure that the support capacity of the receiving environment is respected; or

(2) the Minister deems that those that apply are insufficient to protect human health or other living species.

For each standard, condition, restriction or prohibition prescribed under the first paragraph, the Minister may, in the authorization, specify an implementation date as well as the implementation requirements and schedule.

However, before prescribing a standard, condition, restriction or prohibition under this section, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations. The prior notice must also specify the criteria according to which the standard, condition, restriction or prohibition may be prescribed.

"**27.** An authorization, including the documents forming an integral part of it, must contain

(1) a description of the activity and its location;

(2) a description of the contaminants, their source and the points of release into the environment;

(3) the specific conditions, restrictions, prohibitions and standards applicable to the activity; and

(4) the applicable monitoring, supervision and control measures, such as the methods for collecting, analyzing and calculating any release of contaminants or for collecting, preserving and analyzing samples.

The information referred to in the first paragraph is public unless it constitutes a confidential industrial or trade secret under section 23.1 or is information referred to in the first paragraph of section 118.5.3. To the same extent, studies

and other analyses submitted by the applicant and on which the authorization issued by the Minister is based are also public.

This section does not have the effect of restricting the scope of section 118.4.

"**28.** In addition to the cases provided for in this Act, the Government may, by regulation and for any activity or class of activities it determines, prescribe the valid term of an authorization.

The Government may also determine by regulation the activities or classes of activities for which the authorization may be renewed, subject to the terms and conditions determined in the authorization. Such a regulation may also specify the provisions of this Act that apply to a renewal.

"**29.** Subject to subdivisions 2 and 3, if the purpose of a project referred to in section 22 is to assess the environmental performance of a new technology or practice, the Minister may issue an authorization for research and experimental purposes and allow a person or municipality to depart from a provision of this Act or of a regulation made under this Act.

In addition to the information and documents required under section 23, the authorization application must be accompanied by an experimental protocol describing, among other things, the nature, scope and objectives of the research and experimentation project, its apprehended impact on the environment and, if applicable, the environmental protection and impact monitoring measures required.

In addition to the elements mentioned in section 24, the Minister's analysis must take into consideration the pertinence of the objectives of the research and experimentation project and the quality of the measures proposed in the protocol.

The Minister shall set the term of an authorization granted for research and experimental purposes. The holder of such an authorization must submit activity reports to the Minister at the intervals and in the manner and form determined by the Minister.

"**30.** In the following cases, the holder of an authorization may not make a change in the activities authorized by the Minister without first obtaining from the latter an amendment of the authorization:

(1) the change is likely to result in a new release of contaminants into the environment, an increase in previously authorized releases or an alteration in the quality of the environment;

(2) the change is intended to increase the production of property or services beyond the authorized quantity;

(3) the change is incompatible with the authorization issued, in particular with one of its conditions, restrictions or prohibitions;

(4) the change concerns the alteration of a residual materials elimination facility or a hazardous materials management activity; or

(5) any other case prescribed by government regulation.

The Minister may, in the case of an application to amend an authorization for an activity referred to in section 22, modify any condition, restriction or prohibition prescribed for an activity previously authorized in the context of the project, or impose further conditions, restrictions or prohibitions if this is necessary to take into account the impact of the change being sought and to protect the environment.

Before making a decision under the second paragraph, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations.

"**31.** Sections 23 to 27 and the first paragraph of section 28 apply, with the necessary modifications, to any application made under section 30 to amend an authorization.

In the case of an application to amend an authorization for research and experimental purposes, the third paragraph of section 29 applies, with the necessary modifications. In addition, the protocol required under the second paragraph of that section must be updated by the applicant, if applicable.

"**31.0.1.** Authorization holders must notify the Minister as soon as possible of any change in their contact information.

"**31.0.2.** Any person or municipality that wishes to continue or carry on an activity authorized under this subdivision must obtain a transfer of the authorization concerned from its holder. The latter must, to that end, first send the Minister a notice of transfer containing the information and documents prescribed by government regulation.

In addition, the transferee must attach to the notice the declaration provided for in section 115.8 and, if applicable, any guarantee or liability insurance required by government regulation for the activity concerned.

Within 30 days of receiving the documents mentioned in the first and second paragraphs, the Minister may notify to the transferor and transferee a notice of the Minister's intention to oppose the transfer for any of the reasons provided for in sections 115.5 to 115.7. If the Minister does not send such a notice within that time, the transfer is deemed to have been completed.

The Minister's notice of intention must grant the transferor and transferee at least 15 days to submit their observations.

Within 15 days of receiving the observations or of the expiry of the period for submitting them, the Minister shall notify the decision to the transferor and transferee.

Once the transfer of an authorization has been completed, the new holder has the same rights and obligations as the transferor. In addition, any guarantee or liability insurance provided in accordance with the second paragraph is an integral part of the authorization.

Despite this section, an authorization for research and experimental purposes issued under section 29 is not transferable.

"**31.0.3.** The Minister shall refuse to issue or amend an authorization if the applicant has not demonstrated that the project complies with this Act and the regulations.

Furthermore, in addition to the reasons for refusal provided for by other provisions of this Act, the Minister may refuse to issue or amend an authorization if

(1) the applicant has not provided, within the time determined by the Minister, all the information, documents or studies required for the application to be analyzed; or

(2) the Minister is of the opinion that the measures to be implemented in connection with the project or its modification are insufficient to ensure adequate protection of the environment, human health or other living species.

Before making a decision under this section, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations.

"**31.0.4.** At the Minister's request, an authorization holder must provide all information necessary for the Minister to assess whether a contaminant release complies with the standards prescribed by government regulation and with the conditions, restrictions or prohibitions set out in the authorization.

"**31.0.5.** An authorization holder must, in the case of activities or classes of activities determined by government regulation, and within the time prescribed by that regulation, inform the Minister of any permanent cessation of authorized activities. In addition to any cessation-of-activity measures prescribed by such a regulation or by the authorization, the holder must comply with any measures required by the Minister to prevent the release of contaminants into the environment and ensure, among other things, site cleaning and decontamination, residual materials management, equipment and facility dismantling and environmental monitoring.

A permanent cessation of an activity for two consecutive years entails cancellation of the authorization by operation of law, except any measures set out in the authorization that concern site restoration on cessation of activities, or post-closure management. However, the Minister may, at the holder's request, maintain the authorization in force for the period and according to the conditions, restrictions and prohibitions the Minister determines.

"**31.0.5.1.** Subject to subdivisions 2 and 3, the Minister may issue to a municipality a general authorization for carrying out maintenance work on a watercourse referred to in section 103 of the Municipal Powers Act (chapter C-47.1) or for carrying out work in a lake to regulate the water level or maintain the lake bed.

The Minister shall determine the duration of the general authorization, which may not exceed five years. This subdivision, except sections 29 and 31.0.2, applies to the general authorization.

"§2. — *Declaration of compliance*

"**31.0.6.** The Government may, by regulation, designate the activities referred to in section 22 or 30 that, subject to the conditions, restrictions and prohibitions determined in the regulation, are eligible for a declaration of compliance under this subdivision.

The person or municipality must file the declaration of compliance with the Minister at least 30 days before beginning the activity and attest that the activity will comply with the conditions, restrictions and prohibitions determined under the first paragraph.

The provisions of the regulation may vary according to the class of activities, persons or municipalities, the territory concerned or the characteristics of a milieu. The regulation may also prescribe any transitional measure applicable to activities in progress that become eligible for such a declaration on the date of its coming into force.

Activities declared in accordance with this subdivision are not subject to subdivision 1.

"**31.0.7.** Declarations of compliance filed with the Minister must include the information and documents determined by regulation of the Government, in the manner and form specified in the regulation.

The regulation may, in particular, require that a declaration be signed by a professional or any other person qualified in the field concerned, who must attest that the proposed activity meets any conditions, restrictions and prohibitions determined in the regulation. It may also require that the declaration be accompanied by a financial guarantee.

"**31.0.8.** A regulation made under section 31.0.6 may also require the filing, after certain classes of activities it specifies have been carried out, of a certificate of compliance with the applicable conditions, restrictions and prohibitions, signed by a professional or any other person qualified in the field concerned, in the manner and form specified in the regulation.

"**31.0.9.** Any person or municipality that continues the activities of a declarant must inform the Minister as soon as possible and attest that those activities will be continued in accordance with the conditions, restrictions and prohibitions prescribed by regulation of the Government, and, if applicable, provide the Minister with the financial guarantee referred to in the second paragraph of section 31.0.7.

"**31.0.10.** This subdivision does not have the effect of restricting any power the Minister may exercise where an activity for which a declaration of compliance was filed under this subdivision is carried out in contravention of this Act or the regulations.

In addition, a person or municipality that carries on an activity in contravention of the conditions, restrictions or prohibitions determined in a regulation made under section 31.0.6 is deemed to carry on the activity without the authorization required under subdivision 1 and is liable to the remedies, penalties, fines and other measures applicable in such a case.

"§3. — *Exemptions*

"**31.0.11.** The Government may, by regulation and subject to any conditions, restrictions and prohibitions specified in it, exempt certain activities referred to in section 22 from subdivision 1.

Such a regulation may exempt any part of the territory of Québec and any class of persons, municipalities or activities it specifies from that subdivision, and, if necessary, set out conditions, restrictions and prohibitions which may vary according to the type of activity, the territory concerned and the characteristics of a milieu.

The Government may also, by regulation, require a declaration of activity, in the manner and form prescribed in the regulation, for activities exempted under the first or second paragraph.

A regulation made under this section may also prescribe any transitional measure applicable to the activities concerned that are in progress on the date of its coming into force.

"**31.0.12.** The Minister may, subject to the conditions, restrictions and prohibitions the Minister determines, exempt all or part of an activity from all or some of the provisions of this division or of a regulation made under this Act, if the activity is urgently required to repair damage caused by a disaster

within the meaning of the Civil Protection Act (chapter S-2.3) or to prevent damage that could be caused by an apprehended disaster.

The Minister may, at any time, modify the conditions, restrictions and prohibitions determined under the first paragraph if of the opinion that doing so is necessary to ensure adequate protection of the environment and prevent adverse effects on the life, health, safety, welfare or comfort of human beings or on ecosystems, other living species or property."

17. Division IV.1 of Chapter I of the Act becomes subdivision 4 of Division II of Chapter IV of Title I.

18. Section 31.1 of the Act is amended by replacing "and obtaining an authorization certificate" by "provided for in this subdivision and obtaining an authorization".

19. The Act is amended by inserting the following section after section 31.1:

"**31.1.1.** The Government may, exceptionally and on the recommendation of the Minister, make a project not referred to in section 31.1 subject to the procedure provided for in this subdivision if

(1) in its opinion the project may raise major environmental issues and public concern warrants it;

(2) the project involves a new technology or new type of activity in Québec whose apprehended impacts on the environment are, in its opinion, major; or

(3) in its opinion, the project involves major climate change issues.

The Minister must, within three months after an authorization application is filed in the register provided for in section 118.5, inform the applicant of the Minister's intention to recommend to the Government that it make the project subject to the procedure provided for in this subdivision.

The Minister may also make the project subject to the procedure provided for in this subdivision if the applicant applies to the Minister in writing to that effect, giving reasons in support of the application."

20. Sections 31.2 and 31.3 of the Act are replaced by the following sections:

"**31.2.** Whoever wishes to carry out a project referred to in section 31.1 or 31.1.1 must file a written notice with the Minister describing the general nature of the project. On filing such a notice with the Minister, the person must also send a copy to the municipality in whose territory the project will be carried out.

"**31.3.** On receiving the notice referred to in section 31.2, the Minister shall send to the project proponent, within a reasonable time prescribed by government regulation, a directive specifying the nature, scope and extent of the environmental impact assessment statement the proponent must prepare.

The directive may also specify the time limit for sending the impact assessment statement to the Minister. If the proponent fails to send the statement within that time, the Minister may update the directive.

Where applicable, the directive must take into account the findings of any strategic environmental assessment conducted under Chapter V within the scope of the program under which the project is to be carried out.

"**31.3.1.** After receiving the Minister's directive, the project proponent must, within the time prescribed by government regulation, publish a notice to announce the commencement of the project's environmental assessment and the filing, in the environmental assessment register created under section 118.5.0.1, of the notice required under section 31.2 and the Minister's directive. The notice announcing the commencement of the assessment must also mention that any person, group or municipality may submit observations to the Minister, in writing and within the time prescribed by government regulation, on the issues the impact assessment statement should address.

Following that consultation, the Minister shall send to the project proponent, and publish in the environmental assessment register, the observations made and issues raised whose relevance warrants that it be mandatory to take them into account in the impact assessment statement.

"**31.3.2.** Once an environmental impact assessment statement has been filed with the Minister, the latter shall make it public in the environmental assessment register.

"**31.3.3.** If the Minister considers that the impact assessment statement does not satisfactorily deal with the subjects it is required to address under the directive or does not satisfactorily take into account the observations made and issues raised during the consultation referred to in section 31.3.1, the Minister shall send his findings to the project proponent and specify the questions the proponent must answer for the statement to be admissible.

"**31.3.4.** If the Minister considers that the impact assessment statement remains inadmissible despite the project proponent's answers, if any, the Minister shall send a notice to the proponent to that effect.

Such a notice terminates the environmental assessment of the project.

Before making a decision under the first paragraph, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations.

"**31.3.5.** If the Minister considers the impact assessment statement to be admissible, the Minister shall direct the project proponent in writing to hold the public information period prescribed by government regulation.

Any person, group or municipality may, during that period, apply to the Minister for a public consultation or mediation on the project.

Unless the Minister considers the application to be frivolous, in particular if he considers that the reasons given in support of it are not serious or that a public consultation or mediation on the concerns raised would not be useful for analyzing the project, the Minister shall send a copy to the Bureau.

After analyzing the applications received, the Bureau must recommend to the Minister, within the time prescribed by government regulation, the type of mandate described in the fifth paragraph that should be conferred on the Bureau.

The Minister shall then mandate the Bureau to hold

(1) a public hearing;

(2) a targeted consultation on the concerns identified by the Minister or with regard to the persons, groups or municipalities to be consulted; or

(3) mediation, if the Minister considers that the nature of the concerns raised warrants it and that there is a possibility that the interested parties will reach a compromise.

If the impact assessment statement is considered admissible and, given the nature of the issues raised by the project, a public hearing appears certain, in particular if the public's concerns warrant it, the Minister may mandate the Bureau to hold such a hearing on the project without the proponent having to undertake the stage referred to in the first paragraph.

"**31.3.6.** If mediation does not allow the parties to reach an agreement, the Minister may mandate the Bureau to hold a public hearing or targeted consultation if he considers that the nature of the concerns raised during mediation warrants it or that such a hearing or consultation could bring to light additional elements useful for analyzing the project.

"**31.3.7.** At the close of each mandate mentioned in the fifth paragraph of section 31.3.5, the Bureau shall, within the time prescribed by government regulation, report its findings and analysis to the Minister."

21. Section 31.5 of the Act, amended by section 23 of chapter 35 of the statutes of 2016, and sections 31.6 and 31.7 of the Act, are replaced by the following sections:

"**31.5.** If the Minister considers an application, including the impact assessment statement, to be complete, the Minister shall send his recommendation to the Government.

Where the impact assessment statement concerns work related to petroleum production or storage, the Government, before rendering its decision, must take cognizance of the decision of the Régie de l'énergie submitted by the Minister of Natural Resources and Wildlife under section 45 of the Petroleum Resources Act (2016, chapter 35, section 23).

The Government may issue an authorization for a project, with or without amendment and subject to the conditions, restrictions or prohibitions it determines, or it may refuse to issue an authorization. The decision may be made by any committee of ministers to which the Minister belongs and which has been delegated that power by the Government.

The Government or the committee of ministers may, if it considers it necessary to ensure adequate protection of the environment, human health or other living species and on the recommendation of the Minister, prescribe any standard, condition, restriction or prohibition in the authorization that differs from those prescribed by a regulation made under this Act.

The decision must be communicated to the project proponent as soon as possible.

"**31.6.** The Government may, in its authorization and on the conditions it determines, exempt all or part of a project from section 22.

It may also allow all or part of a project to be eligible for a declaration of compliance under subdivision 2. In such a case, the declaration must attest that the activities concerned will comply with the conditions, restrictions and prohibitions set out in the government authorization and with any applicable standards prescribed by regulation.

"**31.7.** The holder of a government authorization must, before making a change in the work, structures, works or any other activities authorized by the Government that are not subject to a regulation under section 31.1, obtain an amendment of the authorization if the change is likely to result in a new release of contaminants into the environment or alter the quality of the environment, or is incompatible with the authorization issued or, in particular, with any of the conditions, restrictions or prohibitions set out in it.

Section 31.4 applies to an application filed with the Minister to amend an authorization.

The Government may, in its authorization and for certain activities it determines, delegate to the Minister its power to amend an authorization, to the extent that the amendments do not substantially change the project. In such a case, subdivision 1 applies, with the necessary modifications, to the amendment application.

"**31.7.1.** The Government or a committee of ministers referred to in section 31.5 may, on the conditions it determines, exempt all or part of a project from the environmental impact assessment and review procedure, provided the project is necessary to repair damage caused by a disaster within the meaning of the Civil Protection Act (chapter S-2.3) or to prevent damage that could be caused by an apprehended disaster.

In such a case, the Government or committee determines which provisions, if any, of subdivisions 1 and 2 apply to the project.

"**31.7.2.** The Government or a committee of ministers referred to in section 31.5 may also exempt, from all or part of the environmental impact assessment and review procedure, a project to establish or enlarge a landfill site used in whole or in part as a final disposal site for household garbage collected by or for a municipality if, in the Government's or committee's opinion, the situation requires that the project be carried out within a shorter time frame than that required for the application of the procedure.

In such a case, the Government or the committee must issue an authorization for the project and include the conditions, restrictions and prohibitions it considers necessary to protect the environment. The situation that warranted the exemption must also be described in the decision.

The operation period of a landfill site for which such a decision is made may not exceed one year. A decision made under this section may be renewed only once for the same project.

"**31.7.3.** Any decision made by the Government under section 31.5, 31.7.1 or 31.7.2 is binding on the Minister where the latter subsequently exercises the powers provided for in subdivisions 1 and 2.

"**31.7.4.** Sections 31.7.1 and 31.7.2 do not apply to the territory referred to in the second paragraph of section 31.9. The Government may, however, by way of exception and for reasons of national defense or state security, or for any other reason of public interest, exempt all or part of a project from the environmental impact assessment and review procedure applicable in that territory."

22. The Act is amended by inserting the following section before section 31.8:

"**31.7.5.** An authorization issued under this subdivision is transferable in accordance with section 31.0.2."

23. Section 31.8 of the Act is amended by replacing "and prolong, in the case of a given project, the minimum period of time provided for by regulation of the Government during which the Minister may be required to hold a public hearing" by ", state security or the location of threatened or vulnerable species".

24. Section 31.8.1 of the Act is amended by replacing the first, second and third paragraphs by the following paragraphs:

"If a project referred to in section 31.1 or 31.1.1 is also subject to an environmental assessment procedure prescribed under an Act of a legislative authority other than the Parliament of Québec, the Minister may make an agreement with any competent authority to coordinate the environmental assessment procedures, including by establishing a unified procedure.

Such an agreement must, in keeping with the objectives of this division,

(1) set out the conditions applicable to carrying out the study on the project's environmental impact;

(2) provide that a public information period as well as targeted consultations or public hearings, as applicable, must be held.

The agreement may also provide for the establishment and operation of a body responsible for the implementation of all or part of the environmental assessment procedure.

The provisions of the agreement pertaining to the matters mentioned in the second and third paragraphs are substituted for the corresponding provisions of this Act and its statutory instruments."

25. Section 31.9 of the Act is amended,

(1) in the first paragraph,

(*a*) by inserting the following subparagraph after subparagraph *a*:

"(*a*.1) determine the minimum content of a notice referred to in section 31.2;";

(*b*) by inserting the following subparagraph after subparagraph *b*:

"(*b*.1) determine the parameters of an environmental impact assessment statement on the greenhouse gas emissions attributable to a project and any expected climate change risks to and impacts on the project and the milieu in which it will be carried out;";

(*c*) by replacing subparagraph *c* by the following subparagraph:

"(*c*) prescribe the terms governing the information and public consultation relating to any authorization application for some or all classes of projects

referred to in section 22, 31.1 or 31.1.1, including the publication by the project proponent of notices in newspapers, the form and content of such notices and the time within which persons, groups and municipalities may submit observations and apply for a public consultation under section 31.3.5, or mediation, as well as the time limit for the Bureau to hold a public hearing, targeted consultation or mediation and make a report;";

(*d*) by replacing "sections 31.2 to 31.5" in subparagraph *c*.1 by "this subdivision";

(*e*) by replacing subparagraph *d* by the following subparagraph:

"(*d*) prescribe how public hearings, targeted consultations and mediation held by the Bureau are to be announced and specify the persons to whom hearing, consultation or mediation reports and impact assessment statements are to be sent;";

(2) by adding the following sentence at the end of the fourth paragraph: "Similarly, the Minister may extend the time limit prescribed by regulation for the Bureau to hold a public hearing, targeted consultation or mediation and make a report.";

(3) by adding the following paragraph at the end:

"The Minister shall, every five years, propose to the Government a review of the regulatory provisions made under subparagraph *a* of the first paragraph. In addition, a regulation made under that subparagraph may prescribe any transitional measures applicable to an activity that becomes subject to the procedure and for which an authorization application made in accordance with section 22 is pending."

26. Division IV.2 of Chapter I of the Act is amended by replacing the portion before subdivision 2 by the following:

"**DIVISION III**

"INDUSTRIAL ESTABLISHMENTS

"§1. — *General provisions*

"**31.10.** The operation of an industrial establishment belonging to any of the classes determined by government regulation is subject to the Minister's authorization under subparagraph 1 of the first paragraph of section 22.

This division applies, in addition to subdivision 1 of Division II, to an authorization to operate such an industrial establishment, and is aimed at providing a framework for the operation of such establishments with a view to, among other things, reducing their releases of contaminants into the environment.

"**31.11.** If regulatory standards for monitoring and control measures, including methods for collecting, analyzing and calculating releases of contaminants and methods for collecting, preserving and analyzing samples, as well as standards for installing and operating any apparatus or equipment designed to measure the concentration, quality or quantity of any contaminant released, are insufficient to ensure adequate monitoring and control of a contaminant release resulting from the operation of an industrial establishment, the Minister may prescribe, in the authorization, any additional requirement the Minister considers necessary.

The Minister may also prescribe, in the authorization, any procedure for sending statements of the results obtained.

"**31.12.** In addition to what the Minister may prescribe in an authorization under section 25, the Minister may prescribe the obligation for the holder to conduct studies on the origin of contaminants, the abatement of their release and their impacts on the quality of the environment, ecosystems, living species and property, and on human life, health, safety, welfare or comfort, as well as risk assessment studies and studies on preventive and emergency environmental measures.

"**31.13.** If, after analyzing an application for authorization to operate an industrial establishment, the Minister intends to issue the authorization, he shall send the applicant the authorization he proposes.

Within 15 days after the date the proposed authorization is sent, the applicant may submit written observations to the Minister and request amendments to the content of the authorization. On request, this time limit may be extended by not more than 15 days.

If the Minister intends to refuse to issue the authorization, he must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter 15 days to submit written observations. On request, this time limit may be extended by 15 days.

"**31.14.** If the Minister refuses to include, in the authorization, some or all of the amendments submitted by the applicant in accordance with the second paragraph of section 31.13, the Minister shall inform the applicant in writing, on issuing the authorization, of the reasons for the decision.

"**31.15.** In addition to the information required under section 27, an authorization to operate an industrial establishment must contain

(1) the applicable contaminant release standards prescribed by government regulation;

(2) the measures required to prevent the accidental occurrence of a contaminant in the environment;

(3) any corrective program required by the Minister under section 31.27, if applicable;

(4) any additional condition, restriction or prohibition the Minister may prescribe under this division; and

(5) any other element determined by government regulation.

The second paragraph of section 27 applies to the information and documents referred to in the first paragraph.

"**31.16.** The holder of an authorization to operate an industrial establishment must, within the time and in the manner and form prescribed by government regulation, inform the Minister of any event or incident resulting in a contravention of the authorization's provisions and of the measures being taken to minimize or eliminate the effects of the event or incident and to eliminate and prevent its causes.

"**31.17.** The Minister may, on the Minister's own initiative, amend an authorization to operate an industrial establishment if

(1) the additional requirements prescribed by the Minister under section 31.11 with regard to the control and monitoring of releases of contaminants, including the procedure for sending statements of the results obtained, must be adjusted to allow better control of the sources of contamination; or

(2) a modification to the conditions, restrictions or prohibitions governing the operation of the industrial establishment must be made following the authorization of a new activity referred to in section 22 or the modification of an authorized activity.

If the Government adopts a regulation applicable to the operator of an industrial establishment under this Act and the operator holds an authorization to operate the establishment, the Minister must adjust the content of the authorization to take into account the new regulatory standards applicable to the operator.

Before making a decision under this section, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations.

"**31.18.** An authorization to operate an industrial establishment is issued for a period of five years.

Within the time and in the manner and form prescribed by government regulation, the authorization holder must submit an application to the Minister to renew the authorization for the same period.

Despite the expiry of the period prescribed under the first paragraph, an authorization remains valid until the Minister makes a decision with regard to its renewal.

Sections 23 to 27 apply, with the necessary modifications, to the renewal.

"**31.19.** Sections 31.11 to 31.14 apply, with the necessary modifications, to an application to renew an authorization to operate an industrial establishment. Likewise, sections 31.13 and 31.14 apply to an application to amend the authorization made under section 30.

If the Minister does not intend to include, in the authorization, some or all of the amendments submitted by the applicant in accordance with the second paragraph of section 31.13, the Minister must inform the applicant in writing of the reasons behind that intention before publication of the notice concerning a public consultation to be held under section 31.20 or 31.22, as applicable.

"**31.20.** If an authorization to operate an industrial establishment is being renewed for the first time, the Minister must, in the manner and form prescribed by government regulation, publish a notice announcing a public consultation on the renewal application and make the application record available for a period of at least 30 days.

The notice must state that any group, person or municipality may, within the time and in the manner and form prescribed by government regulation, submit comments to the Minister.

The Minister shall send a copy of the notice to the secretary-treasurer or clerk of the local municipality in whose territory the industrial establishment is located.

The application record must include the authorization proposed by the Minister and any other documents prescribed by government regulation.

"**31.21.** If the Minister intends to amend the content of a proposed authorization following the public consultation period required under section 31.20, the Minister shall send the applicant a new authorization proposal, as amended, along with the reasons for the amendments.

The applicant may, within 15 days after the date the new proposal is sent, submit observations to the Minister and request amendments to its content. On request, this time limit may be extended for a period of not more than 15 days.

However, if the Minister intends to refuse to renew the authorization, the Minister shall notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the applicant and grant the latter at least 15 days to submit observations. The notice must also be sent if the Minister does not intend to include in the renewed authorization some or all of the amendments submitted by the applicant.

"**31.22.** In the cases prescribed by government regulation, sections 31.20 and 31.21, which concern the first renewal of an authorization, apply, with the necessary modifications, to any application to amend an authorization submitted by the holder under section 30 and to any subsequent renewal application.

"**31.23.** In addition to the reasons set out in other provisions of this Act, the Minister may suspend or revoke all or part of an authorization to operate an industrial establishment if the holder fails to take all necessary measures to minimize the effects of the accidental occurrence of a contaminant in the environment attributable to the operation of the establishment or eliminate and prevent its causes.

Before making a decision under this section, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations.

"**31.24.** A holder of an authorization to operate an industrial establishment who plans to partially or totally cease the operations of the establishment must inform the Minister within the time prescribed by government regulation. In addition to any cessation-of-activity measures prescribed by government regulation, the holder must comply with any measures required by the Minister to prevent the release of contaminants into the environment and ensure, among other things, site cleaning and decontamination, equipment and facility dismantling and environmental monitoring.

The cessation of the operations of an industrial establishment for two consecutive years entails the cancellation, by operation of law, of the authorization to operate the industrial establishment, with the exception of any measure set out in the authorization that concerns site restoration on cessation of activities, or post-closure management. However, at the holder's request, the Minister may maintain the authorization in force for the period and on the conditions the Minister determines.

In addition, the Minister may suspend, revoke or refuse to amend or renew an authorization to operate an industrial establishment if the holder partially ceases activities.

"§2. — *Special provisions applicable to existing industrial establishments*

"**31.25.** This subdivision contains special provisions governing the issue of a first authorization to operate an existing industrial establishment required under this division.

For the purposes of this subdivision, "existing industrial establishment" means an industrial establishment that is operating on the date of coming into force of a regulation made under section 31.10 that makes the class of industrial establishments to which the establishment belongs subject to this division.

"**31.26.** An operator of an existing industrial establishment must submit an authorization application to the Minister within the time and in the manner and form prescribed by government regulation to operate that establishment.

If the operator of an existing industrial establishment fails to submit an authorization application to the Minister in accordance with the first paragraph, the Minister may order the operator to cease releasing into the environment, for as long as the failure continues, a contaminant resulting from the operation of the industrial establishment.

Despite section 115.4, the order takes effect on the 30th day following the date of its notification to the operator of the industrial establishment or on any later date specified in the order, unless the operator submits an authorization application in accordance with the first paragraph prior to the effective date of the order.

Sections 31.11 to 31.15, 31.18, 31.20 and 31.21 apply, with the necessary modifications, to the issue of an authorization to operate an existing industrial establishment. Sections 31.20 and 31.21 also apply to the first renewal of such an authorization, in the cases prescribed by government regulation.

"**31.27.** The Minister may require the applicant to submit, within the time specified in the notice required for that purpose, a residual materials management plan for the residual materials produced by the industrial establishment or present on its site.

"**31.28.** If, on analyzing an application under this subdivision, the Minister finds that an authorization applicant is not complying with a standard respecting the release of contaminants into the environment prescribed by government regulation, the Minister may require the applicant to submit to the Minister, within 60 days after the date of notification of a written notice or on any later date specified in the notice, a corrective program intended to bring the applicant into compliance with the standard within a maximum period of two years.

The Minister may, on issuing the authorization, impose the corrective program with or without amendment.

If the applicant fails to submit a corrective program within the specified time, the Minister may, on issuing the authorization, impose any corrective program the Minister considers necessary to bring the holder into compliance with the standard within a maximum period of two years and, to that end, prescribe the program's conditions, requirements, time limits and terms.

"§3. — *Regulatory powers*

"**31.29.** The Government may make regulations

(1) to determine the form of an authorization to operate an industrial establishment;

(2) to set the annual duties payable by holders of authorizations to operate an industrial establishment, which may vary according to one or more of the following factors:

(*a*) the class of the industrial establishment;

(*b*) the territory in which the industrial establishment is located;

(*c*) the nature and scope of the industrial establishment's activities;

(*d*) the nature and extent of the release of contaminants resulting from the operation of the industrial establishment; and

(*e*) the period during which the operator is the holder of an authorization to operate an industrial establishment;

(3) to determine the periods during which annual duties must be paid, and the terms of payment; and

(4) to exempt, from the application of a part of this Act, certain classes of structures, work, works and activities on all or part of the site of an industrial establishment for which an authorization to operate an industrial establishment has been issued, as well as certain classes of industrial processes used in the operation of the establishment."

27. Subdivision 2 of Division IV.2 of Chapter I of the Act is amended by replacing the portion before section 31.35 by the following:

"**DIVISION III.1**

"MUNICIPAL WATER TREATMENT OR MANAGEMENT WORKS

"§1. — *Scope*

"**31.32.** This division applies to the municipal wastewater treatment works and municipal water management works determined by government regulation.

"§2. — *Regulatory measures*

"**31.33.** The Minister shall determine the conditions, restrictions and prohibitions applicable to the operation of the works referred to in section 31.32.

Those conditions, restrictions and prohibitions concern, in particular,

(1) contaminant release standards;

(2) overflow standards;

(3) methods for collecting, analyzing and calculating contaminant releases;

(4) methods for collecting, preserving and analyzing water, air, soil and residual material samples;

(5) standards for installing and operating any apparatus or equipment;

(6) the imposition of a corrective program in cases requiring one;

(7) the imposition of a municipal water management master plan in the cases determined by government regulation; and

(8) measures required to prevent accidental occurrences of contaminants in the environment.

The Minister shall issue a depollution attestation for that purpose.

Before issuing an attestation under this section, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations. The notice must be accompanied by the attestation he intends to issue.

"**31.34.** The Minister may require the operator of works referred to in section 31.32 to provide any study or expert evaluation the Minister considers necessary to determine the conditions, restrictions and prohibitions applicable to the operation of such works."

28. Section 31.35 of the Act is repealed.

29. Sections 31.36 to 31.40 of the Act are replaced by the following sections:

"**31.36.** In determining the conditions, restrictions and prohibitions applicable to the operation of works referred to in section 31.32, the Minister shall take the following factors into consideration:

(1) the class to which the works belong and their geographical location;

(2) the nature, quantity, quality and concentration of every contaminant released into the environment as a result of the operation of the works concerned;

(3) the nature, origin and quality of the water treated by the works concerned; and

(4) the impact of the release of contaminants on environmental quality, living species, ecosystems and property, and on human life, health, safety, welfare and comfort.

"**31.37.** The Minister may set out any standard, condition, restriction or prohibition in the attestation that differs from those prescribed by government regulation if the Minister is of the opinion that doing so is necessary to ensure adequate protection of the environment, human health or other living species and if the Minister considers

(1) that the applicable standards are insufficient to respect the support capacity of the receiving environment; or

(2) that the applicable standards are insufficient to protect human health or other living species.

The Minister may, in the attestation, prescribe an implementation date, including the implementation requirements and schedule, for each standard, condition, restriction or prohibition he may establish under the first paragraph.

However, before prescribing a standard, condition, restriction or prohibition under this section, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations. The notice must also specify the criteria according to which the standard, condition, restriction or prohibition may be prescribed.

"**31.38.** An operator of works referred to in section 31.32 must

(1) comply with the standards, conditions, restrictions and prohibitions applicable to the works; and

(2) provide, at the Minister's request, all information required to assess the works' compliance with the standards prescribed by government regulation and those prescribed by the Minister under this division.

"**31.39.** The Minister must amend a depollution attestation and adjust any applicable corrective program if

(1) the standards prescribed by regulation are amended; or

(2) the conditions, restrictions, prohibitions or special standards set out in an authorization issued under this Act affect the content of the attestation.

The Minister may also amend such an attestation if

(1) the operator concerned submits an amendment application to the Minister;

(2) the standards for installing and operating any apparatus or equipment utilized to abate or stop the release of contaminants must be adjusted to better control the operation of the works concerned;

(3) the methods or standards for controlling and monitoring releases of contaminants, including the procedure for sending statements of the results obtained, must be adjusted to better control the sources of contamination; or

(4) a water management or treatment facility is transferred to a municipality, or is connected to works operated by a municipality and affects the content of the attestation.

Before making a decision under this section, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations.

"**31.40.** Depollution attestations must be reviewed by the Minister every 10 years.

If amendments are required further to such a review, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations.

"**31.40.1.** If the Minister receives an authorization application for an activity referred to in section 22 that concerns an element of works referred to in this division or could affect such works, the Minister must take into consideration, when analyzing the application and in addition to the elements provided for in section 25, the conditions, restrictions, prohibitions and special standards applicable to the works under this division."

30. Section 31.41 of the Act is amended

(1) by striking out paragraphs 1 and 2;

(2) by inserting "content and" after "prescribe the" in paragraph 3;

(3) by replacing paragraph 4 by the following paragraph:

"(4) determine the manner and form of any application to amend a depollution attestation and the documents to be included with such an application and prescribe the information they must contain;";

(4) by striking out paragraph 5;

(5) by replacing paragraph 6.1 by the following paragraph:

"(6.1) set the annual duties for operators of works referred to in section 31.32, which may vary according to the nature or extent of contaminant releases resulting from the operation of the works;";

(6) by striking out paragraph 7;

(7) by replacing "holder of a depollution attestation" in paragraphs 8 and 9 by "operator of works referred to in section 31.32";

(8) by striking out paragraphs 9.1 to 15;

(9) by replacing paragraph 16 by the following paragraph:

"(16) exempt certain classes of municipal water treatment or management works from this division;";

(10) by adding the following paragraph at the end:

"(17) determine the cases in which the Minister may impose a municipal water management master plan and prescribe the procedure for sending such a plan and the terms governing its effects and coming into force."

31. Division IV.2.1 before section 31.42 of the Act is renumbered IV.

32. Section 31.43 of the Act is amended by inserting "ecosystems," after "human beings," in the first paragraph.

33. The Act is amended by inserting the following section after section 31.50:

"**31.50.1.** If the Minister has reason to believe that contaminants referred to in section 31.43 may be present in land to be used for a project that requires the Minister's prior authorization under section 22 and is not subject to section 31.51 or 31.53, the Minister may require, for the purpose of analyzing the application, that a characterization study be submitted.

If the study reveals the presence of contaminants likely to have adverse effects on the life, health, safety, welfare or comfort of human beings or on ecosystems, other living species, the environment in general or property, the Minister may require the applicant to submit the measures that will be taken to prevent such effects, such as the removal or treatment of all or part of the contaminants or their containment.

The Minister may prescribe, in the authorization for the project, any condition, restriction or prohibition with regard to the measures referred to in the second paragraph."

34. Section 31.51 of the Act is amended

(1) by adding the following sentence at the end of the first paragraph: "A notice of cessation of the activity must be sent to the Minister within the time prescribed by government regulation.";

(2) by replacing "human beings, the other living species and the environment in general, including property" in the second paragraph by "the quality of the environment and prevent adverse effects on the life, health, safety, welfare or comfort of human beings or on ecosystems, living species or property".

35. The Act is amended by inserting the following sections after section 31.51:

"**31.51.0.1.** If a person or municipality intends to change the use of land that has undergone a characterization study in accordance with the first paragraph of section 31.51 and the study reveals the presence of contaminants in concentrations exceeding the regulatory limit values, the person or municipality may, in the stead and place of whoever ceased activities on that land, submit, for the Minister's approval, the rehabilitation plan required under the second paragraph of that section. In such a case, subdivision 3 of this division applies to the person or municipality.

If the person or municipality referred to in the first paragraph fails to implement all or some of the measures of a rehabilitation plan within the time specified in the implementation schedule, whoever ceased activities on the land is required to remedy the failure on the basis of the regulatory limit values applicable under section 31.51. If those values differ from the ones applicable to the rehabilitation plan approved by the Minister, whoever ceased activities is required to submit, for the Minister's approval, a plan that has been amended accordingly. Section 31.60 applies, with the necessary modifications, to such an amendment.

"**31.51.0.2.** Approval of a rehabilitation plan under the first paragraph of section 31.51.0.1 is subject to the deposit of liability insurance or a financial guarantee that meets the requirements prescribed by government regulation; the insurance or other financial guarantee is intended to cover the costs related to carrying out a rehabilitation plan on the basis of the regulatory limit values applicable under section 31.51."

36. Section 31.51.1 of the Act is amended by replacing "human beings, the other living species and the environment in general, including property" in the first paragraph by "the quality of the environment and prevent adverse effects on the life, health, safety, welfare or comfort of human beings or on ecosystems, living species or property".

37. Section 31.54 of the Act is amended by replacing the second paragraph by the following paragraph:

"The rehabilitation plan must be sent to the Minister and must set out the measures that will be implemented to protect the quality of the environment and prevent adverse effects on the life, health, safety, welfare or comfort of human beings or on ecosystems, living species or property. The plan must also set out any measures intended to render the projected land use consistent with the condition of the land. Lastly, the plan must be accompanied by an

implementation schedule and, if applicable, a plan for dismantling the facilities present on the land."

38. The Act is amended by inserting the following section after section 31.54:

"**31.54.1.** If a project requiring the Minister's prior authorization under section 22 also entails a change in the use of land under this subdivision, the Minister may not issue the authorization before receiving the characterization study required under section 31.53 from the applicant.

If contaminants are present in the land in concentrations exceeding the regulatory limit values, authorization for the project is subject to the Minister's approval of the rehabilitation plan required under section 31.54 and forming an integral part of the authorization."

39. Section 31.57 of the Act is amended by replacing "human beings, the other living species and the environment in general, including property" in the first paragraph by "the quality of the environment and prevent adverse effects on the life, health, safety, welfare or comfort of human beings or on ecosystems, living species or property".

40. Section 31.61 of the Act is amended by replacing "the environment or for human beings" by "the quality of the environment or for the life, health, safety, welfare or comfort of human beings, ecosystems, living species or property".

41. Section 31.65 of the Act is amended by inserting "as well as the reasons that could lead to the temporary or permanent removal of an expert from the list," after "payable," in the second paragraph.

42. The Act is amended by inserting the following sections after section 31.68:

"**31.68.1.** The Government may, by regulation, designate the contaminated land rehabilitation measures that, subject to the conditions, restrictions and prohibitions specified in the regulation, are eligible for a declaration of compliance. The provisions of such a regulation may vary according to, among other things, the types of contaminants present in the land, the characteristics of the milieu and the methods used.

The declaration of compliance must be filed with the Minister at least 30 days before the rehabilitation measures are implemented and be signed by an expert referred to in section 31.65, who must attest that the rehabilitation will be carried out in accordance with the conditions, restrictions and prohibitions prescribed by government regulation.

The declaration must also include the information and documents prescribed by government regulation, in the manner and form specified in the regulation.

In addition, as soon as the work is completed, the declarant must send the Minister the certificate of an expert referred to in section 31.65 stating that the rehabilitation has been carried out in accordance with the conditions, restrictions and prohibitions determined under the first paragraph.

"**31.68.2.** Whoever carries out measures required for land rehabilitation in accordance with section 31.68.1 is not required to submit a rehabilitation plan to the Minister under this division with regard to the land.

"**31.68.3.** Sections 31.68.1 and 31.68.2 do not have the effect of restricting any power the Minister may exercise where land rehabilitation measures referred to in a declaration of compliance made under those sections are carried out in contravention of this Act or the regulations.

In addition, a person or municipality that carries out land rehabilitation in contravention of the conditions, restrictions or prohibitions prescribed by a regulation made under the first paragraph of section 31.68.1 is deemed to carry out the rehabilitation without having obtained the Minister's approval for a rehabilitation plan as required under subdivision 1 and is liable to the remedies, penalties, fines and other measures applicable in such a case."

43. Section 31.69 of the Act is amended by striking out "and relating to the sale or storage of petroleum products" in paragraph 2.1.

44. Section 31.74 of the Act is amended by striking out "sections 31.85 and 31.86 and" in the introductory clause.

45. The Act is amended by inserting the following section before section 31.75:

"**31.74.1.** Subdivisions 1 to 3 of this division apply, in addition to subdivisions 1 and 4 of Division II, to any water withdrawal."

46. Section 31.75 of the Act is amended

(1) by striking out the first paragraph;

(2) in the second paragraph,

(*a*) by replacing the introductory clause by the following:

"The following water withdrawals are not subject to the Minister's prior authorization under section 22:";

(*b*) by striking out subparagraph 3.

47. Section 31.76 of the Act is amended

(1) by replacing, in the first paragraph, "The Minister's power of authorization under this subdivision" by "Any power of authorization under this Act with regard to a water withdrawal" and "du changement climatique" in the French text by "des changements climatiques";

(2) by replacing "in the exercise of the Minister's" in the second paragraph by "made in the exercise of the";

(3) by adding the following paragraph at the end:

"In addition to the elements set out in section 24, such a decision must take into account the elements contained in a water master plan or an integrated management plan for the St. Lawrence prepared under the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2), the observations communicated by the public with regard to the water withdrawal, and the consequences of the withdrawal for

(1) the short-, medium- and long-term water use rights of other persons or municipalities;

(2) the availability and distribution of water resources, with a view to satisfying or reconciling current and future needs of the various water users;

(3) the foreseeable development of rural and urban areas, particularly as regards the objectives of the land use planning and development plan, or the development plan, of any regional county municipality or metropolitan community affected by the withdrawal, and for the balance that must be maintained between the various water uses; and

(4) the economic development of a region or municipality."

48. Sections 31.77 and 31.78 of the Act are repealed.

49. Section 31.79 of the Act is replaced by the following sections:

"**31.79.** Sections 23 to 27 apply to the renewal of a water withdrawal authorization under this Act.

"**31.79.1.** The Government or the Minister, as applicable, may refuse to issue, amend or renew a water withdrawal authorization if of the opinion that the refusal is in the public interest.

They may also, on their own initiative and for the same reason, amend a water withdrawal authorization.

Before making a decision under this section, the Government must grant the applicant and the holder of the authorization at least 15 days to submit written observations.

In addition, before making a decision under this section, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations."

50. Section 31.80 of the Act is amended by replacing the introductory clause by the following:

"**31.80.** On deciding to issue, amend or renew a water withdrawal authorization, the Government or the Minister, as applicable, may prescribe, in addition to the conditions, restrictions and prohibitions prescribed under section 25, any condition, restriction or prohibition concerning".

51. Section 31.82 of the Act is repealed.

52. Section 31.83 of the Act is replaced by the following section:

"**31.83.** The holder of a water withdrawal authorization must, within the time prescribed by regulation, inform the Minister of any permanent cessation of water withdrawal.

The Minister may impose on the holder any measure

(1) to prevent infringement of the rights of other users;

(2) to prevent the release of contaminants into the environment;

(3) to ensure equipment and facility dismantling; and

(4) to ensure environmental monitoring.

Permanent cessation of water withdrawal entails cancellation of the authorization concerned by operation of law, except any measures set out in the authorization that concern the cessation. However, the Minister may, at the holder's request, maintain the authorization in force for the period and on the conditions the Minister determines."

53. Sections 31.84 to 31.87 of the Act are repealed.

54. Section 31.104 of the Act is renumbered 45.5.1 and moved immediately before section 46. It is amended by replacing "this subdivision and the Agreement" in the first paragraph by "subdivision 2 and the Agreement referred to in section 31.88".

55. The heading of subdivision 4 before section 32 of the Act is replaced by the following heading:

"§4. — *Water management and treatment*".

56. Section 32 of the Act is replaced by the following:

"1. SCOPE

"**32.** For the purposes of subparagraph 3 of the first paragraph of section 22 and this subdivision, a water management or treatment facility is

(1) a waterworks system;

(2) a sewer system; or

(3) a rainwater management system.

The Government may, by regulation, define the terms mentioned in the first paragraph."

57. Sections 32.1 and 32.2 of the Act are repealed.

58. The Act is amended by inserting the following before section 32.3:

"2. SPECIAL MEASURES APPLICABLE TO AUTHORIZATIONS FOR ACTIVITIES DESCRIBED IN SUBPARAGRAPH 3 OF THE FIRST PARAGRAPH OF SECTION 22".

59. Section 32.3 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"In addition to any requirements prescribed by any government regulation, an applicant for an authorization with regard to a water management or treatment facility not operated by a municipality, or operated by a municipality outside its territorial limits, must submit, in support of the application, a certificate from the clerk or secretary-treasurer of the municipality in whose territory the facility is located attesting that the municipality does not object to the authorization being issued for the sector served by the facility.";

(2) by replacing "of the permit, the Deputy Minister" in the second paragraph by "of the authorization, the Minister";

(3) by striking out the third paragraph.

60. Section 32.4 of the Act is repealed.

61. Section 32.5 of the Act is repealed.

62. Sections 32.6 and 32.7 of the Act are replaced by the following:

"**32.6.** In addition to the conditions, restrictions and prohibitions the Minister may prescribe under section 25 when authorizing a municipality to carry out work for a water management or treatment facility in a sector also served by a facility not operated by a municipality, or operated by a municipality outside its territorial limits, the Minister may impose the acquisition by agreement or expropriation of the existing facilities.

"3. OTHER MEASURES

"**32.7.** Despite any contrary provision, an operator or owner of a waterworks or sewer system may not cease to operate it without first submitting, for the Minister's approval, the alternative measures that will be implemented to maintain the water supply and water treatment for the persons served, together with the implementation schedule for those measures.

The operator or owner must keep the waterworks or sewer system operating until the approved alternative measures take effect.

When exercising the power of approval under the first paragraph, the Minister may prescribe any condition, restriction or prohibition the Minister considers necessary and modify the measures submitted or their implementation schedule.

Before making a decision under the third paragraph, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations."

63. Section 32.8 of the Act is repealed.

64. Section 32.9 of the Act is repealed.

65. Section 33 of the Act is replaced by the following sections:

"**33.** No person may set up or operate, as applicable, any amusement grounds, holiday camp, public beach, mobile home park or camping ground or any other grounds used for similar purposes and intended for lease or co-ownership unless they are equipped with a waterworks or sewer system authorized under this Act or, if no authorization is required, unless they are equipped with a system that complies with the standards prescribed by government regulation.

"**33.1.** Anyone who wishes to carry out a housing or vacation development defined by government regulation, but whose development fails to meet the criteria determined by government regulation, may not obtain a subdivision permit from a municipality without first

(1) submitting to the Minister the plan that will be implemented to ensure the development's water supply and waste water and rainwater management and treatment; and

(2) obtaining the Minister's approval of the plan referred to in subparagraph 1, which the Minister may grant with or without amendment and subject to the conditions, restrictions or prohibitions the Minister determines.

Before making amendments or prescribing conditions, restrictions or prohibitions under this section, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the interested person and grant the latter at least 15 days to submit observations."

66. Section 34 of the Act is repealed.

67. Section 35 of the Act is renumbered 45.3.3 and is amended by replacing "a common waterworks, sewer system or water treatment plant" in the first paragraph by "water management or treatment services in common".

68. Section 37 of the Act is renumbered 45.3.4 and is amended by replacing "a system of waterworks, sewers, water treatment or pre-treatment, or to connect it" by "a water management or treatment facility or to connect such a facility".

69. Section 39 of the Act is replaced by the following sections:

"**39.** An operator or owner of a waterworks or sewer system may collect a tax, duty or dues from the persons served by it, in the cases and manner prescribed by government regulation. To that end, the operator or owner shall set the applicable rate for using the system, in accordance with the terms and conditions prescribed by government regulation.

A person served may refuse the imposed rate, in accordance with the terms and conditions prescribed by government regulation.

If the operator or owner and the person served cannot agree on the applicable rate, the person may apply to the Minister for an inquiry into the matter.

The Minister may, after making such an inquiry, impose the applicable rate and the moment it takes effect, in accordance with the criteria prescribed by government regulation.

"**39.1.** If water supply or water treatment or management are provided to a municipality by another municipality or by another operator or owner of a water management or treatment facility, the Commission municipale shall set the rates for the sale of water or for water management or treatment services between the parties concerned if the latter are unable to reach an agreement on the rates.

On an application by anyone interested, the Commission municipale may cancel or amend a contract or by-law regarding a water management or treatment facility if the applicant establishes that its conditions are abusive.

When exercising a power conferred on it by this section with regard to an agreement between two municipalities, the Commission municipale must comply with the cost apportionment rules enacted by articles 573 to 575 of the Municipal Code of Québec (chapter C-27.1) and sections 468.4 to 468.6 of the Cities and Towns Act (chapter C-19)."

70. Section 41 of the Act is replaced by the following section:

"**41.** Every municipality may, with the Minister's authorization, acquire by agreement or expropriation immovables or real rights located outside its territory that are required to set up a water management or treatment facility or to develop or protect a water withdrawal site."

71. Section 42 of the Act is replaced by the following section:

"**42.** If an operator of a waterworks or sewer system, other than a municipality, is unable to acquire by agreement an immovable or any other real right required to operate the waterworks or sewer system, the operator may, with the Minister's authorization, expropriate the immovable or real rights concerned."

72. Section 45.2 of the Act is renumbered 45.5.2 and moved immediately after section 45.5.1, as renumbered by section 49.

73. The Act is amended by inserting the following after section 45.3:

"4. ORDERS

"**45.3.1.** The Minister may, on the conditions the Minister determines, order a municipality to temporarily operate an operator's or owner's water management or treatment facility, provided the facility is not operated by a municipality, and to carry out work there if the Minister considers it necessary in order to ensure adequate service for the persons served. The order may also determine the apportionment of the costs related to the operation or work among the persons served or among those persons and the operator or owner, as the case may be.

The Minister may also, if of the opinion that it is necessary for the protection of public health, order a municipality to acquire such a facility by agreement or expropriation, or to set up a new facility and acquire by agreement or expropriation the immovables and real rights required to do so.

The Minister may make any other order with regard to a municipality that the Minister considers necessary regarding water supply and water management or treatment.

"**45.3.2.** With regard to a person operating a water management or treatment facility or to the owner of such a facility, the Minister may make any order the Minister considers appropriate concerning the quality of service, the extension of the system, the reports to be made, the mode of operation, the rates and any other matter under the Minister's power of supervision and control."

74. Section 46 of the Act is replaced by the following section:

"**46.** The Government may, by regulation,

(1) classify waters;

(2) define physical, chemical and biological water quality standards according to different water uses for all or part of the territory of Québec;

(3) determine quality standards for any source of water supply and the operating standards for any water management or treatment facility;

(4) prohibit or limit the dumping into any sewer system or rainwater management system of any matter that it considers harmful;

(5) determine the mode of discharging and treating waste water and rainwater;

(6) regulate the production, sale, distribution and use of any water purification device and any product or material for establishing or operating a water management or treatment facility;

(7) prescribe, as regards any motor boat, standards for oil and gasoline leakage, residual materials elimination and toilets;

(8) prohibit or limit the use of rivers or lakes for pleasure boating by motor boats so as to protect the quality of the environment;

(9) determine construction standards for water management or treatment facilities;

(10) prohibit or regulate the distribution by volume of water intended for human consumption;

(11) define the meaning of the expression "housing or vacation development" appearing in section 33.1;

(12) establish the duties, rights and obligations of the persons served, the owner and the operators as to the running and operation of a water management or treatment facility that is not operated by a municipality, or is operated by a municipality outside its territorial limits, and prohibit any act detrimental to its running and operation;

(13) establish the duties, rights and obligations of the persons served and the operators of a water management or treatment facility operated by a municipality, if required for the protection of public health;

(14) establish classes of persons served and operators;

(15) establish standards for sinking and sealing off wells;

(16) regulate withdrawals of surface water or groundwater, in particular on the basis of its different uses, including the collection of groundwater whose use or distribution is governed by the Food Products Act (chapter P-29), in order to, among other purposes,

(*a*) determine, for withdrawals of water to supply persons, the minimum number of persons at which such a withdrawal becomes subject to the Minister's authorization despite the withdrawal's daily maximum flow rate of less than 75,000 litres per day;

(*b*) in the cases and under the conditions specified, exempt water withdrawals from this Act or the regulations;

(*c*) in the cases and under the conditions specified, make water withdrawals that are exempted from the Minister's authorization subject to the issue of a permit by the municipality in which the withdrawal site is located;

(*d*) prohibit, in all or part of the territory of Québec, water withdrawals intended to satisfy the water needs of one or more classes of uses specified in the regulations, and provide that such a prohibition has effect even with regard to authorization applications made prior to the date of coming into force of the prohibition and for which no decision has been made by that date by the Minister or the Government, as applicable;

(*e*) determine the cases in and conditions under which two or more existing or planned water withdrawals are deemed to constitute a single withdrawal owing to, among other things, the hydrologic interconnection of the waters concerned, the distance between the withdrawal sites or the intended use of the water withdrawn;

(*f*) prescribe standards for the quality or quantity of surface water or groundwater that may be withdrawn or that must be returned to the environment after use, and for the conditions of that return, the use of the water withdrawn and the preservation of the aquatic ecosystems or wetlands;

(*g*) prescribe standards for the installation and maintenance of equipment or devices for determining the quality or quantity of water withdrawn from or returned to the environment;

(*h*) determine the measures or plans that a water withdrawal authorization holder must implement to ensure conservation and efficient use of the water

withdrawn, and prescribe the conditions under which the holder must report to the Minister on the results obtained;

(*i*) prescribe water allocation rules reconciling the needs or interests of the various classes of users;

(*j*) prescribe standards for water withdrawal facilities and their supply and protection areas;

(*k*) require, where a standard requires boundaries to be established for a water withdrawal facility's supply or protection area, the owner or any other custodian of land on which such boundaries may be established to allow free access to the land for that purpose, at any reasonable time, provided the owner or custodian is given at least 24 hours prior notification of the intention to enter on the land and, if applicable, provided the premises are restored to their former state and any damage suffered by the owner or custodian is compensated for;

(*l*) prescribe the documents and information whoever makes or plans to make a water withdrawal is required to send the Minister and the conditions governing their sending, including risk assessment studies of protection areas and studies or reports on the actual or potential individual or cumulative impacts of the withdrawal or planned withdrawal on the environment, on other users and on public health, and determine which of those documents and that information is public and must be made available to the public; or

(*m*) establish public consultation procedures; and

(17) determine the qualifications of natural persons assigned to the operation of municipal water treatment equipment."

75. Section 46.2 of the Act is amended by replacing the second paragraph by the following paragraph:

"The Minister may also, by regulation, prescribe procedures and criteria allowing the Minister to determine the default greenhouse gas emissions of emitters who have not reported them or whose emissions report cannot be satisfactorily verified."

76. Section 46.8 of the Act is amended

(1) by inserting ", in accordance with the protocol made under the second paragraph," after the first occurrence of "who" in subparagraph 2 of the first paragraph;

(2) by inserting the following paragraph after the first paragraph:

"The Minister may, by regulation, establish protocols to determine the eligibility of projects for offset credits and define the methods to be used by those projects to achieve and quantify reductions of greenhouse gas emissions.";

(3) by replacing "in the *Gazette officielle du Québec*" in the second paragraph by "on the Minister's department's website".

77. Section 46.9 of the Act is amended by replacing "banked" in the second paragraph by "kept".

78. Section 46.12 of the Act is amended by adding the following paragraphs at the end:

"Despite the second paragraph, the Minister may suspend any emission allowance without giving prior notice to the person concerned if

(1) there are reasonable grounds to believe that the integrity of the cap-and-trade system is threatened, in particular where the Minister ascertains that emission allowance transactions are irregular;

(2) the emitter does not meet its obligations as to the coverage of greenhouse gas emissions for a period prescribed by a regulation made under the first paragraph of section 46.6; or

(3) an entity with which an agreement has been entered into under section 46.14 notifies the Minister of a case referred to in subparagraph 1.

In the cases provided for in the third paragraph, the person to whom such a decision is notified may, within the time specified in the decision, submit observations to the Minister in order to obtain a review of the decision."

79. Section 46.15 of the Act is amended by inserting the following paragraph after paragraph 1:

"(1.1) determine the persons or municipalities that may apply to be registered in the system, the qualifications required and the reasons for which the Minister may refuse such registration;".

80. Section 46.16 of the Act is repealed.

81. Section 46.17 of the Act is amended by replacing the second paragraph by the following paragraph:

"The Government must make the report public within 30 days after receiving it."

82. Section 48 of the Act is repealed.

83. Section 49.1 of the Act is amended

(1) by replacing "25" in the second paragraph by "115.4.1";

(2) by replacing "25" in the fourth paragraph by "114".

84. Section 53.1 of the Act is repealed.

85. Section 53.4 of the Act is amended by inserting the following paragraph after the third paragraph:

"The Société québécoise de récupération et de recyclage shall prepare any plans and programs pursuant to the policy; such plans and programs require the Minister's prior approval."

86. Section 53.4.1 of the Act is amended by replacing "the Minister" in the first paragraph by "the Société québécoise de récupération et de recyclage".

87. Section 53.5.1 of the Act is amended by replacing "with the responsibilities relating to the regional planning of residual materials management. In particular, the Minister may transmit to the Société the management plans received from the municipalities so that the Société may analyze the plans and make recommendations to the Minister" by "in carrying out his responsibilities".

88. Section 53.7 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"Every regional municipality must establish and maintain in force a residual materials management plan.";

(2) by replacing all occurrences of "commission" in the second paragraph by "public consultation".

89. Section 53.8 of the Act is amended by replacing "53.12. The delegation must be authorized by the Minister of Sustainable Development, Environment and Parks" by "53.11".

90. Section 53.9 of the Act is amended by replacing "third paragraph of section 53.7" in the fifth paragraph by "second paragraph of section 53.7".

91. Section 53.11 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"A draft residual materials management plan must be adopted by resolution of the council of the regional municipality. The resolution must state the time limit for submitting the draft plan to public consultation.";

(2) by replacing "A copy of the resolution must also be sent to the Minister and to" in the second paragraph by "Copies of the resolution and draft plan must be sent to".

92. Section 53.12 of the Act is repealed.

93. Section 53.13 of the Act is replaced by the following section:

"**53.13.** For any draft management plan, the regional municipality must develop a public consultation procedure that provides for at least one public meeting to be held in the territory covered by the plan."

94. Section 53.14 of the Act is amended by replacing "a summary of the draft plan must be published in a newspaper circulated in the territory of the regional municipality concerned, together with a" by "the regional municipality shall publish on its website, or by any other means it considers appropriate, a summary of the draft plan and a".

95. Section 53.15 of the Act is amended

(1) by replacing "commission" in the first paragraph by "regional municipality";

(2) by replacing the second paragraph by the following paragraph:

"After the public meetings, the regional municipality shall draw up a report on the observations received from the public and the procedure for the public consultation. The report shall be made available to the public as soon as it is sent to the council of the regional municipality."

96. Section 53.16 of the Act is amended

(1) by replacing "to the Minister" by "to the Société québécoise de récupération et de recyclage";

(2) by replacing "the commission's" by "the regional municipality's".

97. Section 53.17 of the Act is amended

(1) by replacing "60 days after receiving the draft plan, give an opinion to the regional municipality on the compliance of the plan" in the first paragraph by "120 days after receiving the draft plan, send the regional municipality a notice of the plan's compliance";

(2) by replacing "The Minister" in the first paragraph by "The Société québécoise de récupération et de recyclage";

(3) by striking out the second paragraph;

(4) by replacing "The Minister's" in the third paragraph by "The Société's";

(5) by replacing "the Minister" in the fourth paragraph by "the Société" and by replacing "prononcé" in that paragraph in the French text by "prononcée";

(6) by adding the following paragraph at the end:

"After receiving a notice of compliance from the Société or if the draft plan is deemed to be compliant under the third paragraph, the municipality may, by by-law, adopt the draft plan, as is, as its residual materials management plan."

98. Sections 53.18 and 53.19 of the Act are repealed.

99. Section 53.20 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "Where the Minister considers that the" by "If the Société québécoise de récupération et de recyclage considers that the draft";

(*b*) by replacing "refusal must be notified by the Minister" by "non-compliance must be notified by the Société";

(*c*) by replacing "before the plan comes into force" by "within 120 days after the draft management plan is received";

(2) by replacing the second paragraph by the following paragraph:

"The notice must state the grounds for the decision as well as the amendments to be made and sent to the Société within the time specified."

100. The Act is amended by inserting the following sections after section 53.20:

"**53.20.1.** Within the time specified in the notice of non-compliance of the Société québécoise de récupération et de recyclage or within any additional time the Société may grant, the council of the regional municipality must replace the draft plan by a new one that complies with the requested amendments.

"**53.20.2.** The Société québécoise de récupération et de recyclage may, within 60 days after receiving the new draft plan, send the regional municipality a notice of compliance regarding the requested amendments.

If the Société has not made a decision regarding the amendments within 60 days after receiving them, the amended draft plan is deemed to comply with government policy.

After receiving a notice of compliance from the Société or if the amended draft plan is deemed to comply under the second paragraph, the municipality may, by by-law, adopt the draft plan, as is, as its residual materials management plan.

"**53.20.3.** A management plan comes into force on the date the council of the regional municipality adopts the by-law referred to in the fourth paragraph of section 53.17 or the third paragraph of section 53.20.2, or on any later date specified in the by-law.

The regional municipality shall publish, on its website or by any other means it considers appropriate, the residual materials management plan, a summary of it and a notice of its coming into force."

101. Section 53.21 of the Act is amended by replacing the first paragraph by the following paragraph:

"On the recommendation of the Société québécoise de récupération et de recyclage, the Minister may, in the stead and place of the regional municipality and with a view to ensuring the compliance of the management plan with government policy or preventing any adverse effects on public health and safety, exercise the municipality's regulatory powers

(1) if the municipality failed to amend its draft management plan within the time specified in the notice of non-compliance sent under section 53.20 or within any additional time granted by the Société; or

(2) if the amendments the regional municipality made to the draft plan were also the subject of a notice of non-compliance from the Société."

102. Section 53.22 of the Act is repealed.

103. Section 53.23 of the Act is amended by replacing the second and third paragraphs by the following paragraphs:

"The management plan must be revised by the council every seven years. To that end, the council must adopt, by resolution and not later than the date of the fifth anniversary of the coming into force of the management plan, a revised draft plan.

Sections 53.7 to 53.21 apply, with the necessary modifications, to the amendment and revision of the management plan."

104. Section 53.27 of the Act is amended by replacing "be exercised having regard to the provisions of" by "take into consideration".

105. Section 53.30 of the Act is amended

(1) in subparagraph 6 of the first paragraph,

(*a*) by inserting "or the Société québécoise de récupération et de recyclage, as applicable" after "Minister" in subparagraph *b*.1;

(*b*) by inserting "or the Société, as applicable" after "Minister" in subparagraph *c*;

(2) by replacing "indemnitées" in subparagraph 12 of the first paragraph of the French text by "indemnités".

106. Section 53.31 of the Act is amended by inserting "or, as applicable, the Société québécoise de récupération et de recyclage, for the purposes of the responsibilities conferred on the Minister or the Société under this Act," after "provide the Minister".

107. Section 53.31.1 of the Act is amended by adding the following paragraph at the end:

"Those persons are also required to compensate the Native communities, represented by their band councils, for the services referred to in the first paragraph that those communities provide. This subdivision and any regulation made under it apply, with the necessary modifications, to that end."

108. Section 54 of the Act is amended by replacing "section 65" by "sections 65 to 66".

109. Section 55 of the Act is repealed.

110. Section 58 of the Act is amended by replacing "the certificate of authorization" by "the authorization".

111. Section 65 of the Act is replaced by the following sections:

"**65.** An authorization application made under subparagraph 9 of the first paragraph of section 22 with regard to any construction project on land formerly used in whole or in part as a residual materials elimination site, or with regard to any work to change the use of such land, must be accompanied by a study conducted by a professional or any other person qualified in the field concerned, for the purpose of

(1) assessing whether residual materials are present in the land;

(2) determining the nature of such residual materials and the sites where they have been deposited or buried;

(3) determining whether gas is present in the soil and, if applicable, assessing the risk of it migrating outside the land.

If the study confirms the presence of residual materials in the land, the person or municipality that had the study conducted must, on being informed of the presence of such materials, apply for a notice to be registered in the land register. In addition to a description of the land, the notice must contain

(1) the name and address of the person or municipality applying for registration of the notice, and of the owner of the land;

(2) the name of the municipality in which the land is situated and the land use authorized by the zoning by-laws; and

(3) a summary of the study, certified by the qualified person referred to in the first paragraph, stating among other things the nature of the residual materials present in the land.

In addition, the person or municipality must send the Minister and the owner of the land a duplicate of the notice bearing a registration certificate, or a copy of the notice certified by the Land Registrar. On receiving the document, the Minister shall send a copy to the municipality in which the land is situated; if the land is situated in a territory referred to in section 133 or 168 that is not constituted as a municipality, the document must be sent to the body designated by the Minister.

"**65.1.** When analyzing an authorization application, the Minister may require that the applicant submit the measures the applicant intends to take to remove all or some of the residual materials from the land or to protect the quality of the environment and prevent adverse effects on the life, health, safety, welfare and comfort of human beings or on ecosystems, other living species or property.

In the authorization, the Minister may prescribe any condition, restriction or prohibition the Minister considers necessary with regard to the measures referred to in the first paragraph and require any financial guarantee for that purpose.

"**65.2.** If an authorization prescribes restrictions on the use of the land, the holder must, as soon as possible after it is issued, apply for a land use restriction notice to be registered in the land register. In addition to a description of the land, the notice must contain

(1) the applicant's name and address;

(2) if applicable, a description of the work to be done or works to be erected to remove the residual materials from the land or to protect the quality of the environment and prevent adverse effects on the life, health, safety, welfare and comfort of human beings or on ecosystems, other living species or property; and

(3) a statement of the land use restrictions, including the resulting charges and obligations.

In addition, the holder must, without delay, send the Minister and the owner of the land a duplicate of the notice bearing a registration certificate or a copy of the notice certified by the Land Registrar. On receiving the document, the

Minister shall send a copy to the municipality in which the land is situated; if the land is situated in a territory referred to in section 133 or 168 that is not constituted as a municipality, the document must be sent to the body designated by the Minister.

Registration of the notice renders the land use restrictions effective against third persons, and any subsequent acquirer of the land is bound by any charges and obligations as regards those restrictions.

"**65.3.** If a study required under section 65 reveals the presence of residual materials at the property line of the land, a migration of gas outside the land or a serious risk of such migration, the person or municipality that conducted the study is required to notify the owner of the neighbouring land concerned in writing without delay. A copy of the notice must also be sent to the Minister.

"**65.4.** If work has been done or works erected on land to remove residual materials and a subsequent study sent to the Minister reveals that no such materials are present in the land, any person or municipality referred to in section 65, or the owner of the land concerned, may apply for a residual materials removal notice to be registered in the land register.

The first and second paragraphs of section 65.2 apply, with the necessary modifications, to the notice, which must also mention any land use restrictions entered in the land register that have been rendered unnecessary by the removal of the residual materials.

"**65.5.** If a person or municipality fails to apply for registration of a notice in the land register under section 65 or 65.2, the Minister may require such registration and recover from the person or municipality the direct and indirect costs incurred by the Minister for that purpose."

112. The Act is amended by inserting the following before section 70.1:

"§1. — *Powers of the Minister*".

113. Section 70.1 of the Act is amended by striking out the third paragraph.

114. Section 70.2 of the Act is replaced by the following section:

"**70.2.** The prior notice referred to in section 115.4.1 must be accompanied by a copy of any analysis, study or other technical report that the Minister has taken into account.

The Minister shall send a copy of the prior notice and order to the Minister of Health and Social Services and to the secretary-treasurer or clerk of the local municipality in whose territory the hazardous material is located."

115. Sections 70.3 and 70.4 of the Act are repealed.

116. The Act is amended by inserting the following after section 70.5:

"§2.—*Accidental release*

"**70.5.1.** Anyone responsible for an accidental release of hazardous materials into the environment is required to recover them without delay and remove any contaminated matter that is not cleaned or treated in situ. However, a government regulation may determine the cases where, and the conditions on which, the materials may remain in the land concerned, in particular because of technical or operational constraints.

"**70.5.2.** In the cases determined by government regulation, anyone responsible for an accidental release of hazardous materials into the environment is required to conduct a characterization study of the land concerned. The regulation may prescribe the content of the study and how it is to be carried out.

As soon as such a study is completed, it must be sent to the Minister and to the owner of the land.

Any person who, as owner or lessee or in any other capacity, has custody of land affected by the release must give free access to the land at any reasonable time to any person required under this section to conduct a characterization study on the land, subject, however, to that person restoring the site and compensating the custodian or owner of the land, as the case may be, for any damage sustained.

"**70.5.3.** Anyone responsible for an accidental release of hazardous materials into the environment is required, if informed of the presence of such materials at the property line of the land concerned or of a serious risk of migration of those materials outside that land that may compromise a use of water, to notify the owner of the neighbouring land in writing without delay. A copy of the notice must also be sent to the Minister.

"**70.5.4.** In the cases determined by government regulation, anyone responsible for an accidental release of hazardous materials into the environment must apply for a contamination notice to be registered in the land register in the manner prescribed by the regulation.

In addition to a description of the land, the contamination notice must contain

(1) the name and address of the applicant and of the owner of the land;

(2) the name of the municipality in which the land is situated and the land use authorized by the zoning laws; and

(3) if applicable, a summary of the characterization study stating, among other things, the nature of the hazardous materials present in the land.

In addition, whoever is responsible must send the Minister and the owner of the land a duplicate of the notice bearing a registration certificate or a copy of it certified by the Land Registrar. On receiving the document, the Minister shall send a copy to the municipality in which the land is situated; if the land is situated in a territory referred to in section 133 or 168 that is not constituted as a municipality, the document must be sent to the body designated by the Minister.

If whoever is responsible fails to apply for registration of a notice in the land register in accordance with the first paragraph, the Minister may require such registration and recover from that person or municipality the direct and indirect costs incurred by the Minister for that purpose.

"**70.5.5.** Registration in the land register of a decontamination notice may be applied for by anyone referred to in section 70.5.4, or by the owner of the land concerned, provided the land has undergone decontamination work and a subsequent characterization study has revealed that no hazardous materials are present.

The second and third paragraphs of section 70.5.4 apply, with the necessary modifications, to the decontamination notice. The notice must also mention any land use restrictions entered in the land register that have been rendered unnecessary as a result of the decontamination.

The characterization study mentioned in the first paragraph must be kept at the Minister's disposal.

"§3. — *Register and report*".

117. Section 70.6 of the Act is amended by replacing the first paragraph by the following paragraphs:

"Whoever has possession of a hazardous residual material must keep a register containing the information prescribed by government regulation.

"Hazardous residual material" means

(1) a hazardous material that was produced or used but subsequently discarded;

(2) a hazardous material that was used but is no longer used for the same purpose or a purpose similar to its initial use;

(3) a hazardous material that was produced or kept for eventual use but is outdated; or

(4) a hazardous material that was produced or used and that appears on a list of hazardous residual materials established by government regulation or belongs to a class appearing on the list."

118. Section 70.7 of the Act is amended

(1) by replacing "at the time" in the first paragraph by "at the intervals";

(2) by replacing the second paragraph by the following paragraph:

"The annual management report must contain an attestation of the accuracy of the information provided that is signed by the person carrying on the activity or, in the case of a person other than a natural person or a municipality, by a person authorized for that purpose."

119. The Act is amended by inserting the following after section 70.7:

"§4. — *Special regulatory measures*

"**70.7.1.** This subdivision applies, in addition to subdivision 1 of Division II, to the authorization for hazardous materials management."

120. Sections 70.8 and 70.9 of the Act are replaced by the following sections:

"**70.8.** Possession of a hazardous residual material for a period of more than 24 months is subject to the Minister's authorization in accordance with subparagraph 5 of the first paragraph of section 22.

In addition to the information and documents required under section 23, the authorization application must be accompanied by a hazardous materials management plan prepared in accordance with government regulation.

The management plan must contain an attestation of the accuracy of the information provided and be signed by whoever has possession of the hazardous materials or, in the case of a person other than a natural person or a municipality, by the person authorized for that purpose.

"**70.9.** The following activities are also subject to the Minister's authorization in accordance with subparagraph 5 of the first paragraph of section 22:

(1) the operation, for the operator's own purposes or those of another person, of a hazardous materials elimination site determined by government regulation, or the provision of a hazardous materials elimination service;

(2) the operation, for commercial purposes, of a treatment process for hazardous residual materials;

(3) the storage of hazardous residual materials, after taking possession of them for that purpose;

(4) the use of hazardous residual materials for energy generation, after taking possession of them for that purpose; and

(5) any other activity determined by government regulation.

Such an authorization is also required before carrying on an activity involving a hazardous material, other than an activity referred to in the first paragraph, that is likely to result in the release of contaminants into the environment or alter the quality of the environment."

121. Sections 70.10, 70.11 and 70.12 of the Act are repealed.

122. Sections 70.13 and 70.14 of the Act are replaced by the following sections:

"**70.13.** In addition to the information required under section 27, the authorization must contain a list of the hazardous materials or specify the classes of hazardous materials involved in the activity the holder is authorized to carry on.

"**70.14.** A hazardous materials management authorization referred to in the first paragraph of section 70.9 is valid for not more than five years. It may be renewed by the Minister in accordance with the terms and conditions prescribed by government regulation.

Sections 23 to 27 apply, with the necessary modifications, to the renewal referred to in the first paragraph."

123. Sections 70.15, 70.16 and 70.17 of the Act are repealed.

124. Section 70.18 of the Act is replaced by the following sections:

"**70.18.** A holder of a hazardous materials management authorization must inform the Minister within the time prescribed by government regulation of any total or partial cessation of activities. In addition to any cessation-of-activity measures prescribed by such a regulation, the holder must comply with any measures required by the Minister to prevent the release of contaminants into the environment and ensure, among other things, site cleaning and decontamination, hazardous materials management, equipment and facility dismantling and environmental monitoring.

A total cessation of activities entails the cancellation, by operation of law, of a hazardous materials management authorization, with the exception of any measures set out in the authorization that concern site restoration on cessation of activities, or post-closure management. However, at the holder's request, the Minister may maintain the authorization in force for the period and on the conditions the Minister determines.

"**70.18.1.** The Minister may amend, suspend, revoke or refuse to amend or renew a hazardous materials management authorization if the holder partially ceases the activities mentioned in it.

Before making a decision under this section, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations."

125. Section 70.19 of the Act is amended, in the first paragraph,

(1) by replacing "materials referred to in paragraph 21 of" in subparagraph 1 by "hazardous materials referred to in";

(2) by striking out subparagraph 4;

(3) by replacing "times" in subparagraph 5 by "intervals";

(4) by striking out "and an application for authorization under section 70.8," in subparagraph 6;

(5) by striking out subparagraphs 8 to 15.

126. Division X.1 of Chapter I of the Act is replaced by the following division:

"**DIVISION X.1**

"REGULATORY POWERS AND FEES PAYABLE

"**95.1.** The Government may make regulations

(1) to classify contaminants and sources of contamination;

(2) to exempt classes of contaminants or of sources of contamination from all or any part of this Act;

(3) to prohibit, limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

(4) to determine, for any class of contaminants or of sources of contamination, a maximum quantity or concentration that may be released into the environment, for all or part of the territory of Québec;

(5) to establish standards for the installation and use of any type of apparatus, device, equipment or process designed to control the release of contaminants into the environment;

(6) to regulate or prohibit the use of any contaminant and the presence of any contaminant in products sold, distributed or utilized in Québec;

(7) to define environmental protection and quality standards for all or part of the territory of Québec;

(8) to establish boundaries for territories and prescribe environmental protection and quality standards specific to each one, in particular to take into account its characteristics, the cumulative effects of its development, the support capacity of its ecosystems, and the human disturbances and pressures affecting its drainage basins;

(9) to exempt any person, municipality or class of activity it determines from all or part of this Act and prescribe, in such cases, environmental protection and quality standards applicable to the exempted persons, municipalities and activities, which may vary according to the type of activity, the territory concerned or the characteristics of the milieu;

(10) to require a certificate of compliance with regulatory standards, before or after certain specified classes of activities it determines are carried out, signed by a professional or any other person qualified in the field concerned, and prescribe the applicable terms and conditions;

(11) to establish measures providing for the use of economic instruments, including tradeable permits, emission, effluent and waste-disposal fees or charges, advance elimination fees or charges, and fees or charges related to the production of hazardous residual materials or the use, management or purification of water, with a view to protecting the environment and achieving environmental quality objectives for all or part of the territory of Québec;

(12) to establish any rule that is necessary for or relevant to carrying out measures referred to in subparagraph 11 and that pertains, in particular, to the determination of persons or municipalities required to pay the fees or charges referred to in that subparagraph, the conditions applicable to their collection and the interest and penalties payable if the fees or charges are not paid;

(13) to determine the terms and conditions governing authorization, accreditation or certification applications made under this Act, and those governing applications to amend, suspend or revoke an existing authorization, accreditation or certification, including the use of a specific form; those terms and conditions may vary according to the type of structure, works, industrial process, industry, work or other activity;

(14) to require a person or municipality to provide, for the activities or classes of activities the Government determines or on the basis of an activity's potential impacts on the environment, a financial guarantee to enable the Minister to meet any obligation imposed on the person or municipality by this Act or the regulations that the person or municipality has failed to meet and whose cost may be charged to the person or municipality, and to determine the nature and amount of the guarantee and the conditions governing its use by the Minister and its remittance; the amount of the guarantee may vary according to the class, nature and potential impacts on the environment of the activity for which the guarantee is required;

(15) to require a person or municipality to take out liability insurance to cover the activities or classes of activities the Government determines or on the basis of an activity's potential impacts on the environment, determine the scope, term and amount of the insurance, the latter of which may vary according to the class, nature and potential impacts on the environment of the activity for which the insurance is required, and prescribe any other conditions applicable to the insurance;

(16) to determine the persons or municipalities that may apply for an authorization or its amendment or renewal, or for an accreditation or certification, and the qualifications required for that purpose;

(17) to determine how section 115.8 is to be applied, in particular the conditions for filing the declaration provided for in that section, and the persons or municipalities that are exempted from the obligation to file such a declaration;

(18) to determine the persons authorized to sign any document required under this Act or the regulations;

(19) to determine the form of any authorization, accreditation or certification issued under this Act or any regulation made under it;

(20) to prescribe the records to be kept and preserved by any person or municipality carrying on an activity governed by this Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the period for which they must be preserved;

(21) to prescribe the reports, documents and information that must be provided to the Minister by any person or municipality carrying on an activity governed by this Act or the regulations, determine their form and content and the conditions governing their preservation and sending;

(22) to prescribe, in cases where anyone responsible for a source of contamination has, under sections 124.3 to 124.5, submitted a depollution program to the Minister and received the Minister's approval, the annual duties payable or the method and factors to be used in calculating such duties, the periods during which the duties must be paid and the terms of payment. The annual duties may vary according to such factors as

(*a*) the class of the source of contamination;

(*b*) the territory in which the source of contamination is located;

(*c*) the nature or extent of the release of contaminants into the environment; and

(*d*) the duration of the depollution program;

(23) to determine the methods for collecting, analyzing, calculating and verifying any release of a contaminant into the environment;

(24) to prescribe the methods for collecting, preserving and analyzing water, air, soil or residual material samples for the purposes of any regulation made under this Act;

(25) to prescribe the collection, analyses, calculations and verifications that must be done wholly or partly by a person or municipality accredited or certified by the Minister under this Act and specify the statements of analysis results that must be prepared and sent to the Minister;

(26) to regulate or prohibit the growing, sale, use or transportation of specified invasive plant species whose establishment or propagation in the environment is likely to harm the environment or biodiversity;

(27) to require a land reclamation plan for certain specified classes of projects, activities or industries likely to harm the surface of the soil or destroy the soil, as well as the payment of any guarantee, and prescribe the applicable standards and terms and conditions;

(28) to prescribe, for specified activities or classes of activities, the measures to be implemented on their cessation, as well as monitoring and post-closure management measures; and

(29) to prescribe any measure aimed at promoting the reduction of greenhouse gas emissions and require that climate change impact mitigation and adaptation measures be put in place.

A regulation made under this section may also prescribe any transitional measure necessary for its implementation.

"**95.2.** A regulation made under subparagraph 11 or 12 of the first paragraph of section 95.1 and prescribing waste-disposal or elimination fees or charges may provide that all or part of those fees or charges must be paid to the Société québécoise de récupération et de recyclage for the purposes of its functions in the field of residual materials recovery and reclamation.

"**95.3.** The Minister may, by regulation, determine

(1) the fees payable by an applicant for the issue, renewal or amendment of an authorization, approval, accreditation or certification under this Act or the regulations; and

(2) the fees payable by anyone required to file a declaration of compliance with the Minister under section 31.0.6.

The fees referred to in the first paragraph are set on the basis of the costs incurred to process the documents referred to in the first paragraph, including to examine them.

Such fees may vary according to the nature, scope or cost of the project, the class of the source of contamination, the characteristics of the enterprise or establishment, in particular its size, or the complexity of the technical and environmental aspects of the file.

The Minister may also set the terms of payment of the fees as well as the interest payable if they are not paid.

"**95.4.** The Minister may also, by regulation, determine the fees payable by any person or municipality the Minister specifies and that are intended to cover the costs incurred for control and monitoring measures, in particular the costs for inspecting facilities and examining information or documents provided to the Minister.

Under such a regulation, a person or municipality that has set up an environmental management system that meets a recognized Québec, Canadian or international standard may be exempted from paying all or part of the fees referred to in the first paragraph, on the conditions determined in the regulation.

The fees determined under the first paragraph are based on the nature of the activities, the characteristics of the facility, and the nature, quantity and location of the waste or the stored, buried, processed or treated materials.

The second, third and fourth paragraphs of section 95.3 apply to the fees determined under this section."

127. The Act is amended by inserting the following before the heading of Division XI of Chapter I:

"**CHAPTER V**

"STRATEGIC ENVIRONMENTAL ASSESSMENT

"**95.5.** The Administration's programs determined by government regulation, including the strategies, plans and other forms of guidelines the Administration develops, must be the subject of a strategic environmental assessment under this chapter. The same applies, with the necessary modifications, to draft amendments to such programs.

With regard to the Administration's programs not determined by government regulation, the Government may, exceptionally and on the conditions it determines, make some or all of them subject to such an assessment if they are likely to have significant effects on the environment.

In the development of the Administration's programs, one objective of such an assessment is to promote fuller consideration of environmental issues, including those related to climate change, human health and other living species. Another objective of such an assessment is to take cumulative impacts into consideration and ensure respect for the principles of sustainable development

provided for by the Sustainable Development Act (chapter D-8.1.1) in the development of the Administration's programs. A further objective of the assessment may be, if necessary, to determine any conditions of environmental and social acceptability for projects resulting from those programs.

For the purposes of this chapter, "Administration" means the Government, the Conseil exécutif, the Conseil du trésor, a government department, or a government agency within the meaning of the Auditor General Act (chapter V-5.01).

A person appointed or designated by the Government or a minister, together with the personnel directed by the person, is considered to be a government agency in the exercise of the functions assigned to the person by law or by the Government or the Minister.

"**95.6.** The "Strategic Environmental Assessment Advisory Committee" is established.

The Committee is composed of five members who represent the minister responsible for the administration of this Act, the minister responsible for municipal affairs, the minister responsible for natural resources, the minister responsible for health and the minister responsible for forests, wildlife and parks. Each minister shall designate a member to represent him and is responsible for that member's remuneration.

In addition, the Committee is composed of three members from civil society appointed by the Minister on the conditions the Minister determines.

The Minister may also appoint additional members for a special mandate, on the conditions the Minister determines.

The Minister shall ensure the coordination of the Committee's activities.

"**95.7.** If the Administration must, under section 95.5, conduct a strategic environmental assessment when developing a program, it shall first notify the Minister, who shall then inform the Strategic Environmental Assessment Advisory Committee.

"**95.8.** The Administration must prepare a strategic environmental assessment scoping report aimed at defining the scope, nature and extent of the public consultations to be carried out and which must include any other information prescribed by government regulation.

The report is submitted to the Strategic Environmental Assessment Advisory Committee for its opinion, and the Committee must make its comments to the Administration in writing within the time prescribed by government regulation. If, in the Committee's opinion, the scoping report is unsatisfactory, the Administration must amend it in light of the Committee's comments.

The Minister may, at the Committee's request, require expert opinions from the Bureau d'audiences publiques sur l'environnement in order to assist the Committee in evaluating the scoping report.

A copy of the final scoping report is sent to the Committee and to the Minister.

"**95.9.** If, in the opinion of the Strategic Environmental Assessment Advisory Committee, the scoping report is satisfactory, the Administration must then prepare an environmental preview report. The report must take the Committee's comments into account, describe the expected environmental effects of the program and include any other information prescribed by government regulation.

"**95.10.** The Administration must submit the environmental preview report to targeted or broad public consultation in the manner specified in the scoping report and, if applicable, that prescribed by government regulation.

The Minister may mandate the Bureau d'audiences publiques sur l'environnement to hold such a consultation. Sections 6.3 to 6.7 apply, with the necessary modifications, to the consultations held by the Bureau.

"**95.11.** After the public consultation, the Administration must prepare a draft final environmental report containing

(1) an account of the public consultation, including a summary of the observations and comments received;

(2) a summary of and justification for the adjustments that will be made to the program to reflect the strategic environmental assessment;

(3) if applicable, a statement of the measures to monitor the environmental effects identified, as well as the monitoring reports required while the program is being implemented; and

(4) any other information prescribed by government regulation.

The Administration must submit its draft report to the Strategic Environmental Assessment Advisory Committee, which must send its comments to the Administration within the time prescribed by government regulation. The Administration must, if necessary, revise its report to reflect those comments.

"**95.12.** The Administration must send a copy of its final environmental report to the Minister and adjust its program on the basis of the report's findings.

"**95.13.** All reports and documents produced in connection with a strategic environmental assessment conducted under this chapter are made public by the Minister in a strategic environmental assessment register. This also applies to the monitoring reports required while the program concerned is being implemented.

The Minister shall publish such documents and information with dispatch on the Minister's department's website, except the final environmental report, which must be published within 15 days after being received by the Minister.

"**95.14.** Every five years, the Minister shall propose to the Government a review of the regulations made under this chapter."

128. Division XI of Chapter I of the Act becomes Chapter XII of Title I.

129. Section 96 of the Act is renumbered 118.12 and replaced by the following section:

"**118.12.** Any order issued by the Minister, except an order issued under section 45.3.1, the second paragraph of section 45.3.2 or any of sections 45.3.3, 49.1, 58, 61, 115.4.5 and 120, may be contested by the municipality or person concerned before the Administrative Tribunal of Québec.

This also applies where the Minister

(1) refuses to issue, renew or amend all or part of an authorization, accreditation or certification;

(2) prescribes any special standard or any condition, restriction or prohibition when issuing, amending or renewing an authorization, accreditation or certification;

(3) suspends, amends on his own initiative or revokes all or part of an authorization, approval, accreditation or certification;

(4) is opposed to the transfer of an authorization or accreditation;

(5) approves, with amendments, a rehabilitation plan submitted under Division IV of Chapter IV or refuses to make an amendment, requested under section 31.60, to such a plan;

(6) sets or apportions costs or expenses other than those referred to in section 45.3.1 or 45.3.3;

(7) refuses to grant the emission allowances referred to in subdivision 1 of Division VI, disallows the use of such allowances to cover greenhouse gas emissions, suspends, withdraws or cancels such allowances, determines default greenhouse gas emissions or imposes any other penalty under that subdivision;

(8) determines compensation under section 61;

(9) determines any special standard or any condition, restriction or prohibition when issuing a depollution attestation referred to in subdivision 2 of Division III, amends such an attestation on his own initiative or refuses to amend it; or

(10) makes a decision under section 115.10.1.

If the Minister imposes a rate under section 39, the operator or person served may contest the decision before the Tribunal.

Despite the first paragraph, the Tribunal may not, when assessing the facts or the law, substitute its assessment of the public interest for that made by the Minister under section 31.79.1 or the second paragraph of section 31.81 to make his decision."

130. Section 96.1 of the Act is renumbered 118.13 and amended by striking out "However, sections 98.1 and 98.2 do not apply to such a proceeding."

131. Section 97 of the Act is renumbered 118.14 and amended by replacing "96 or 96.1" by "118.12 or 118.13".

132. Section 98 of the Act is renumbered 118.15.

133. Sections 98.1 and 98.2 of the Act are repealed.

134. Section 99 of the Act is renumbered 118.16 and amended by replacing "96.1" in the third paragraph by "118.13".

135. Section 100 of the Act is renumbered 118.17.

136. The heading of Division XII of Chapter I of the Act is struck out.

137. Sections 104, 104.1 and 105 of the Act are renumbered 2.3, 2.4 and 2.5, respectively.

138. Division XIII of Chapter I of the Act becomes Chapter VI of Title I.

139. The heading of subdivision 1 before section 106 of the Act is struck out.

140. The Act is amended by inserting the following before section 113:

"**DIVISION I**

"POWERS AND ORDERS".

141. Section 114 of the Act is replaced by the following section:

"**114.** If a person or municipality does not comply with this Act or the regulations, or with an authorization, order, approval, certificate, attestation, accreditation or certification issued under them, in particular by doing work, erecting structures or works or carrying on other activities in contravention of any of them, the Minister may, on the conditions the Minister determines, order the person or municipality to remedy the situation by doing one or more of the following:

(1) cease, modify or limit the activity concerned, to the extent determined by the Minister;

(2) reduce or cease the release of contaminants into the environment, and install or use any equipment or apparatus required for that purpose;

(3) demolish all or part of the work, structures or works concerned;

(4) restore all or part of the site to the state it was in before the work or other activities began or the structures or works were erected, or to a state approaching its original state;

(5) implement compensatory measures; or

(6) take any other measure the Minister considers necessary to remedy the situation.

The Minister may also, if of the opinion that it is necessary to ensure supervision of environmental quality, order the owner or lessee of a site where a source of contamination is located, or anyone else who is responsible for the site, to install, within the time and at the place designated by the Minister, any class or type of equipment or apparatus for measuring the concentration, quality or quantity of any contaminant, and oblige whoever is responsible to send the data collected in the manner and form determined by the Minister.

In addition, the Minister may order the owner or lessee of a site where a source of contamination is located, or anyone else who is responsible for the site, to install, within the time and at the place designated by the Minister, any works the Minister considers necessary to carry out sampling and analysis of any source of contamination or to install any equipment or apparatus described in the preceding paragraph, and require the owner, lessee or whoever is responsible for the site to send the data collected in the manner and form determined by the Minister."

142. Section 114.1 of the Act is amended by replacing "dumped, emitted, issued or discharged into the water or onto the soil, accidentally or contrary to the provisions of this Act or the regulations of the Government" by "released into the water or onto the soil, accidentally or contrary to the provisions of this Act or the regulations".

143. Section 114.3 of the Act is amended by striking out the second paragraph.

144. Section 115.0.1 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing "emitted, deposited, discharged or ejected" by "released";

(*b*) by replacing "the risk of damage to public or private property, human beings, wildlife, vegetation or the general environment" by "any adverse effects on the quality of the environment, on the life, health, safety, well-being or comfort of human beings or on ecosystems, other living species or property";

(2) by replacing "emission, deposit, discharge or issuance" in the second paragraph by "release";

(3) by striking out "If there is more than one debtor, they are solidarily liable." in the fourth paragraph.

145. Section 115.1 of the Act is amended

(1) in the first paragraph,

(*a*) by replacing all occurrences of "emitted, deposited, discharged or ejected" by "released";

(*b*) by replacing "the risk of damage to public or private property, human beings, wildlife, vegetation or the general environment" by "any adverse effects on the quality of the environment, on the life, health, safety, well-being or comfort of human beings or on ecosystems, other living species or property";

(2) by replacing "emission, deposit, discharge or issuance" in the third paragraph by "release", and by striking out the last sentence.

146. Section 115.2 of the Act is replaced by the following section:

"**115.2.** The Minister may delegate, to a person the Minister designates, the power to make an order under subparagraph 1 of the first paragraph of section 114. However, that person may not make such an order unless of the opinion that the work, structures, works or other activities concerned cause or create a risk of causing serious harm or damage to living species, human health or the environment. Such an order is valid for a period of not more than 90 days.

In such a case, the person or municipality concerned may be ordered to take, within the time specified in the order, the measures required to prevent or reduce the risk of such harm or damage.

Any order made under this section is deemed to have been made by the Minister for the purposes of this Act or the regulations."

147. Section 115.3 of the Act is repealed.

148. The Act is amended by inserting the following section after section 115.3:

"**115.3.1.** The Minister may order the operator of any quarry or sand pit who began operations before 17 August 1977 to prepare and implement a land

reclamation and restoration plan in accordance with the conditions specified by the Minister."

149. Section 115.4 of the Act is replaced by the following sections:

"**115.4.** An order made under this Act must include reasons and takes effect on the date of its notification to the offender or on any later date specified in the order.

The secretary-treasurer or clerk of the local municipality in whose territory an order under this Act is to be enforced must be informed of the order by the Minister.

"**115.4.1.** Before making an order under this Act, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person or municipality concerned and allow the person or municipality at least 15 days to submit observations.

"**115.4.2.** Despite section 115.4.1, the Minister may issue an order under this Act without first notifying the prior notice required under that section, provided the order is made in urgent circumstances or in order to prevent serious or irreparable harm or damage to human beings, ecosystems, other living species, the environment or property.

A person or municipality to whom or which an order referred to in the first paragraph has been notified may, within the time specified in it, submit observations to the Minister with a view to obtaining a review of the order.

"**115.4.3.** Any order issued to the owner of an immovable must be registered against the immovable. It may then be invoked against any acquirer whose title is registered subsequently, and the obligations imposed on the former owner by the order are binding on the subsequent acquirer.

"**115.4.4.** In the event of non-compliance with an order issued under this Act, the costs related to implementing the measures ordered by the Minister and incurred by him in exercising his powers under section 113 constitute a prior claim on the immovable of the same nature and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code.

The same applies to amounts owed to the Minister under sections 115.0.1 and 115.1.

Articles 2654.1 and 2655 of the Civil Code apply, with the necessary modifications, to the claims referred to in the first and second paragraphs.

"**115.4.5.** The Minister may, after investigation, order a municipality to exercise the powers relating to environmental quality conferred on it by this Act or any other Act."

150. Subdivision 2 of Division XIII of Chapter I of the Act becomes Division II of Chapter VI of Title I and its heading is replaced by the following heading:

"REFUSAL, AMENDMENT, SUSPENSION AND REVOCATION OF AUTHORIZATION".

151. Section 115.5 of the Act is amended, in the first paragraph,

(1) by replacing "refuse to issue or renew an authorization certificate, or may amend, suspend or revoke such a certificate" in the introductory clause by ", for all or part of a project, refuse to issue, amend or renew an authorization, or may amend, suspend or revoke it";

(2) by replacing "a material fact to have the certificate issued, maintained or renewed" in subparagraph 3 by "or has omitted to report a material fact to have the authorization issued, maintained, amended or renewed";

(3) by replacing "authorization certificate has been suspended or revoked" in subparagraph 7 by "authorization has been suspended or revoked".

152. Section 115.6 of the Act is amended

(1) by replacing "refuse to issue or renew an authorization certificate, or may amend, suspend or revoke such a certificate" by ", for all or part of a project, refuse to issue, amend or renew an authorization, or may amend, suspend or revoke it";

(2) by replacing all occurrences of "by the certificate" by "by the authorization".

153. Section 115.7 of the Act is amended

(1) by replacing "refuse to issue or renew an authorization certificate, or may amend, suspend or revoke such a certificate" in the introductory clause by ", for all or part of a project, refuse to issue, amend or renew an authorization, or may amend, suspend or revoke it";

(2) by replacing "by the certificate" in paragraph 2 by "by the authorization".

154. Section 115.8 of the Act is replaced by the following section:

"**115.8.** For the purposes of sections 115.5 to 115.7, the applicant or holder must, in order to be issued an authorization or have it maintained, amended or renewed, file the declaration prescribed by government regulation.

The Government or the Minister may also, for the same purposes, require any additional information or document, in particular as regards penal or indictable offences of which the applicant or holder or any of their money lenders or, in the case of a legal person, any of its directors, officers or shareholders, has been convicted.

This section also applies to anyone who wishes to be transferred an authorization in accordance with section 31.0.2 or an accreditation in accordance with section 118.9."

155. Section 115.10 of the Act is replaced by the following sections:

"**115.10.** The Government or the Minister may, for all or part of a project, amend, suspend or revoke an authorization, or refuse to amend or renew it, if the holder

(1) fails to comply with its provisions or uses it for purposes other than those specified in the authorization;

(2) fails to comply with this Act or the regulations; or

(3) fails to begin an activity within the time specified in the authorization or, if no time limit is specified, within two years after the authorization is issued.

"**115.10.1.** If, in light of new or additional information that becomes available after an authorization is issued under this Act or after existing information is reassessed on the basis of new or additional scientific knowledge, the Minister is of the opinion that an activity he authorized under this Act is likely to cause irreparable harm or damage to or have serious adverse effects on living species, human health or the environment, the Minister may limit or put a stop to the activity or make it subject to any special standard or any condition, restriction or prohibition the Minister deems necessary to remedy the situation, for the period the Minister determines or permanently.

The Minister may exercise the power under the first paragraph with regard to any activity authorized by the Government under this Act. However, such a decision is valid for a period of not more than 30 days.

The Minister may also, for the same reasons and to the same extent as provided for in the first paragraph, limit or put a stop to any activity for which a declaration of compliance was filed or which may be carried out without prior authorization under this Act. The Minister may make such an activity subject to any special standard or any condition, restriction or prohibition the Minister determines.

"**115.10.2.** For activities carried on in connection with a project it has authorized, the Government may, on the Minister's recommendation based on the reasons set out in the first paragraph of section 115.10.1, for the period it determines or permanently,

(1) modify the special standards or the conditions, restrictions or prohibitions governing the activity concerned;

(2) impose any new special standard or condition, restriction or prohibition on the activity; or

(3) limit or put a stop to the activity.

"**115.10.3.** A decision made by the Minister or the Government under sections 115.10.1 and 115.10.2, respectively, entails no compensation from the State and prevails over any incompatible provision of an Act, by-law, regulation or order in council."

156. Section 115.11 of the Act is replaced by the following section:

"**115.11.** Section 115.4.1 applies, with the necessary modifications, to any decision made by the Minister under any of sections 115.5 to 115.10.1.

In addition, before making a decision under those sections, the Government must allow the applicant or authorization holder at least 15 days to submit written observations.

Section 115.4.2 applies in the same way, with the necessary modifications, to any decision of the Minister or Government."

157. Section 115.12 of the Act is amended by replacing "authorizations, approvals, permissions, attestations, certificates and permits granted" by "approvals, certificates, attestations, authorizations, accreditations and certifications granted".

158. Section 115.13 of the Act is amended by replacing "a penal proceeding is deemed to have priority" in subparagraph 4 of the second paragraph by "priority will be given to penal proceedings".

159. Section 115.14 of the Act is amended by inserting "on the person or municipality" after "served".

160. Subdivision 3 of Division XIII of Chapter I of the Act becomes Division III of Chapter VI of Title I.

161. Section 115.17 of the Act is amended by replacing "being notified" in the first paragraph by "notification".

162. Section 115.20 of the Act is amended

(1) by replacing "that the applicant has the right to contest the decision before the Administrative Tribunal of Québec within the time prescribed for that purpose" in the first paragraph by "the applicant's right to contest the

decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding";

(2) by replacing "third" in the second paragraph by "fifth";

(3) by replacing "within the time prescribed for" in the second paragraph by "after the time required by".

163. Section 115.23 of the Act is amended

(1) in the first paragraph,

(*a*) by inserting "fails" at the end of the introductory clause;

(*b*) by replacing "refuses or neglects to give a notice or furnish information, studies, research findings, expert evaluations, reports, plans or other documents," in subparagraph 1 by "to send a notice or provide any information, study, research findings, expert evaluation, report, plan, program or document";

(*c*) by striking out "fails" in subparagraphs 2 and 3;

(2) by inserting "or section 70.5.5" at the end of subparagraph 1 of the second paragraph.

164. Section 115.24 of the Act is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

"(1) fails to comply with any standard or any condition, restriction, prohibition or requirement relating to an approval, authorization, certificate, attestation or certification issued by the Government or the Minister under this Act, in cases where no other monetary administrative penalty is provided for in this Act or the regulations for such failure;";

(2) by replacing subparagraphs 1 to 4 of the second paragraph by the following subparagraphs:

"(1) fails to submit activity reports to the Minister under the fourth paragraph of section 29 at the intervals and in the manner and form determined by the Minister;

"(2) fails to provide information requested by the Minister under section 31.0.4;

"(3) fails to notify the Minister in the cases referred to in section 31.0.9 or 31.16 and in accordance with the conditions provided for in those sections;

"(4) fails to send the Minister an expert's certificate under section 31.48 or the fourth paragraph of section 31.68.1;

"(5) has custody of land but does not grant access to a person requiring such access for the purposes set out in section 31.63;

"(6) fails to establish a committee to exercise the function set out in the first paragraph of section 57; or

"(7) prevents a person referred to in section 119 from exercising the powers conferred by that section or hinders such a person."

165. Section 115.25 of the Act is amended by replacing paragraphs 1 to 10 by the following:

"(1) fails to notify the Minister without delay of an accidental release of a contaminant into the environment, as required under section 21;

"(2) carries out a project, carries on an activity or does something without first obtaining the authorization, approval, certificate, attestation, accreditation or certification required under this Act, in particular under sections 22, 31.0.5.1, 31.1 and 118.6;

"(3) makes a change referred to in section 30 or 31.7 with regard to an activity authorized by the Government or the Minister without first obtaining an amendment to the authorization concerned as required under those sections;

"(4) fails to comply with a condition, restriction or prohibition determined by the Government, a committee of ministers or the Minister under section 31.0.12, 31.6, 31.7.1 or the second paragraph of section 31.7.2;

"(5) fails to inform the Minister of a permanent cessation of a water withdrawal or to comply with the measures the Minister imposes, as required under section 31.83;

"(6) fails to carry out a characterization study or to submit a land rehabilitation plan together with the required documents for the Minister's approval, as required by this Act;

"(7) fails to keep the facility concerned operating until the alternative measures approved by the Minister take effect, as required under the second paragraph of section 32.7;

"(8) sets up or operates premises referred to in the first paragraph of section 33 that are not equipped with an authorized water management or treatment facility or one that complies with that section;

"(9) imposes a different rate than the one imposed by the Minister, or imposes a rate before the date prescribed by the Minister in accordance with section 39; or

"(10) fails to fulfill the obligations set out in the first or second paragraph of section 66 with respect to the deposit or discharge of residual materials.

The penalty prescribed in the first paragraph may also be imposed on any person or municipality that fails to comply with a measure imposed by the Minister under section 31.0.5, 31.24, 31.83 or 70.18."

166. Section 115.26 of the Act is amended by replacing subparagraphs 1 to 10 of the first paragraph by the following subparagraphs:

"(1) releases or permits the release of a contaminant into the environment in a quantity or concentration exceeding that determined under this Act, in particular under section 25, 26 or 31.37, contrary to the first paragraph of section 20;

"(2) contravenes the prohibition in the second paragraph of section 20 against the release of any contaminant whose presence in the environment is likely to adversely affect the life, health, safety, welfare or comfort of human beings, or to cause damage to or otherwise impair the quality of the environment, ecosystems, living species or property;

"(3) is responsible for an accidental release of contaminants into the environment and fails to stop it as required under section 21;

"(4) has custody of land in which contaminants are found and fails to notify the owner of the neighbouring land of their presence or to send a copy of the notice to the Minister, in the cases and on the conditions set out in section 31.52;

"(5) contravenes the prohibition in section 31.90 or 31.105 against transferring water;

"(6) fails to take water samples as required under section 45.1 and to forward them to an accredited laboratory;

"(7) fails to take the measures prescribed by the Minister in accordance with an emergency plan formulated under section 49 in case of air pollution;

"(8) conducts the study required under section 65 but fails to notify the owner of the neighbouring land or to send a copy of the notice to the Minister, in the cases and on the conditions set out in section 65.3;

"(9) is responsible for an accidental release of hazardous materials into the environment and fails to

(*a*) recover them, as required under section 70.5.1; or

(*b*) notify the owner of the neighbouring land or send a copy of the notice to the Minister, in the cases and on the conditions set out in section 70.5.3;

"(10) fails to comply with an order imposed under this Act, or in any way prevents or hinders its enforcement;

"(11) carries out a project, carries on or pursues an activity or does something even though

(*a*) the issue or renewal of the approval, authorization, certificate, attestation, accreditation or certification required under this Act has been refused; or

(*b*) the approval, authorization, certificate, attestation, accreditation or certification required under this Act has been suspended or revoked; or

"(12) carries on an activity or does something that contravenes a decision the Government or the Minister renders in his or its regard under this Act."

167. Division XIII.1 of Chapter I of the Act becomes Chapter VII of Title I.

168. Section 115.29 of the Act is amended

(1) by replacing paragraph 1 by the following paragraph:

"(1) contravenes section 31.0.1, paragraph 2 of section 31.38, section 31.55, the third paragraph of section 31.59, section 31.68, 50, 51, 52, 53.31, 64.3 or 64.11, the third paragraph of section 65, section 68.1 or 70.5, the third paragraph of section 70.5.5, or section 70.6, 70.7 or 124.4,";

(2) by replacing "to give a notice or furnish information, studies, research findings, expert evaluations, reports, plans" in paragraph 3 by "to send a notice or provide any information, study, research findings, expert evaluation, report, plan, program".

169. Section 115.30 of the Act is amended

(1) by replacing paragraphs 1 to 4 by the following paragraphs:

"(1) contravenes the fourth paragraph of section 29, section 31.0.4, 31.0.9 or 31.16, paragraph 1 of section 31.38, section 31.47 or 31.48, the fourth paragraph of section 31.68.1, section 31.58, the third paragraph of section 31.60, section 31.63, subparagraph 1 or 2 of the first paragraph of section 46.2, section 46.10, 53.31.12 or 56, the first paragraph of section 57, section 64.2 or 64.10, the second paragraph of section 65, the first paragraph of section 65.2 or 70.5.4, or section 123.1,

"(2) fails to comply with any standard or any condition, restriction, prohibition or requirement relating to an approval, authorization, certificate, attestation, accreditation or certification issued by the Government or the Minister under this Act, in cases where no other penalty is provided for in this Act or the regulations,

"(3) fails to comply with a corrective program imposed by the Minister under section 31.27,

"(4) fails to apply or comply with a land rehabilitation plan approved by the Minister under this Act,";

(2) by replacing "116.2" in paragraph 5 by "124.3";

(3) by inserting "or hampers" before "or misleads" in paragraph 6;

(4) by striking out paragraph 9.

170. Section 115.31 of the Act is amended

(1) by replacing paragraphs 1 to 5 by the following paragraphs:

"(1) contravenes section 22, the first paragraph of section 30, section 31.0.5.1, 31.1, 31.7, 31.10, 31.26, 31.51, 31.51.1, 31.53, 31.54 or 31.57, the second paragraph of section 31.68.1, section 31.75, the first or second paragraph of section 32.7, section 33, 39, 41 or 43, the first paragraph of section 46.6, section 55, 66, 70.5.2, 70.8 or 70.9, the first paragraph of section 118.9, or section 154 or 189,

"(2) fails to notify the Minister without delay of any accidental release of a contaminant into the environment, as required under section 21,

"(3) fails to comply with a condition, restriction or prohibition determined by the Government, a committee of ministers or the Minister under section 31.0.12, 31.6 or 31.7.1 or the second paragraph of section 31.7.2,

"(4) fails to comply with a measure imposed by the Minister under section 31.0.5, 31.24, 31.83 or 70.18,

"(5) fails to inform the Minister of a permanent cessation of a water withdrawal or to comply with the measures the Minister imposes, as required under section 31.83,

"(6) files or signs an attestation required under this Act or the regulations that is false or misleading,

"(7) carries out a project, carries on an activity or does something without first obtaining any other authorization required under this Act or the regulations, in cases where no other penalty is provided for in this Act or the regulations, or

"(8) makes a declaration or provides information that is false or misleading in order to obtain an approval, authorization, certificate, attestation, accreditation or certification required under this Act or the regulations.";

(2) by adding the following paragraph at the end:

"If penal proceedings are brought against a professional within the meaning of the Professional Code (chapter C-26) for an offence under subparagraph 6 of the first paragraph, the Minister shall inform the syndic of the professional order concerned."

171. Section 115.32 of the Act is amended

(1) by replacing paragraphs 1 and 2 by the following paragraphs:

"(1) contravenes section 20, 31.52, 45, 45.1, 65.3, 70.5.1, 70.5.3 or 83,

"(2) is responsible for an accidental release of contaminants into the environment and fails to stop it as required under section 21,";

(2) by replacing "an emergency plan formulated by the Minister" in paragraph 4 by "the Minister in accordance with an emergency plan formulated";

(3) by striking out paragraph 5;

(4) by replacing "refuses or neglects to" in paragraph 6 by "fails to";

(5) by replacing paragraph 7 by the following paragraph:

"(7) carry out a project, carry on or pursue an activity or do something even though

(*a*) the issue or renewal of the approval, authorization, certificate, attestation, accreditation or certification required under this Act has been refused, or

(*b*) the approval, authorization, certificate, attestation, accreditation or certification required under this Act has been suspended or revoked,";

(6) by adding the following paragraph at the end:

"(8) carries on an activity or does something that contravenes any other decision the Government or the Minister renders in his or its regard under this Act."

172. Section 115.43 of the Act is amended by inserting "or to the Fund for the Protection of the Environment and the Waters in the Domain of the State established under section 15.4.38 of that Act" at the end of subparagraph *e* of subparagraph 5 of the first paragraph.

173. Section 115.44 of the Act is amended by inserting "or to the Fund for the Protection of the Environment and the Waters in the Domain of the State" after "Green Fund".

174. Division XIV of Chapter I of the Act becomes Chapter VIII of Title I and its heading is replaced by the following heading:

"CLAIMS AND RECOVERY".

175. Section 115.48 of the Act is amended

(1) by striking out everything after "section 115.16" in the first paragraph;

(2) by replacing the second paragraph by the following paragraphs:

"A notice of claim must state the amount of the claim, the reasons for it and the time from which it bears interest. In the case of a monetary administrative penalty, it must mention the right to obtain a review of the decision and the time limit for applying for a review. In other cases, the notice must mention the right to contest the claim before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

The notice must also include information on the procedure for recovery of the amount owing, in particular with regard to the issue of a recovery certificate under section 115.53 and its effects. The person or municipality concerned must also be advised that failure to pay the amount owing may give rise to the refusal, amendment, suspension or revocation of any authorization issued under this Act or the regulations and, if applicable, that the facts on which the claim is founded may result in penal proceedings.

If the notice applies to more than one person or municipality, the debtors are solidarily liable."

176. Section 115.49 of the Act is amended by replacing "or, if applicable, a review decision that confirms the imposition of a monetary administrative penalty," in the first paragraph by ", other than a notice of claim notified in accordance with section 115.16,".

177. Section 116.1 of the Act is renumbered 123.4 and amended by replacing "Division XI" by "Chapter XII".

178. Section 116.1.1 of the Act is renumbered 123.5 and amended by striking out the second paragraph.

179. Section 116.2 of the Act is renumbered 124.3.

180. Section 116.3 of the Act is renumbered 124.4 and amended

(1) by replacing "116.2, he shall publish a notice in two consecutive issues of a daily newspaper circulated in" in the first paragraph by "124.3, he shall, by any means the Minister determines, inform the population of";

(2) by replacing "publication of such notice" in the second paragraph by "dissemination of this information".

181. Section 116.4 of the Act is renumbered 124.5 and amended by replacing "in section 116.3 and the period of 15 days following the publication of the second notice published under section 116.3" in the first paragraph by "in the third paragraph of section 124.4 and the period of 15 days following the dissemination of that information to the population in accordance with the first paragraph of that section".

182. Section 117 of the Act is renumbered 121.3 and amended by replacing "to the emission, deposit, issuance or discharge" in the first paragraph by "to the release".

183. Section 118 of the Act is renumbered 121.4 and amended by replacing "117" by "121.3".

184. Sections 118.0.1 to 118.2 of the Act are repealed.

185. The Act is amended by inserting the following after section 118.2:

"**CHAPTER IX**

"MUNICIPALITIES".

186. Section 118.3.1 of the Act is renumbered 115.4.6.

187. The Act is amended by inserting the following section after section 118.3.2:

"**118.3.3.** A regulation made under this Act and the standards established under the second paragraph of section 31.5 prevail over any municipal by-law relating to the same object, unless the by-law has been approved by the Minister, in which case it prevails to the extent determined by the Minister. Notice of such approval must be published without delay in the *Gazette officielle du Québec*. This paragraph applies despite section 3 of the Municipal Powers Act (chapter C-47.1).

The Minister may amend or revoke any approval granted under the first paragraph if the Government adopts a new regulation relating to a matter covered in a previously approved municipal by-law.

Notice of the Minister's decision must be published without delay in the *Gazette officielle du Québec*."

188. Sections 118.4 and 118.5 of the Act are replaced by the following:

"**CHAPTER X**

"ACCESS TO INFORMATION AND REGISTERS

"**118.4.** Every person or municipality has the right to obtain from the Ministère du Développement durable, de l'Environnement et des Parcs a copy of the following available information or documents:

(1) any information on the quantity, quality or concentration of contaminants released by a source of contamination or on the presence of a contaminant in the environment;

(2) the soil characterization studies and toxicological and ecotoxicological risk assessments and groundwater impact assessments required under Division IV of Chapter IV;

(3) the required studies, expert evaluations and reports for the purpose of determining the impact of a water withdrawal on the environment, other users or public health;

(4) any statements of control and monitoring results with regard to contaminant releases and any reports and information provided to the Minister under Division III of Chapter IV and the regulations; and

(5) any annual management reports or hazardous materials management plans sent to the Minister under sections 70.7 and 70.8.

This section applies subject to the right-of-access restrictions provided for in sections 28, 28.1 and 29 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and does not apply to information on the location of threatened or vulnerable species.

"**118.5.** The Minister shall keep a register in which the following documents and information are made available to the public:

(1) applications submitted under this Act to have an authorization issued, amended, renewed, suspended or revoked;

(2) authorizations, accreditations and certifications issued, amended or renewed under this Act, including all information, documents, studies and analyses mentioned in section 27 and any other information, documents or studies forming an integral part of them under another provision of this Act;

(3) notices of transfer of authorization or accreditation sent under section 31.0.2 or 118.9, and the Minister's decisions and notices of intention referred to in those sections;

(4) decisions regarding a refusal to issue, amend or renew an authorization or regarding its suspension or revocation, and the prior notices regarding such decisions;

(5) declarations of compliance, including any supporting documents, filed under section 31.0.6;

(6) declarations of activity required under the fourth paragraph of section 31.0.12;

(7) authorizations proposed by the Minister under Division III of Chapter IV with regard to the operation of an industrial establishment, and the applicant's observations on such proposals;

(8) all comments submitted during the consultation period provided for in sections 31.20 and 31.22 with regard to the operation of an industrial establishment;

(9) rehabilitation plans approved or amended under Division IV of Chapter IV;

(10) certificates sent under section 31.48;

(11) declarations of compliance, including any supporting documents, filed under section 31.68.1 regarding certain rehabilitation measures;

(12) depollution attestations issued or amended under Division III.1 of Chapter IV;

(13) orders and notices made under this Act prior to the issue of an order;

(14) proceedings brought under Chapter XII;

(15) depollution programs submitted or approved under section 124.3; and

(16) agreements referred to in subparagraph 7 of the first paragraph of section 53.30 and entered into for the implementation of a residual materials recovery and reclamation system or its financing.

"**118.5.0.1.** The Minister shall keep a register of projects that are subject to the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV in which the following documents are made available to the public:

(1) the notices required under section 31.2;

(2) the Minister's directives for preparing an environmental impact assessment statement and the observations and issues raised under sections 31.3 and 31.3.1;

(3) the impact assessment statements received by the Minister, the Minister's findings and questions under section 31.3.3, and any information supplementing an impact assessment statement;

(4) the recommendations of the Bureau d'audiences publiques sur l'environnement required under section 31.3.5;

(5) the authorizations issued or amended under this subdivision and any other information, document or study forming an integral part of such authorizations;

(6) any monitoring reports required under government authorizations; and

(7) any other document prescribed by government regulation.

The Government may, by regulation, prescribe the terms applicable to the publication of information and documents in the environmental assessment register created under this section."

189. Section 118.5.3 of the Act is replaced by the following section:

"**118.5.3.** Subject to the right-of-access restrictions provided for in sections 28, 28.1 and 29 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the documents and information contained in the registers established under sections 118.5 to 118.5.2 are public except information concerning the location of threatened or vulnerable species.

In addition, the restrictions provided for in section 23.1 of this Act apply to the information and documents contained in the register established under section 118.5.

The Minister shall publish such documents and information on the Minister's department's website with due dispatch."

190. Section 118.6 of the Act is replaced by the following:

"**CHAPTER XI**

"ACCREDITATION AND CERTIFICATION

"**118.6.** The Minister may accredit or certify a person or municipality to take samples or carry out analyses, calculations, assessments, expert evaluations or verifications.

The Minister may issue such an accreditation or certification, on the conditions the Minister determines, to any person or municipality that

(1) meets the applicable conditions prescribed for that purpose by government regulation, in particular the eligibility or issuing conditions; and

(2) pays the fees set by government regulation.

"**118.7.** The term of an accreditation or certification is set by the Minister.

When an accreditation or certification expires, the Minister may renew it, on the conditions he determines, if the accredited or certified person or municipality

(1) meets the conditions prescribed by government regulation for that purpose, in particular the conditions for maintaining it; and

(2) pays the fees set by government regulation.

"**118.8.** An accredited or certified person or municipality must notify the Minister immediately of any change in his or its contact information.

The person or municipality may also apply to the Minister to have an accreditation or certification amended.

"**118.9.** A certification is non-transferable.

An accreditation is transferable. However, the transferor must send the Minister prior notice of the transfer containing the information and documents prescribed by government regulation.

With the notice, the transferee must include the declaration required by the Minister under section 115.8 as well as the information and documents prescribed by government regulation.

Within 30 days of receiving the information and documents mentioned in the second and third paragraphs, the Minister may notify to the transferor and the transferee a notice of his intention to oppose the transfer for any of the reasons listed in sections 115.5 to 115.7. If the Minister does not send such a notice within that time, the transfer is deemed to have been completed.

The notice of intention must grant the transferor and transferee at least 15 days to submit their observations.

Within 15 days of receiving the observations or on the expiry of the period for submitting them, the Minister shall notify his decision to the transferor and transferee.

Once the transfer of an authorization has been completed, the new holder has the same rights and obligations as the transferor.

"**118.10.** The Minister may establish advisory committees to advise him on any question he may submit to them concerning, among other things, the issue of an accreditation or certification or its amendment, renewal, suspension or revocation.

The Minister shall determine the number, composition and mandates of the committees.

"**118.11.** The Minister may enter into an agreement to delegate to a person or municipality all or part of his responsibilities under sections 118.6 to 118.10 or any power relating to the enforcement of this chapter.

Such an agreement may set out, among other things,

(1) the delegates' responsibilities;

(2) the powers set out in this Act that may be exercised by a delegatee, including suspension, amendment, revocation or control powers;

(3) the sums a delegatee may keep and the purposes for which they may be used;

(4) the rules on the collection, use, communication and preservation of information by a delegatee;

(5) the reporting procedures a delegatee must follow;

(6) the sanctions applicable for non-compliance with obligations arising from the agreement; and

(7) the conditions governing renewal and cancellation of the agreement.

The delegatee is responsible for any harm or damage caused in the course of carrying out the delegation agreement."

191. The Act is amended by inserting the following before section 119:

"**CHAPTER XII**

"INSPECTIONS AND INVESTIGATIONS".

192. The Act is amended by inserting the following section after section 119.0.1:

"**119.0.2.** If a municipality is required to apply all or part of a regulation made under this Act, its functionaries or employees, duly authorized by it, are

invested with the powers set out in section 119 for the purposes of the regulation concerned."

193. Section 119.1 of the Act is amended by replacing "damage or serious harm to the quality of the soil, to vegetation, to wildlife" in subparagraph 2 of the fifth paragraph by "serious damage or harm to the environment, to living species".

194. Section 120 of the Act is amended by inserting "or municipality" after "any person".

195. Section 120.1 of the Act is amended by replacing "damage or serious harm to the quality of the soil, to vegetation or to wildlife" in the second paragraph by "serious damage or harm to the environment or living species".

196. Section 122 of the Act is renumbered 2.6.

197. Section 122.2 of the Act is replaced by the following:

"**CHAPTER XIV**

"MISCELLANEOUS PROVISIONS

"**122.2.** The authority who issues an authorization may also suspend or cancel it on an application by the holder.

This section applies, with the necessary modifications, to any approval, certificate, attestation, accreditation or certification granted under this Act or the regulations."

198. Section 123.1 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

"The holder of an authorization issued under this Act is required to comply with the standards and the conditions, restrictions and prohibitions set out in the authorization.";

(2) by striking out the second sentence of the second paragraph.

199. Section 123.2 of the Act is amended by replacing "and every denial of conformity made under section 95.4 are executory" in the first paragraph by "is executory".

200. Section 124 of the Act is replaced by the following section:

"**124.** The Minister is exonerated of all liability for damage suffered by an authorization holder and resulting from an activity carried out in accordance

with the information or documents provided by that holder and on which the authorization is based, unless the damage is due to an intentional or gross fault.

The same applies to damage suffered by any declarant of an activity and resulting from an activity carried out in accordance with the information or documents accompanying the declaration of compliance made under sections 31.0.6 and 31.0.7."

201. Section 124.2 of the Act is renumbered 118.3.4 and amended by replacing "fourth paragraph of section 124" by "first paragraph of section 118.3.3".

202. The Act is amended by inserting the following sections after section 124.5:

"**124.6.** The Minister shall notify the Minister of Health and Social Services of the presence of any contaminant in the environment that is likely to adversely affect the life, health, safety, welfare or comfort of human beings. The Minister may also, if of the opinion that it is advisable, notify the Minister of Public Security and the Minister of Agriculture, Fisheries and Food.

"**124.7.** The Minister shall, at least once every 10 years, produce and table in the National Assembly a report on the implementation of this Act and recommendations on the advisability of amending it.

The first report must be tabled in the National Assembly not later than 23 March 2027.

"**124.8.** The Minister shall, every five years, propose to the Government a revision of the regulatory provisions made under sections 31.0.6 and 31.0.12."

203. Section 129.1 of the Act is repealed.

204. Chapter II of the Act becomes Title II.

205. The divisions and subdivisions of Chapter II of the Act become chapters and divisions, respectively.

206. Section 213 of the Act is amended by replacing "Division IV.1 of Chapter I" by "subdivision 4 of Division II of Chapter IV of Title I".

PART II

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

207. Section 12 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended

(1) by replacing paragraph 3 by the following paragraph:

"(3) take samples or carry out research, inventories, studies, analyses, calculations, assessments, expert evaluations or verifications and provide, on request and for consideration, specialized services and related products in those areas;";

(2) by adding the following paragraphs at the end:

"(7) provide a grant or any other form of financial assistance in accordance with the Public Administration Act (chapter A-6.01), in particular for carrying out plans, programs, projects, research, studies or analyses, for acquiring knowledge or for acquiring or operating certain public utility installations;

"(8) lease or acquire any property by agreement, by a call for tenders or by expropriation in accordance with the Act respecting contracting by public bodies (chapter C-65.1) or the Expropriation Act (chapter E-24); and

"(9) accept a gift or legacy of any property."

208. Section 13.1 of the Act is amended by replacing "The lands in the domain of the State" in the fourth paragraph by "The lands included in the waters in the domain of the State, in particular those" and by inserting a comma after "(chapter R-13)".

209. Section 15.1 of the Act is amended by replacing the second and third paragraphs by the following paragraphs:

"The Fund is dedicated to the financing of any measure related to

(1) the fight against climate change, to reduce, limit or prevent greenhouse gas emissions, mitigate the economic and social consequences of measures established for that purpose, promote ways of adapting to the impacts of global warming and climate change and foster the development of, and Québec's participation in, regional and international partnerships concerning these matters;

(2) residual materials management, to ensure safe and sustainable management of hazardous materials by preventing or reducing their production, promoting their recovery and reclamation, and reducing the quantities that must be eliminated; and

(3) water governance that complies with the governance scheme established by the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2).

The Fund is to be used, in particular, to finance activities, projects and programs aimed at stimulating technological innovation, research and development, knowledge acquisition, performance improvement, and public awareness and education with regard to any matter referred to in the second paragraph.

The sums credited to the Fund may also be used to administer and pay any financial assistance provided for by a program established by the Government, the Minister or any other minister who is party to an agreement under this division."

210. Section 15.2 of the Act is replaced by the following section:

"**15.2.** The Minister is responsible for the Fund.

The Minister sees to it that the sums credited to the Fund for the matters referred to in the second paragraph of section 15.1 are allocated to measures that relate to those matters."

211. Section 15.4 of the Act is amended

(1) by inserting "for a matter covered by the Fund" after "their allocation" in paragraph 3.2;

(2) by replacing paragraphs 5 to 8 by the following paragraphs:

"(5) the sums taken in at an auction or by a sale by mutual agreement under the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), and the fees prescribed by the Regulation respecting greenhouse gas emissions from motor vehicles (chapter Q-2, r. 17);

"(6) the revenue derived from charges prescribed by the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43);

"(7) the revenue derived from charges prescribed by the Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1);";

(3) by replacing paragraph 9 by the following paragraph:

"(9) the revenue generated by the sums credited to the Fund;";

(4) by adding the following paragraphs at the end:

"(10) the interest charged on amounts owing under an Act or regulation under the Minister's administration in connection with a matter covered by the Fund; and

"(11) the financial contributions paid by the federal government for a matter covered by the Fund."

212. Section 15.4.1 of the Act is amended

(1) by inserting the following paragraph before the first paragraph:

"The sums referred to in paragraph 5 of section 15.4 are allocated to finance any measure to fight climate change.";

(2) by replacing "of the sums credited to the Fund under paragraph 5 of section 15.4" in the first paragraph by "of the sums";

(3) by inserting ", the minister responsible for transport and the minister responsible for the administration of this Act" after "Finance" in the second paragraph;

(4) by striking out the fourth paragraph.

213. The Act is amended by inserting the following sections after section 15.4.1:

"**15.4.1.1.** The sums referred to in paragraph 6 of section 15.4 are allocated to finance any measure related to hazardous materials management.

"**15.4.1.2.** The sums referred to in paragraph 7 of section 15.4 are allocated to finance any measure related to water governance."

214. Section 15.4.2 of the Act is amended

(1) by replacing "Minister of Sustainable Development, Environment and Parks under section 15.4.3" in the first paragraph by "Conseil de gestion du Fonds vert established under section 15.4.4";

(2) by replacing "Those estimates" at the beginning of the third paragraph by "Any such estimates".

215. Section 15.4.3 of the Act is amended by replacing "the Minister of Sustainable Development, Environment and Parks may conclude an agreement with the minister responsible for the department concerned allowing the latter" in the first paragraph by "the Conseil de gestion du Fonds vert may enter into an agreement with the minister responsible for that department, after consulting the minister responsible for the administration of this Act allowing it".

216. The Act is amended by inserting the following after section 15.4.3:

"**DIVISION II.2**

"CONSEIL DE GESTION DU FONDS VERT

"§1. — *Establishment*

"**15.4.4.** The Conseil de gestion du Fonds vert is established.

The Conseil de gestion is a legal person.

"**15.4.5.** The Conseil de gestion is a mandatary of the State.

Its property forms part of the domain of the State but the performance of its obligations may be levied against its property.

The Conseil de gestion binds none but itself when it acts in its own name.

"**15.4.6.** The head office of the Conseil de gestion is located in the territory of Ville de Québec. Notice of the location or of any change in location of the head office is published in the *Gazette officielle du Québec*.

"§2. — *Mission and powers*

"**15.4.7.** The mission of the Conseil de gestion is to provide a governance framework for the Green Fund and coordinate its management in keeping with the principles of sustainable development, effectiveness, efficiency and transparency.

To that end, the Conseil de gestion gives priority to project-based management centred on achieving the best results to further government principles, directions and objectives, in particular those set out in the sustainable development strategy adopted under the Sustainable Development Act (chapter D-8.1.1), in the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2), in the residual materials management policy provided for in section 53.4 of the Environment Quality Act (chapter Q-2) and in the multiyear climate change action plan provided for in section 46.3 of the Environment Quality Act, the latter of which contributes to the fight against climate change and fosters the achievement of government greenhouse gas reduction targets.

More specifically, it

(1) annually prepares the Green Fund's accounts in collaboration with the Minister and the Minister of Finance;

(2) proposes to the Minister the information to be entered into the accounts of the Green Fund;

(3) enters into the agreements referred to in section 15.4.3, ensures that the commitments made by the ministers with regard to those agreements are met, and approves the administrative costs to be debited from the Green Fund under those agreements;

(4) prepares, on a yearly basis and in collaboration with the Minister, a plan for the measures financed by the Green Fund, including in particular the transfers made under section 15.4.1, and an expenditures plan in that regard, in compliance with the government objectives established for that purpose;

(5) assesses the Green Fund's performance with respect to the uses to which it is specifically allocated and recommends to the Minister any adjustments required to improve performance;

(6) ensures supervision and oversight of the Green Fund's treasury activities and financial flows;

(7) collaborates in the preparation of Green Fund estimates for each fiscal year; and

(8) proposes the appropriate strategic directions, objectives and courses of action applicable to the Green Fund.

"**15.4.8.** To accomplish its mission, the Conseil de gestion may

(1) advise the Minister on the measures financed by the Green Fund and assist the Minister in developing those measures;

(2) establish governance policies and practices;

(3) establish performance indicators and targets for the Green Fund's management;

(4) enter into contracts or agreements with any person or group of persons or with a government or a government department, including agreements to delegate some of its functions;

(5) establish any committee to study specific questions or facilitate the operations of the Conseil de gestion;

(6) give its opinion to the Minister on any question the latter submits to it;

(7) carry out any mandate conferred on it by the Government; and

(8) consult any person or group of persons designated by the Minister.

"§3. — *Organization and operation*

"**15.4.9.** The Conseil de gestion is administered by a board of directors composed of nine members appointed by the Government as follows:

(1) the president and chief executive officer;

(2) three members from the Government, including one member representing the minister responsible for the administration of this Act and one member representing the minister responsible for finance; and

(3) five independent members from civil society appointed taking into account the expertise and experience profiles established by the board.

"**15.4.10.** The Government designates the chair of the board from among the members from civil society. The chair calls, presides at and sees to the proper conduct of board meetings. The chair also exercises any other functions assigned by the board.

The board members designate one of their number as vice-chair, who exercises the chair's functions if the latter is absent or unable to act.

"**15.4.11.** The president and chief executive officer is responsible for the direction and management of the Conseil de gestion within the scope of its by-laws and policies. The office of president and chief executive officer is a full-time position. The president and chief executive officer may not be designated chair of the board.

"**15.4.12.** The president and chief executive officer is appointed for a term of up to five years.

The other board members are elected for a term of up to three years and may be reappointed only twice, for a consecutive or non-consecutive term.

On the expiry of their term, board members remain in office until replaced or reappointed.

"**15.4.13.** A vacancy on the board is filled in accordance with the rules of appointment set out in section 15.4.9.

Non-attendance at a number of board meetings determined by the by-laws of the Conseil de gestion, in the cases and circumstances specified in the by-laws, constitutes a vacancy.

"**15.4.14.** The Government determines the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.

The other board members receive no remuneration except in the cases, on the conditions and to the extent the Government may determine. They are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

"**15.4.15.** The quorum at board meetings is the majority of its members, including the chair.

In the case of a tie vote, the chair has a casting vote.

"**15.4.16.** The board members may waive notice of a meeting. Their attendance at a board meeting constitutes a waiver of notice, unless they are present to contest the legality of the calling of the meeting.

"**15.4.17.** If all board members agree, they may take part in a board meeting by means of equipment enabling all participants to communicate orally with one another, such as by telephone. In such a case, the participants are deemed to have attended the meeting.

"**15.4.18.** A written resolution signed by all the board members entitled to vote has the same value as a resolution adopted at a board meeting.

A copy of such a resolution is kept with the minutes of board meetings or other equivalent record book.

"**15.4.19.** The minutes of board meetings, approved by the board and certified true by the president and chief executive officer or by any other person authorized by the Conseil de gestion, are authentic, as are the documents or copies of documents emanating from the Conseil de gestion or forming part of its records, provided they are signed or certified true by one of those persons.

"**15.4.20.** The board must establish a governance and ethics committee and an audit committee each composed in the majority of independent members. The other composition rules and the roles and functions of those committees are those provided for in the Act respecting the governance of state-owned enterprises (chapter G-1.02).

The employees' code of ethics drawn up by the governance and ethics committee must be made public by the Conseil de gestion.

"**15.4.21.** No document binds the Conseil de gestion or may be attributed to it unless it is signed by the president and chief executive officer or, to the extent determined in the by-laws of the Conseil de gestion, by a board or personnel member.

"**15.4.22.** The by-laws of the Conseil de gestion may, subject to the conditions and on the documents specified in the by-laws, allow a signature to be affixed by means of an automatic device or be electronic, or allow a facsimile

of a signature to be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person referred to in section 15.4.21.

The by-laws may, however, for the documents they specify, prescribe that the facsimile has the same force as the signature itself, even if the document is not countersigned.

"**15.4.23.** The by-laws of the Conseil de gestion are subject to the approval of the Government.

"**15.4.24.** The employees of the Conseil de gestion are appointed in accordance with the Public Service Act (chapter F-3.1.1).

"**15.4.25.** Board members or employees of the Conseil de gestion may not be prosecuted for official acts done in good faith in the performance of their duties.

"§4. — *Strategic plan*

"**15.4.26.** The Conseil de gestion adopts a strategic plan covering a period of more than one year.

"**15.4.27.** The strategic plan must state

(1) the mission of the Conseil de gestion;

(2) the context in which the Conseil de gestion acts and the main challenges it faces;

(3) the strategic directions, objectives and lines of intervention selected;

(4) the results targeted over the period covered by the plan; and

(5) the performance indicators and targets to be used to measure results.

"**15.4.28.** The Conseil de gestion sends its strategic plan to the Minister.

The Minister tables the strategic plan in the National Assembly within 30 days after receiving it or, if the Assembly is not sitting, within 15 days after resumption.

"§5. — *Financial provisions*

"**15.4.29.** The Conseil de gestion may debit from the Green Fund the sums required for its operation.

"**15.4.30.** The Conseil de gestion may not, without the authorization of the Government,

(1) contract a loan that causes the total of its current outstanding loans to exceed the amount determined by the Government;

(2) make a financial commitment in excess of the limits or in contravention of the terms and conditions determined by the Government; or

(3) accept a gift or legacy to which a charge or condition is attached.

"**15.4.31.** The Government may, on the terms and conditions it determines,

(1) guarantee payment of the principal of and interest on any loan contracted by the Conseil de gestion and the performance of its obligations; and

(2) authorize the Minister of Finance to advance to the Conseil de gestion any amount considered necessary to meet its obligations or exercise its functions and powers.

The sums required for the purposes of this section are taken out of the Consolidated Revenue Fund.

"**15.4.32.** Each year, the Conseil de gestion submits its budgetary estimates for the following fiscal year and its budgetary rules to the Minister, on the conditions determined by the Minister.

The estimates are submitted to the Government for approval.

"§6. — *Reporting*

"**15.4.33.** The fiscal year of the Conseil de gestion ends on 31 March each year.

"**15.4.34.** The Conseil de gestion must, not later than 1 September each year, submit its financial statements and annual management report for the preceding fiscal year to the Minister. In addition to the information required by the Minister, the report must contain

(1) the Green Fund's financial statements;

(2) the accounts of the Green Fund, which must include

(*a*) the expenditures and investments debited from the Fund by class of measures to which the Fund is dedicated, including in particular the transfers made under section 15.4.1;

(*b*) the sums debited from the Fund by each Minister who is a party to an agreement referred to in section 15.4.3; and

(*c*) the nature and evolution of revenues;

(3) a report on the management of the Green Fund's resources in relation to government objectives and the applicable performance indicators; and

(4) a list of the measures financed by the Green Fund.

The Minister tables the financial statements and annual report of the Conseil de gestion in the National Assembly within 30 days after receiving them or, if the Assembly is not sitting, within 30 days after resumption.

"**15.4.35.** The financial statements of the Conseil de gestion and of the Green Fund are audited each year by the Auditor General.

"**15.4.36.** The president and chief executive officer of the Conseil de gestion is accountable to the National Assembly as regards the governance of the Green Fund.

"**15.4.37.** At least once every 10 years, the Minister must report to the Government on the activities of the Conseil de gestion. The report must contain

(1) an account of the implementation of Division II.2 of this Act;

(2) recommendations concerning the updating of the mission of the Conseil de gestion; and

(3) an assessment of the effectiveness and performance of the Conseil de gestion.

The Minister tables the report in the National Assembly within 30 days after submitting it to the Government or, if the Assembly is not sitting, within 15 days after resumption.

"**DIVISION II.3**

"FUND FOR THE PROTECTION OF THE ENVIRONMENT AND THE WATERS IN THE DOMAIN OF THE STATE

"**15.4.38.** The Fund for the Protection of the Environment and the Waters in the Domain of the State is established.

The Fund is dedicated to the financing of any measure the Minister may carry out within the scope of his functions, in particular as regards

(1) control and assessment carried out under any Act or regulation under the Minister's administration;

(2) regulation of activities by an Act or regulation under the Minister's administration through, among other things, the implementation of an authorization scheme, in particular with regard to water resources, pesticides, hazardous materials, industrial establishments and dams;

(3) conservation of wetlands and bodies of water;

(4) conservation of the natural heritage;

(5) management of the waters in the domain of the State and of public dams; and

(6) accreditation and certification of persons and groups of persons.

The Fund is to be used, in particular, to finance activities, projects and programs aimed at stimulating technical innovation, research and development, knowledge acquisition, performance improvement, and public awareness and education with regard to any matter mentioned in the second paragraph.

The Fund is intended, in particular, to provide financial support to municipalities and to non-profit bodies working in the environmental field.

"**15.4.39.** The Minister is responsible for managing the Fund.

Within the scope of that management, the Minister sees to it that the sums credited to the Fund for the matters referred to in the second paragraph of section 15.4.38 are allocated to measures that relate to those matters.

"**15.4.40.** The following are credited to the Fund:

(1) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);

(2) the gifts, legacies and other contributions paid into the Fund to further the achievement of its objects;

(3) the sums transferred to the Fund by a minister out of the appropriations granted for that purpose by Parliament;

(4) the sums paid into the Fund by the Société du Plan Nord under an agreement providing for their allocation for any of the matters covered by the Fund, in accordance with section 21 of the Act respecting the Société du Plan Nord (chapter S-16.011);

(5) the sums transferred to the Fund by the Government out of those credited to the general fund on a proposal of the Minister of Finance, including all or part of the revenue from taxes or other economic instruments intended to promote sustainable development, identified by the Government;

(6) the sums collected as compensation measures designed to restore, create, protect or ecologically enhance a wetland or a body of water under the Act respecting compensation measures for the carrying out of projects affecting wetlands or bodies of water (chapter M-11.4);

(7) the sums collected for the management and conservation of the natural heritage under the Natural Heritage Conservation Act (chapter C-61.01);

(8) the sums collected with regard to pesticides under the Pesticides Act (chapter P-9.3), in particular those collected as regulatory fees, duties or charges under a regulation made under that Act;

(9) the sums collected under the Dam Safety Act (chapter S-3.1.01), in particular those collected as regulatory fees, duties or charges under a regulation made under that Act;

(10) the revenue generated by the management, operation and use of public dams by third persons;

(11) the sums collected in connection with the accreditation of persons and municipalities under the Environment Quality Act, in particular those collected as regulatory fees, duties or charges under a regulation made under that Act;

(12) any other sums collected as regulatory fees, duties or charges under the Environment Quality Act or the regulations to the extent that they are not required to be paid into the Green Fund, in particular the annual duties prescribed by the Regulation respecting industrial depollution attestations (chapter Q-2, r. 5) and the fees payable for the issue, amendment, renewal or transfer of an authorization;

(13) the sums collected in connection with a concession of rights in the domain of the State and under the Minister's authority, in particular those collected under the Watercourses Act (chapter R-13);

(14) the monetary administrative penalties imposed under Division III of Chapter VI of Title I of the Environment Quality Act;

(15) the fines paid by offenders for an offence against a provision of an Act or regulation under the administration of the Minister;

(16) the costs or other sums collected by the Minister to compensate his expenditures or the costs incurred for the measures the Minister is authorized to take within the scope of his functions to protect or restore the environment, such as the costs and other sums referred to in sections 113, 114.3, 115, 115.0.1, 115.1, 123.4 and 123.5 of the Environment Quality Act;

(17) damages, including punitive damages, paid following a civil suit instituted on behalf of the Minister, in particular compensation obtained as a result of an action brought under the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2);

(18) the proceeds of the alienation of property acquired by the State following a civil forfeiture and of property forfeited under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19), where the Ministère

du Développement durable, de l'Environnement et des Parcs participated in the operations that led to the forfeiture;

(19) any other sum provided for by law or government regulation;

(20) the revenue generated by the investment of the sums credited to the Fund;

(21) the interest on an amount owing under an Act or regulation under the administration of the Minister; and

(22) the financial contributions paid by the federal government for any matter covered by the Fund.

The surpluses accumulated by the Fund are paid into the general fund on the dates and to the extent determined by the Government.

"**15.4.41.** The sums referred to in subparagraph 12 of the first paragraph of section 15.4.40 with regard to fees, duties or charges relating to the use, management or purification of water as well as the sums referred to in subparagraph 17 of the first paragraph of that section with regard to compensation obtained as a result of an action brought under the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2) are to be allocated to the financing of any measures to protect and develop water resources and to ensure that there is an adequate quality and quantity of water, in keeping with the principle of sustainable development.

"**15.4.42.** The Fund's financial data must appear under a separate heading in the department's annual management report.

"**15.4.43.** The Fund's financial statements are audited each year by the Auditor General."

PART III

WATERCOURSES ACT

217. The Watercourses Act (chapter R-13) is amended by replacing the heading of Division I by the following heading:

"GENERAL PROVISIONS".

218. The Act is amended by inserting the following section after section 3:

"**3.1.** No person may construct, maintain or operate any work on a lake or watercourse in the domain of the State or any work that affects such a lake or watercourse without having obtained from the Government an express concession of the lands and public rights which are or will be taken, occupied or affected by the work.

The power mentioned in the first paragraph is exercised by the minister or ministers exercising the rights and powers inherent in the right of ownership for the lands and public rights concerned."

219. Section 7 of the Act is repealed.

220. Section 24 of the Act is amended by replacing "section 9" in the first paragraph by "section 22".

221. Sections 33 and 34 of the Act are repealed.

222. Section 35 of the Act is replaced by the following section:

"**35.** Any person or partnership intending to construct any work referred to in section 32 must

(1) deposit, at the registry office of the registration division concerned, a copy of the plans and specifications for the work; and

(2) make the project public by applying for publication of a notice in the *Gazette officielle du Québec*, in accordance with the model provided for in form 2, and in a newspaper circulated in the region where the project is to be carried out."

223. Sections 36 to 40, 57 and 58 of the Act are repealed.

224. Section 59 of the Act is amended

(1) by replacing the introductory clause and paragraphs 1 and 2 by the following:

"**59.** Any person or partnership intending to construct any work referred to in section 56 must send the Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife a document showing

(1) the location of the land where the work will be constructed;

(2) the area, location and nature of the land and other rights which are or will be taken, occupied or affected, upstream and downstream, by the backing up of water caused by the work;";

(2) by striking out paragraph 4.

225. Section 60 of the Act is replaced by the following section:

"**60.** Any person or partnership intending to construct any work referred to in section 56 must also

(1) deposit, at the registry office of the registration division concerned, a copy of the plans and specifications of the work; and

(2) make the project public by applying for publication of a notice in the *Gazette officielle du Québec*, in accordance with the model provided in form 2, and in a newspaper circulated in the region where the project is to be carried out."

226. Sections 61, 63, 64, 66 and 71 to 73 of the Act are repealed.

227. Section 74 of the Act is amended

(1) by replacing the introductory clause and paragraphs 1 and 2 by the following:

"**74.** Any person or partnership intending to construct a dam, dike, causeway, sluice, embankment or any other work retaining the water of a lake, pond, river or stream that is not subject to a provision of this Act must send the Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife a document showing

(1) the location of the land where the work will be constructed;

(2) the area, location and nature of the land and other rights which are or will be taken, occupied or affected, upstream and downstream, by the backing up of water caused by the work;";

(2) by striking out paragraph 4.

228. Sections 75 to 79 and 81 to 83 of the Act are repealed.

229. The Act is amended by replacing the heading of Division X by the following heading:

"ORDERS".

230. The Act is amended by inserting the following after section 83:

"**83.1.** The Minister of Sustainable Development, Environment and Parks may order an operator of any work to provide the Minister with legal advice as to the extent of the rights encumbering the land on which the work is located and the land that is or could be flooded as a result of the work. He may also order that the boundaries of the land so affected be defined by means of a survey.

In addition, the Minister may order the operator to open or close any apparatus for emptying water from a work and to take any other measures necessary to put an end to the flooding of land caused by the presence of the work, within the time and on the conditions determined by the Minister.

If the operator fails to comply with such orders, the Minister may enforce them at the operator's expense.

A copy of any order made under this section must be sent to the Minister of Natural Resources and Wildlife. The information and documents required under such an order must also be sent to that Minister.

"**83.2.** The Superior Court may, on a motion of the Attorney General or any interested person, order the demolition of any work constructed or operated unlawfully. It may also order the restoration to its former state of the land affected by the presence of such a work.

"**DIVISION X.1**

"PENAL PROVISIONS

"**83.3.** Whoever

(1) fails to send a notice or provide information or documents required under this Act or fails to comply with the conditions and time limits for sending or providing them,

(2) contravenes the publication rules provided for in sections 35 and 60, or

(3) fails to comply with an obligation imposed by this Act for which no other penalty is provided under this chapter

is guilty of an offence and is liable to a fine of $1,000 to $100,000 in the case of a natural person and $3,000 to $600,000 in all other cases.

"**83.4.** Whoever

(1) fails to pay a tariff or charge required under this Act,

(2) fails to comply with a condition of a concession granted under this Act, or

(3) hinders the Minister or any person authorized by the Minister in carrying out the functions of office, hampers him, misleads him by concealment or misrepresentations or fails to obey an order given by him under this Act or the regulations

is guilty of an offence and is liable to a fine of $2,500 to $250,000 in the case of a natural person and $7,500 to $1,500,000 in all other cases.

"**83.5.** Whoever

(1) provides false or misleading information,

(2) constructs, maintains or operates a work on a lake or watercourse in the domain of the State or a work that affects such a lake or watercourse without first obtaining a concession of the lands and public rights concerned which are or will be taken, occupied or affected by the work, or

(3) fails to comply with an order imposed under this Act, or in any manner prevents or hinders the enforcement of such an order

is guilty of 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, and, in all other cases, to a fine of $15,000 to $3,000,000.

"**83.6.** The fines prescribed in sections 83.3 to 83.5 or the regulations are doubled for a second offence and tripled for a subsequent offence. The maximum term of imprisonment is five years less a day for a second or subsequent offence.

Furthermore, if an offender commits an offence under this Act or the regulations after having previously been found guilty of any such offence and if, without regard to the amounts prescribed for a second or subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines and, if applicable, the term of imprisonment prescribed for the second offence become, if the prosecutor so requests, those prescribed in the case of a second or subsequent offence.

This section applies to prior findings of guilty pronounced in the two-year period preceding the second offence or, if the minimum fine to which the offender was liable for the prior offence is that prescribed in section 83.5, in the five-year period preceding the second offence. Fines for a third or subsequent offence apply if the penalty imposed for the prior offence was the penalty for a second or subsequent offence.

"**83.7.** If an offence under this Act or the regulations is committed by a director or officer of a legal person, partnership or association without legal personality, the minimum and maximum fines that would apply in the case of a natural person are doubled.

"**83.8.** If an offence under this Act or the regulations continues for more than one day, it constitutes a separate offence for each day it continues.

Anyone who continues, day after day, to construct, maintain or operate any work without having obtained the concessions required under this Act is also guilty of a separate offence for each day and is liable to the penalties prescribed in section 83.5.

"**83.9.** Whoever does or omits to do something in order to assist a person or partnership to commit an offence under this Act or the regulations, or advises or encourages or incites a person or partnerhip to commit such an offence, is considered to have committed the same offence.

"**83.10.** In any penal proceedings relating to an offence under this Act or the regulations, proof that the offence was committed by an agent, mandatary or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence and took all necessary precautions to prevent the offence.

"**83.11.** If a legal person or an agent, mandatary or employee of a legal person, partnership or association without legal personality commits an offence under this Act or the regulations, its director or officer is presumed to have committed the offence unless it is established that the director or officer exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are deemed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

"**83.12.** In determining the penalty, the judge may take into account aggravating factors such as

(1) the intentional, negligent or reckless nature of the offence;

(2) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;

(3) the cost to society of repairing the harm or damage;

(4) the behaviour of the offender after committing the offence, in particular whether the offender attempted to cover up the offence or omitted to take rapid measures to prevent or limit the consequences or remedy the situation;

(5) the increase in revenues or decrease in expenses that the offender obtained, or intended to obtain, by committing the offence or by omitting to take measures to prevent it; or

(6) the failure to take reasonable measures to prevent the commission of the offence or limit its effects despite the offender's financial ability to do so, given such considerations as the size of the offender's undertaking or the offender's assets, turnover or revenues.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

"**83.13.** On an application made by the prosecutor and submitted with the statement of offence, the judge may impose on the offender, in addition to any other penalty, a further fine not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine has also been imposed.

"**83.14.** In the judgment, the judge may order an offender found guilty of an offence under this Act or the regulations

(1) to refrain from any action or activity that may lead to the continuation or repetition of the offence;

(2) to carry out any action or activity to prevent the offence from being continued or repeated;

(3) to acquire the lands and obtain the rights necessary for the construction, maintenance or operation of the offender's work or because of the effects produced by such a work;

(4) to define, by means of a survey, the boundaries of the lands necessary for the construction, maintenance or operation of the offender's work or any land affected by the work;

(5) to restore things to the state they were in prior to the offending act;

(6) to restore things to a state approaching their original state;

(7) to implement compensatory measures;

(8) to pay compensation, in a lump sum or otherwise, for repair of the damage resulting from the commission of the offence;

(9) to pay, as compensation for the damage resulting from the commission of the offence, a sum of money to the Fund for the Protection of the Environment and the Waters in the Domain of the State established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);

(10) to provide security or consign a sum of money to guarantee performance of the offender's obligations; or

(11) to make public the finding of guilty and any prevention or repair measures imposed, under the conditions determined by the judge.

Moreover, if the Minister, in carrying out this Act or the regulations, has taken measures at the expense of the operator, the judge may order the latter to reimburse the Minister for the direct and indirect costs of such measures, including interest.

"**83.15.** The prosecutor must give the offender at least 10 days' prior notice of an application for restoration or for compensatory measures, or of any request for an indemnity or a sum of money to be paid into the Fund for the Protection of the Environment and the Waters in the Domain of the State for the reimbursement of costs to the Minister, unless the parties are in the presence of a judge. In that case, the judge must, before rendering an order and at the request of the offender, grant the offender what the judge considers a reasonable period of time in which to present evidence with regard to the prosecutor's application or request.

"**83.16.** When determining a fine higher than the minimum fine prescribed in this Act or the regulations, or when determining the time within which an amount must be paid, the judge may take into account the offender's ability to pay, provided the offender provides proof of assets and liabilities.

"**83.17.** The prescription period for penal proceedings for offences under this Act or the regulations is the longer of

(1) five years from the date the offence was committed; and

(2) two years from the date on which the inspection that led to the discovery of the offence began, if false representations were made to the Minister or a person designated to act as inspector for the purposes of this Act.

In the cases referred to in subparagraph 2 of the first paragraph, the certificate of the Minister or inspector constitutes, in the absence of evidence to the contrary, conclusive proof of the date on which the inspection began."

231. Section 84 of the Act is replaced by the following sections:

"**84.** The Minister or any person authorized by the Minister may, at any reasonable time, enter land, a building or a work to examine books, registers and records, or the premises, for the purposes of this Act or the regulations.

Any person who has the care, possession or control of such books, registers or records must make them available to the Minister or authorized person and facilitate their examination.

The Minister or authorized person may also, on that occasion,

(1) install measuring apparatus;

(2) conduct tests and take measurements;

(3) make analyses;

(4) record the state of a place or natural environment by means of photographs, videos or other sound or visual recording methods;

(5) examine, record or copy a document or data, on any medium whatsoever; or

(6) require that something be set in action, used or started, under the conditions specified by the Minister or, as applicable, the authorized person.

The person authorized by the Minister under the first paragraph must, if so requested, produce a certificate of authorization signed by the Minister. The person may not be prosecuted for acts done in good faith in the performance of the duties of office.

"**84.1.** The Minister may claim from any person or partnership the direct and indirect costs of enforcing a measure or issuing an order under this Act. If the measure or order applies to more than one person or partnership, the debtors are solidarily liable.

Claims must be notified by notice to the person or partnership concerned. Such a notice of claim must set out

(1) the amount of the claim;

(2) the reasons for it;

(3) the time from which the amount bears interest;

(4) the right to contest the claim and the time limit for doing so;

(5) information on the procedure for recovering the amount claimed, in particular with regard to the issue of the recovery certificate provided for in section 84.5 and its effects; and

(6) the possibility that the facts on which the claim is founded may give rise to penal proceedings.

If the notice of claim applies to more than one person or partnership, the debtors are solidarily liable.

Unless otherwise provided, the amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice.

Notification of a notice of claim interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

"**84.2.** The directors and officers of a legal person that has defaulted on payment of an amount owed to the Minister under this Act or the regulations are solidarily liable, with the legal person, for the payment of the amount, unless they establish that they exercised due care and diligence to prevent the failure which led to the claim.

"**84.3.** The reimbursement of an amount owed to the Minister under this Act or the regulations is secured by a legal hypothec on the debtor's movable and immovable property.

"**84.4.** The debtor and the Minister may enter into a payment agreement with regard to the amount owing. Such an agreement, or the payment of the amount owing, does not constitute, for the purposes of penal proceedings under this Act or the regulations, an acknowledgement of the facts giving rise to it.

"**84.5.** If the amount owing is not paid in its entirety or the payment agreement is not adhered to, the Minister may issue a recovery certificate on the expiry of the time for contesting the decision before the Administrative Tribunal of Québec or on the expiry of 30 days after the final decision of the Tribunal confirming all or part of the Minister's decision.

However, a recovery certificate may be issued before the expiry of the time referred to in the first paragraph if the Minister is of the opinion that the debtor is attempting to evade payment.

A recovery certificate must state the debtor's name and address and the amount of the debt.

"**84.6.** Once a recovery certificate has been issued, any refund owed to a debtor by the Minister of Revenue may, in accordance with section 31 of the Tax Administration Act (chapter A-6.002), be withheld for payment of the amount due referred to in the certificate.

Such withholding interrupts the prescription provided for in the Civil Code with regard to the recovery of an amount owing.

"**84.7.** On the filing of the recovery certificate at the office of the competent court, together with a copy of the final decision stating the amount of the debt, the decision becomes enforceable as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

"**84.8.** The debtor is required to pay a recovery charge in the cases, on the conditions and in the amount determined by the Minister by ministerial order.

"**84.9.** The Minister may, by agreement, delegate to another minister or to a body all or some of the powers relating to the recovery of an amount owing under this Act or the regulations.

"**84.10.** The person or partnership concerned may contest, before the Administrative Tribunal of Québec,

(1) an order issued by the Minister under this Act; or

(2) a notice of claim notified to recover an amount owing under this Act.

On rendering its decision, the Administrative Tribunal of Québec may make a ruling with respect to the interest accrued on the penalty while the matter was pending before the Tribunal."

232. Sections 85 to 87 of the Act are repealed.

233. Section 88 of the Act is replaced by the following sections:

"**88.** The Government may, by regulation,

(1) determine the general conditions and the calculation rules for the prices, rent, fees or other costs applicable to the concessions governed by this Act; and

(2) recognize a flood plain for the purposes of section 8.

"**88.1.** The Government may determine the regulatory provisions it makes under this Act whose violation constitutes an offence and renders the offender liable to a fine of which the minimum and maximum amounts are set by the Government.

The maximum penalties under the first paragraph may not exceed those prescribed in section 83.5. The penalties may vary according to, among other things, the importance of the standards that have been infringed."

234. Section 89 of the Act is repealed.

235. Form 2 of the Act is replaced by the following form:

"**FORM 2**

"(*Sections 35 and 60*)

"*Notice concerning the construction of a work referred to in section 32 or 56 of the Watercourses Act (chapter R-13)*

"Public notice is given, in accordance with the Watercourses Act (chapter R-13), that (*name and address of person intending to carry out the work*) intends to have a work constructed on (*name of lake or watercourse concerned*) located on lots XXX in the registration division of (*name of registration division concerned*) in the municipality of (*name of municipality concerned*). The work to be carried out consists in (*briefly describe nature of work planned*).

"Notice is also given that a copy of the plans and specifications of the work to be constructed has been deposited with the registry office of the registration division of (*name of registration division concerned*) and sent to the Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife. If applicable, a document containing the information referred to in section 59 of the Watercourses Act has also been sent to those two ministers.

(*Signature*)

Petitioner."

236. Form 3 of the Act is repealed.

PART IV

CONSEQUENTIAL AMENDING PROVISIONS

FINANCIAL ADMINISTRATION ACT

237. Schedule 2 to the Financial Administration Act (chapter A-6.001) is amended by inserting "Conseil de gestion du Fonds vert" in alphabetical order.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

238. Section 121 of the Act respecting land use planning and development (chapter A-19.1) is amended by inserting the following subparagraph after subparagraph 1 of the first paragraph:

"(1.1) the application is accompanied by the plan referred to in section 33.1 of the Environment Quality Act (chapter Q-2) in the cases requiring it, and by the approval of the plan by the Minister of Sustainable Development, Environment and Parks;".

ACT RESPECTING COMMERCIAL AQUACULTURE

239. Section 43 of the Act respecting commercial aquaculture (chapter A-20.2) is amended by replacing "Division IV of Chapter I" in the third paragraph by "Division I of Chapter VI of Title I".

ACT TO AFFIRM THE COLLECTIVE NATURE OF WATER RESOURCES AND PROVIDE FOR INCREASED WATER RESOURCE PROTECTION

240. Section 10 of the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2) is repealed.

CHARTER OF VILLE DE GATINEAU

241. Section 66 of the Charter of Ville de Gatineau (chapter C-11.1) is amended by replacing "Division XI of Chapter I" by "Chapter XII of Title I".

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

242. Section 104 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended by replacing "Division XI of Chapter I" by "Chapter XII of Title I".

CITIES AND TOWNS ACT

243. Section 489 of the Cities and Towns Act (chapter C-19) is amended by replacing "35" by "45.3.3".

MUNICIPAL CODE OF QUÉBEC

244. Article 993 of the Municipal Code of Québec (chapter C-27.1) is amended by replacing "35" by "45.3.3".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

245. Sections 159.2 and 159.14 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) are amended by replacing "Division XI of Chapter I" by "Chapter XII of Title I".

246. Section 184.1 of the Act is amended

(1) by replacing "in subparagraph *t* of the first paragraph of section 31" in the first paragraph by "in the first and second paragraphs of section 95.4";

(2) by replacing the second paragraph by the following paragraph:

"Section 159.8 of this Act and the third paragraph of section 95.4 of the Environment Quality Act apply, with the necessary modifications, to a regulation made under the first and second paragraphs of section 95.4 of that Act."

ACT RESPECTING THE FORFEITURE, ADMINISTRATION AND APPROPRIATION OF PROCEEDS AND INSTRUMENTS OF UNLAWFUL ACTIVITY

247. Section 25 of the Act respecting the forfeiture, administration and appropriation of proceeds and instruments of unlawful activity (chapter C-52.2) is amended by replacing "the Green Fund under section 15.4 of" in subparagraph 6 of the first paragraph by "the Fund for the Protection of the Environment and the Waters in the Domain of the State established under".

NATURAL HERITAGE CONSERVATION ACT

248. Section 39 of the Natural Heritage Conservation Act (chapter C-61.01) is amended by replacing "Chapter II" in the second paragraph by "Title II".

ACT RESPECTING ADMINISTRATIVE JUSTICE

249. Schedule III to the Act respecting administrative justice (chapter J-3) is amended

(1) by replacing "96 or 96.1" in paragraph 3 by "118.12 or 118.13";

(2) by inserting the following paragraph after paragraph 3:

"(3.1) proceedings under section 84.10 of the Watercourses Act (chapter R-13);".

MINING ACT

250. Section 240 of the Mining Act (chapter M-13.1) is amended by replacing "Division IV.1 of Chapter I" by "subdivision 4 of Division II of Chapter IV of Title I".

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

251. Section 12.30 of the Act respecting the Ministère des Transports (chapter M-28) is amended by replacing "in section 46.16 of the Environment Quality Act (chapter Q-2)" in subparagraph *g* of paragraph 1 by "in subparagraph 1 of the second paragraph of section 15.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)".

ACT TO REDUCE THE DEBT AND ESTABLISH THE GENERATIONS FUND

252. Section 3 of the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1) is amended by striking out "paragraph 5 of" in subparagraph 3 of the first paragraph.

PUBLIC HEALTH ACT

253. Section 130.2 of the Public Health Act (chapter S-2.2) is amended by replacing "Division IV.1" in the second paragraph by "subdivision 4 of Division II of Chapter IV of Title I".

ACT TO AMEND THE ENVIRONMENT QUALITY ACT

254. Section 1 of the Act to amend the Environment Quality Act (1987, chapter 25) is repealed.

ACT TO AMEND THE ENVIRONMENT QUALITY ACT

255. The Act to amend the Environment Quality Act (1992, chapter 56) is repealed.

ACT RESPECTING THE BOUNDARIES OF THE WATERS IN THE DOMAIN OF THE STATE AND THE PROTECTION OF WETLANDS ALONG PART OF THE RICHELIEU RIVER

256. Section 18 of the Act respecting the boundaries of the waters in the domain of the State and the protection of wetlands along part of the Richelieu River (2009, chapter 31) is amended by replacing the third paragraph by the following paragraph:

"The provisions of the Environment Quality Act (chapter Q-2) and its regulations with regard to authorization applications apply, with the necessary modifications, to authorization applications for the activities described in this section. Without restricting the generality of the preceding sentence, the following, in particular, apply to such activities and authorization applications: all provisions of that Act relating to proceedings before the Administrative Tribunal of Québec, the penal provisions and other sanctions, as well as the general provisions, including those on powers to make orders and conduct inspections."

ACT TO INCREASE THE NUMBER OF ZERO-EMISSION VEHICLES IN QUÉBEC IN ORDER TO REDUCE GREENHOUSE GAS AND OTHER POLLUTANT EMISSIONS

257. Section 47 of the Act to increase the number of zero-emission vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (2016, chapter 23) is amended by inserting the following paragraph after the third paragraph:

"If the notice concerns more than one person, the debtors are solidarily liable."

258. Section 59 of the Act is amended by replacing "in accordance with section 15.4 of" by "established under".

REGULATION RESPECTING THE APPLICATION OF SECTION 32 OF THE ENVIRONMENT QUALITY ACT

259. Section 5 of the Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2) is amended

(1) by inserting "except, in the case of storm sewer mains, the reconstruction of an outfall whose diameter must be increased" at the end of paragraph 1;

(2) by adding the following subparagraph after subparagraph *b* of paragraph 3:

"(*c*) the storage capacity of the station or basin is not reduced and its discharge capacity is not increased;".

REGULATION RESPECTING THE APPLICATION OF THE ENVIRONMENT QUALITY ACT

260. Section 8 of the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3) is repealed.

REGULATION RESPECTING PITS AND QUARRIES

261. Section 3 of the Regulation respecting pits and quarries (chapter Q-2, r. 7) is amended by striking out paragraph *l*.

AGRICULTURAL OPERATIONS REGULATION

262. Section 39 of the Agricultural Operations Regulation (chapter Q-2, r. 26) is amended by replacing "or 3,100 kg without, however, reaching 3,200 kg" in subparagraph 3 of the first paragraph by ", 3,100 kg, 3,600 kg or 4,100 kg without, however, reaching 4,200 kg".

263. Section 42 of the Regulation is amended, in the first paragraph,

(1) by replacing "3,200" in subparagraph 1 by "4,200";

(2) by replacing subparagraph 2 by the following subparagraph:

"(2) increasing, in a raising site, the annual phosphorus (P_2O_5) production to raise the production to 4,200 kg or more, without, however, reaching 5,200 kg, or to make the production equal to or greater than the 4,200 kg production threshold increased by 1,000 kg or a multiple of 1,000 kg, calculated according to the following formula: [4,200 kg + (1,000 kg × 1, 2, 3, 4, etc.)]; however, where an increase is such that more than one threshold will be reached or exceeded, only the highest threshold reached or exceeded is subject to section 22 of the Environment Quality Act. In addition, the certificate of authorization referred to in section 22 of the Environment Quality Act issued for reaching or exceeding a threshold is valid until a certificate of authorization for an increase to reach or exceed a subsequent higher threshold is required."

REGULATION RESPECTING THE RECOVERY AND RECLAMATION OF PRODUCTS BY ENTERPRISES

264. Section 14 of the Regulation respecting the recovery and reclamation of products by enterprises (chapter Q-2, r. 40.1) is amended by replacing "in accordance with paragraph 5 of section 15.4 of" in the seventh paragraph by "established under".

REGULATION RESPECTING A CAP-AND-TRADE SYSTEM FOR GREENHOUSE GAS EMISSION ALLOWANCES

265. Section 53 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1) is amended by replacing "in accordance with section 46.16 of the Environment Quality Act (chapter Q-2)" in the fifth paragraph by "established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)".

266. Section 62 of the Regulation is amended by replacing "in accordance with section 46.16 of the Environment Quality Act (chapter Q-2)" in the fourth paragraph by "established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001)".

REGULATION RESPECTING HOT MIX ASPHALT PLANTS

267. Section 5 of the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended by striking out paragraph *g*.

PART V

TRANSITIONAL PROVISIONS

CHAPTER I

EXEMPTIONS AND DECLARATION OF COMPLIANCE

268. Whoever must rehabilitate contaminated land under section 31.51 or 31.54 of the Environment Quality Act (chapter Q-2) is not required to submit a rehabilitation plan to the Minister under those sections for the land concerned if

(1) the land rehabilitation is done solely by excavating soils whose concentration of contaminants exceeds the regulatory limit values, and all the soils are taken to an authorized site mentioned in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46), to the extent that those sites can receive them;

(2) the quantity of contaminated soils to be excavated does not exceed 10,000 m^3; and

(3) the characterization study shows

(*a*) an absence of measurable quantities of hazardous residual materials, chlorinated volatile organic compounds and immiscible liquids in the land;

(*b*) that the only water management required is to recover the water that accumulates in the excavation site during the rehabilitation work;

(*c*) that the groundwater recovered will be discharged toward a municipal water purification works or will be transported to a site authorized by the Minister; and

(*d*) that the quality of groundwater need not be monitored after the work has been carried out.

However, the person concerned must, as soon as possible after the characterization study has been conducted, send the Minister a declaration of compliance containing

(1) the person's contact information;

(2) the location and a description of the contaminated land;

(3) the nature and concentration of the contaminants in the land and the quantity of soil to be removed;

(4) the contact information of the person who will carry out the excavation work, if applicable;

(5) the coordinates of the authorized site where the contaminated soils and any groundwater recovered will be taken; and

(6) a timetable for the work to be carried out, which work must be completed not later than one year after the declaration of compliance is sent to the Minister.

The declaration of compliance must be filed with the Minister at least 30 days before the rehabilitation work begins and be signed by an expert referred to in section 31.65 of the Environment Quality Act, amended by section 36 of this Act, who must attest that the conditions set out in the first paragraph have been met.

The fourth paragraph of section 31.68.1 of the Environment Quality Act and section 31.68.3 of that Act, introduced by this Act, apply, with the necessary modifications, to the work covered by a declaration of compliance made in accordance with this section.

This section ceases to have effect on the date of coming into force of a regulation made under that section 31.68.1.

269. In addition to the work exempted under the Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2), the following work is exempted from the application of section 32 of the Environment Quality Act:

(1) the construction of a storm sewer system that involves making a new outfall, to the extent that

(*a*) the area of the land served by the system is less than 2 hectares;

(*b*) the system has a single discharge point into the receiving environment;

(*c*) the outfall does not empty directly into a lake;

(*d*) the system is less than 250 metres long;

(*e*) the outfall is less than 310 millimetres in diameter;

(*f*) the runoff water drained by the system does not come from an industrial site, service station site, vehicle recycling or cleaning site, loading zone, marina, or storage or handling area for hazardous materials, salts, sands or aggregates;

(*g*) if storm water has infiltrated into the soil, the bottom of the works used for infiltration will be situated, as applicable,

i. at least one metre above bedrock level and above the seasonal peak groundwater level calculated on the basis of the average of the annual peaks recorded by piezometer over a minimum two-year period or established on the basis of the oxidation-reduction level observed; or

ii. at least two metres above a one-time reading of groundwater level;

(*h*) the work carried out to make the outfall complies with the permanent environmental mitigation measures provided for in section 6.3.3.5 of chapter 6 of volume IV of Collection Normes – Ouvrages routiers published on the website of Publications du Québec; and

(*i*) the work complies with standard specification BNQ 1809-300 – Travaux de construction – Clauses techniques générales – Conduites d'eau potable et d'égout;

(2) the extension of an existing storm sewer system or the installation of a storm sewer main in an existing drainage system that does not include the making of a new outfall, to the extent that

(*a*) the boundaries of the watershed of the receiving watercourse, as determined at the site of the outfall prior to the work, are not modified by the work;

(*b*) the land area of the watershed of the receiving watercourse, as determined at the site of the outfall on the basis of the Base de données topographiques du Québec à l'échelle 1:20 000, is more than 65% forest cover as assessed on the basis of the most recent forest cover maps appearing in the information system called the "système d'information écoforestière", and less than 10% is included within urbanization perimeters as assessed on the basis of the land use planning and development plans of the regional county municipalities concerned;

(*c*) the existing outfall of the sewer system or storm drainage system is not modified;

(*d*) the existing outfall is not located in the watershed of a lake;

(*e*) the runoff water drained by the system does not come from an industrial site, service station site, vehicle recycling or cleaning site, loading zone, marina, or storage or handling area for hazardous materials, salts, sands or aggregates;

(*f*) if storm water has infiltrated into the soil, the bottom of the works used for infiltration will be situated, as applicable,

i. at least one metre above bedrock level and above the seasonal peak groundwater level calculated on the basis of the average of the annual peaks recorded by piezometer over a minimum two-year period or established on the basis of the oxidation-reduction level observed; or

ii. at least two metres above a one-time reading of groundwater level;

(*g*) the work complies with standard specification BNQ 1809-300 – Travaux de construction – Clauses techniques générales – Conduites d'eau potable et d'égout;

(*h*) the existing storm sewer is not hydraulically connected to a combined system or, if it is, all the criteria set out in subparagraph 3 of this paragraph are met;

(3) the installation of a municipal sanitary sewer system or the extension, via a sanitary sewer, of a sanitary or partially separated municipal sanitary sewer system, to the extent that

(*a*) the system is connected to a water purification station and is subject to the Regulation respecting municipal wastewater treatment works (chapter Q-2, r. 34.1);

(*b*) the work complies with standard specification BNQ 1809-300 – Travaux de construction – Clauses techniques générales – Conduites d'eau potable et d'égout;

(*c*) no waste water will be discharged into the environment while the project or the work relating to it is being carried out; and

(*d*) no combined sewer overflow or diversion work is added to the system;

(*e*) the work carried out in connection with the project does not entail an increase in the frequency of overflows for any of the combined sewer overflows situated downstream from the connection point, or in the frequency of diversions at the water purification station, above the maximum number of overflows specified in the online SOMAEU system on the Portail gouvernemental des affaires municipales et régionales on 23 March 2017 or, if the work does entail

such an increase, it is carried out under a compensatory measures implementation plan filed with the Minister by the municipality, which plan must, once carried out, have the effect of not increasing the overflows or diversions, and must include

i. the boundaries of the sectors concerned;

ii. a list of the combined sewer overflows and diversion works concerned; and

iii. a work schedule covering a maximum period of five years after the date the plan is filed with the Minister;

(4) the modification of a water purification station, to the extent that

(*a*) the station is subject to the Regulation respecting municipal wastewater treatment works;

(*b*) the depollution attestation issued to the station and the conditions of operation applicable to it will not be modified by the work; and

(*c*) no untreated or partially treated waste water will be discharged into the environment while the work is being carried out;

(5) the installation or extension of a storm sewer system, to the extent that

(*a*) the work is carried out in accordance with the *Manuel de calcul et de conception des ouvrages municipaux de gestion des eaux pluviales* published on the department's website on 23 March 2017;

(*b*) the work complies with standard specification BNQ 1809-300 – Travaux de construction – Clauses techniques générales – Conduites d'eau potable et d'égout;

(*c*) the runoff water does not come from an industrial site, service station site, vehicle recycling or cleaning site, loading zone, marina, or storage or handling area for hazardous waste, salts, sands or aggregates;

(*d*) the existing storm sewer is not hydraulically connected to a combined system or, if it is, all the criteria set out in subparagraph 3 of this paragraph are met; and

(*e*) the boundaries of the watershed of the receiving watercourse, as determined at the site of the outfall prior to the work, are not modified by the work;

(6) the implementation or extension of a drinking water distribution facility, to the extent that

(*a*) a municipality is responsible for the facility; and

(*b*) the work complies with standard specification BNQ 1809-300 – Travaux de construction – Clauses techniques générales – Conduites d'eau potable et d'égout; and

(7) as regards drinking water, the installation of pumping, booster or rechlorination stations and the reconstruction of reservoirs or basins, to the extent that

(*a*) a municipality is responsible for the works;

(*b*) the work will not modify water treatment or increase the treatment capacity of the facility; and

(*c*) the reservoirs and basins are not reconstructed in the same locations as the old ones.

To be exempted under the first paragraph, the work listed in that paragraph must not be

(1) except in the case of a new outfall referred to in subparagraph 1 of the first paragraph, carried out on the shore, banks or littoral zone of a lake or watercourse within the meaning of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains (chapter Q-2, r. 35), or in a marsh, swamp, pond or bog, or, if the work is so carried out, it has been authorized under the Environment Quality Act;

(2) carried out in a wildlife habitat governed by the Regulation respecting wildlife habitats (chapter C-61.1, r. 18), in a habitat of a wildlife species governed by the Regulation respecting threatened or vulnerable wildlife species and their habitats (chapter E-12.01, r. 2) or in a habitat of a plant species governed by the Regulation respecting threatened or vulnerable plant species and their habitats (chapter E-12.01, r. 3) or, if it is, it has been authorized under the Act respecting threatened or vulnerable species (chapter E-12.01) or the Act respecting the conservation and development of wildlife (chapter C-61.1), as applicable;

(3) carried out in the habitat of a plant or wildlife species appearing on the List of plant and wildlife species likely to be designated as threatened or vulnerable (chapter E-12.01, r. 5), where such a habitat is not already governed by the Regulation respecting wildlife habitats, if applicable;

(4) carried out in a high-velocity flood zone (flood recurrence interval 0-20 years) or low-velocity flood zone (flood recurrence interval 20-100 years) within the meaning of the Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains or, if the work is so carried out, the total volume of the resulting excavated material is disposed of outside the flood plain and the premises are restored to their former state, to the extent that the work complies with paragraphs *c* and *d* of subsection 4.2.1 and subsection 4.3 of that policy;

(5) carried out in a protected area within the meaning of the Natural Heritage Conservation Act (chapter C-61.01), in a park created under the Parks Act (chapter P-9), in an exceptional forest ecosystem or biological refuge classified or designated under the Sustainable Forest Development Act (chapter A-18.1), in an outstanding geological site classified under the Mining Act (chapter M-13.1) or in a wildlife preserve established under the Act respecting the conservation and development of wildlife;

(6) carried out in the territory of a regional park under the jurisdiction of a regional county municipality or, if it is, it was authorized by the regional county municipality;

(7) carried out in an agricultural zone within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) or, if it is, it obtained a favourable decision from the Commission de protection du territoire agricole du Québec; or

(8) associated with a project that is subject to the Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23).

Before carrying out the activities provided for in subparagraphs 3 to 7 of the first paragraph, the persons or municipalities concerned must, 30 days prior to the beginning of the work, send the Minister a declaration of compliance signed by an engineer and stating that the work complies with the conditions listed in the first and second paragraphs.

This section does not have the effect of restricting any power the Minister may exercise where an activity for which a declaration of compliance was filed under this section is carried out in contravention of the Environment Quality Act or the regulations. In addition, a person or municipality that fails to send the declaration referred to in the third paragraph or to comply with the conditions set out in this section is deemed to have carried out the activity without authorization and is liable to the remedies, penalties and fines applicable in such a case.

Section 9.1 of the Regulation respecting the application of section 32 of the Environment Quality Act applies, with the necessary modifications, to work exempted under this section.

This section ceases to have effect, as applicable,

(1) as regards activities exempted under subparagraphs 1 and 2 of the first paragraph, on the date of coming into force of a regulation respecting activities exempted from section 22 of the Environment Quality Act under section 31.0.11 of the Environment Quality Act, introduced by section 16;

(2) as regards activities exempted under subparagraphs 3 to 7 of the first paragraph, on the date of coming into force of a regulation providing for activities eligible for a declaration of compliance under section 31.0.6 of the Environment Quality Act, introduced by section 16.

270. An authorization under section 22 of the Environment Quality Act or section 4 of the Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is not required to establish and subsequently operate a hot mix asphalt plant situated more than 800 m from a dwelling or from a place referred to in the second paragraph of section 9 of the Regulation, provided

(1) the plant will use only liquid or gaseous fossil fuels other than used oil;

(2) the plant, as well as any area used to load, unload or discharge aggregates and any settling pond used for the needs of such a plant, are not situated in a constant or intermittent watercourse, or a lake, pond, marsh, swamp or bog;

(3) the plant will not use residual materials in its manufacturing process, except dust recovered from a dust collector; and

(4) there is no other hot mix asphalt plant within a radius of 800 m.

Nor is an authorization under section 22 of the Environment Quality Act required to relocate a hot mix asphalt plant to a place situated 800 m or less but more than 300 m from a dwelling or from a place referred to in the second paragraph of section 9 of the Regulation respecting hot mix asphalt plants, to the extent that

(1) an authorization to establish and operate the plant was issued under that section 22 within the past five years and its issue was based, among other things, on an air dispersion model of the plant carried out by a qualified person in accordance with Schedule H to the Clean Air Regulation (chapter Q-2, r. 4.1) which showed that the concentrations of contaminants in the atmosphere, at a distance of 300 m or more from the plant, comply with the standards set out in Schedule K to that Regulation and, if applicable, with the air quality criteria prescribed by the Minister in the authorization, which standards and criteria remain applicable to the relocated plant; and

(2) the conditions set out in the first paragraph are met.

A person or municipality that wishes to establish a hot mix asphalt plant in accordance with the conditions set out in the first or second paragraph, as applicable, must, at least 30 days before beginning the work, file a declaration of compliance with the Minister and attest that those conditions have been met. In addition, the declaration must attest compliance with the siting standards set out in sections 8, 13 and 14 of the Regulation respecting hot mix asphalt plants.

A hot mix asphalt plant whose establishment and subsequent operation are exempted under this section from requiring an authorization may not be established at the place concerned for a period of more than 12 months.

The Regulation respecting hot mix asphalt plants remains applicable to hot mix asphalt plants described in this section, subject to sections 4 and 5 of the Regulation.

This section does not have the effect of restricting any power the Minister may exercise where an activity for which a declaration of compliance was filed under this section is carried out in contravention of the Environment Quality Act or the regulations. In addition, a person or municipality that fails to send the declaration referred to in the third paragraph or to comply with the conditions set out in this section is deemed to have carried out the activity without authorization and is liable to the remedies, penalties and fines applicable in such a case.

This section ceases to have effect on the date of coming into force of a regulation designating the activities eligible for a declaration of compliance under section 31.0.6 of the Environment Quality Act, introduced by section 16.

271. A fee of $295 must be paid by anyone making a declaration of compliance under section 268 or 269.

A fee of $222 must be paid by anyone making a declaration of compliance under section 270.

Payment of those fees must be enclosed with the declaration of compliance sent to the Minister.

The fees are payable in cash, by cheque, bank money order or postal money order made out to the Minister of Finance, or by a mode of e-payment.

272. Declarations of compliance made under this chapter are available on request from the Minister.

Section 118.5.3 of the Environment Quality Act, replaced by section 189, applies, with the necessary modifications, to such declarations of compliance.

273. Whoever files or signs an attestation required under this chapter that is false or misleading is guilty of 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, and, in all other cases, to a fine of $15,000 to $3,000,000.

If penal proceedings are brought against a professional within the meaning of the Professional Code (chapter C-26) for an offence under the first paragraph, the Minister must inform the syndic of the professional order concerned.

Sections 115.33 and 115.35 to 115.46 of the Environment Quality Act apply, with the necessary modifications, to an offence under the first paragraph.

CHAPTER II

REFERENCES AND PRESUMPTIONS

274. Unless the context indicates otherwise, in any Act, regulation or Order in council,

(1) a reference to an authorization certificate issued under section 22 of the Environment Quality Act (chapter Q-2) becomes a reference to an authorization issued under the same section, replaced by section 16;

(2) a reference to a depollution attestation issued for an industrial establishment under section 31.10 of the Environment Quality Act becomes a reference to an authorization issued under subparagraph 1 of the first paragraph of section 22 of that Act, replaced by section 16;

(3) a reference to a water withdrawal authorization issued under section 31.75 of the Environment Quality Act becomes a reference to an authorization issued under subparagraph 2 of the first paragraph of section 22 of that Act, replaced by section 16;

(4) a reference to an authorization issued under section 32 of the Environment Quality Act for the establishment of a waterworks, water intake or water purification apparatus or for work on a sewer system or the installation of wastewater treatment devices, or a reference to a permit issued under section 32.1 or 32.2 of that Act for the operation of a waterworks or sewer system, becomes a reference to an authorization issued under subparagraph 3 of the first paragraph of section 22 of that Act, replaced by section 16;

(5) a reference to a hazardous materials permit issued under Division VII.1 of Chapter I of the Environment Quality Act becomes a reference to an authorization issued under subparagraph 5 of the first paragraph of section 22 of that Act, replaced by section 16;

(6) a reference to an authorization issued under section 48 of the Environment Quality Act to install or set up an apparatus or equipment to prevent, reduce or stop the issue of contaminants into the atmosphere becomes a reference to an authorization issued under subparagraph 6 of the first paragraph of section 22 of that Act, replaced by section 16;

(7) a reference to an authorization issued under section 55 of the Environment Quality Act to establish or alter a residual materials elimination facility becomes a reference to an authorization issued under subparagraph 7 of the first paragraph of section 22 of that Act, replaced by section 16; and

(8) a reference to a permission granted under section 65 of the Environment Quality Act to use for construction purposes land that was formerly used as a residual materials elimination site becomes a reference to an authorization issued under subparagraph 9 of the first paragraph of section 22 of that Act, replaced by section 16.

275. The following are deemed to be authorizations issued under section 22 of the Environment Quality Act, replaced by section 16:

(1) an authorization certificate issued under section 22 of the Environment Quality Act before 23 March 2018; and

(2) an administrative certificate issued under section 24.1 of the Environment Quality Act before 23 March 2018.

276. A depollution attestation for an industrial establishment issued under section 31.10 of the Environment Quality Act before 23 March 2018 is deemed to be an authorization issued under subparagraph 1 of the first paragraph of section 22 of that Act, replaced by section 16.

277. A water withdrawal authorization issued under section 31.75 of the Environment Quality Act before 23 March 2018 is deemed to be an authorization issued under subparagraph 2 of the first paragraph of section 22 of that Act, replaced by section 16.

The transitional scheme provided for in sections 33 to 38 of the Act to affirm the collective nature of water resources and provide for increased water resource protection (chapter C-6.2) is maintained and the withdrawals referred to in sections 33 and 34 of that Act may continue without further formality on the part of the withdrawer until 14 August 2024 or, for the withdrawers referred to in section 102 of the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2), until the dates mentioned in the Regulation.

Section 103 of the Water Withdrawal and Protection Regulation, which concerns the authorization applications or authorization renewal applications for withdrawals referred to in sections 33 and 34 of the Act to affirm the collective nature of water resources and provide for increased water resource protection that must be filed by the withdrawer concerned on the date of expiry of the transitional scheme mentioned in the second paragraph, also applies.

278. An authorization for the establishment of a waterworks, water intake or water purification apparatus or for work on a sewer system or the installation of wastewater treatment devices issued under section 32 of the Environment Quality Act before 23 March 2018 is deemed to be an authorization issued under subparagraph 3 of the first paragraph of section 22 of that Act, replaced by section 16.

279. A hazardous materials permit issued under Division VII.1 of Chapter I of the Environment Quality Act before 23 March 2018 is deemed to be an authorization issued under subparagraph 5 of the first paragraph of section 22 of that Act, replaced by section 16.

280. An authorization for the installation or setting up of an apparatus or equipment to prevent, reduce or stop the issue of contaminants into the atmosphere issued under section 48 of the Environment Quality Act before

23 March 2018 is deemed to be an authorization issued under subparagraph 6 of the first paragraph of section 22 of that Act, replaced by section 16.

281. An authorization issued under section 55 of the Environment Quality Act before 23 March 2018 to establish or alter a residual materials elimination facility is deemed to be an authorization issued under subparagraph 7 of the first paragraph of section 22 of that Act, replaced by section 16.

282. A permission under section 65 of the Environment Quality Act to use for construction purposes land formerly used as a residual materials elimination site that is granted before 23 March 2018 is deemed to be an authorization issued under subparagraph 9 of the first paragraph of section 22 of that Act, replaced by section 16.

283. For the purposes of Division I of Chapter IV of the Agricultural Operations Regulation (chapter Q-2, r. 26), a reference to a project notice becomes, as of 23 March 2018, a reference to a declaration of compliance.

284. A permit issued under section 32.1 or 32.2 of the Environment Quality Act before 23 March 2018 is deemed to be an authorization issued under subparagraph 3 of the first paragraph of section 22 of that Act, replaced by section 16.

285. Schedule D to the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1) is deemed to be a regulation of the Minister made under the second paragraph of section 46.8 of the Environment Quality Act, introduced by this Act.

286. The agreements entered into between a minister and the Minister of Sustainable Development, Environment and Parks in accordance with section 15.4.3 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) are deemed to be agreements entered into between a minister and the Conseil de gestion du Fonds vert for the purposes of section 15.4.2 of that Act, amended by this Act.

CHAPTER III

INTERIM MEASURES

287. Laboratories accredited under section 118.6 of the Environment Quality Act (chapter Q-2) on 23 March 2018 are governed, until the coming into force of the first regulation made under section 118.6 of the Environment Quality Act, replaced by this Act, or not later than five years after 23 March 2018, by the rules mentioned in the following departmental documents, as published on the department's website on 23 March 2018:

(1) Chapter III of the "Programme accréditation des laboratoires d'analyse", document DR-12-PALA;

(2) the "Lignes directrices concernant les travaux analytiques en chimie", document DR-12-SCA-01;

(3) the "Lignes directrices concernant les travaux analytiques en microbiologie", document DR-12-SCA-02;

(4) the "Lignes directrices concernant les travaux analytiques en toxicologie", document DR-12-SCA-03;

(5) the "Exigences applicables à la déclaration d'accréditation", document DR-12-SCA-06;

(6) the "Lignes directrices concernant l'échantillonnage de l'eau potable", document DR-12-SCA-07;

(7) the "Lignes directrices concernant les stations d'un réseau de surveillance de la qualité de l'air", document DR-12-SCA-09; and

(8) the "Exigences relatives à la qualification du personnel", document DR-12-PER.

During that period, the Minister may renew an accreditation. The Minister may also suspend, amend or revoke an accreditation for any of the reasons set out in sections 115.5 to 115.10 of the Environment Quality Act. In such a case, the Minister must send the notification provided for in section 115.11 of that Act to the laboratory concerned.

During the same period, an accredited laboratory may transfer its accreditation if it complies with the requirements set out in section 118.9 of the Environment Quality Act, introduced by this Act.

288. Accreditation and certification applications filed between 23 March 2018 and 23 March 2021 under section 118.6 of the Environment Quality Act, replaced by this Act, are issued for a period of five years under the programs established by the Minister for that purpose before 23 March 2018 and published on the website of the Minister's department.

The rules referred to in section 287 then apply to the holder of the accreditation or certification.

289. The following pending applications made before 23 March 2018 are continued and decided in accordance with the provisions of this Act, except the provisions of section 23 of the Environment Quality Act, replaced by section 16, which concern the admissibility of an application:

(1) applications under section 22 of the Environment Quality Act for an authorization certificate;

(2) applications under subdivision 1 of Division IV.2 of Chapter I of that Act for a depollution attestation or its renewal or amendment for an industrial establishment;

(3) applications under section 31.75 of that Act for a water withdrawal authorization or its renewal;

(4) authorization applications under section 32 of that Act or under section 32.1 or 32.2 of that Act;

(5) applications under Division VII.1 of Chapter I of that Act for the issue, renewal or amendment of an authorization or permit relating to hazardous materials management;

(6) authorization applications under section 48 of that Act;

(7) authorization applications under section 55 of that Act; and

(8) authorization applications under section 65 of that Act.

290. An activity in progress on 23 March 2018 for which no ministerial authorization was required under the Environment Quality Act on that date and which is subject to an authorization under section 22 of that Act, replaced by section 16, after that date may be continued without further formality, subject to any special provisions prescribed by government regulation.

291. Any project for which an environmental impact assessment and review procedure is in progress on 23 March 2018 is continued according to the procedure established under the new provisions of subdivision 4 of Division II of Chapter IV of Title I of the Environment Quality Act, introduced by this Act, subject to the following:

(1) section 31.3.1 does not apply if, by that date, the project proponent has received indications from the Minister as to the nature, scope and extent of the environmental impact assessment statement the proponent must prepare; or

(2) the information and public consultation stage is carried out in accordance with the Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23) as it read before that date if, by that same date, the Minister has received the environmental impact assessment statement from the project proponent. However, the new provisions of the second and third paragraphs of section 31.3.5 apply to that stage.

292. Except with regard to cases pending before the courts on 7 June 2016, the Minister is exonerated from all liability for injury suffered by an authorization holder and resulting from an activity carried out in accordance with the information or documents provided by the holder and on which the authorization is based, unless the injury is attributable to an intentional or gross fault.

293. Works present on or affecting the lakes and watercourses in the domain of the State on 23 March 2017 and for which no express concession has been obtained by that date may be maintained or operated until a concession of right is obtained by the minister or ministers exercising the rights and powers inherent in the right of ownership for the lands and public rights concerned.

To obtain a concession of right, the owner or operator of the works concerned must apply to the minister or ministers concerned within the time and according to the conditions prescribed for that purpose by a regulation made under section 88 of the Watercourses Act (chapter R-13).

294. Applications for approval of plans and specifications filed under the Watercourses Act and under consideration on 23 March 2017 are deemed to have been granted on that date. Sections 35 and 60 of that Act, which concern the publication measures of a project, replaced by this Act, and sections 59 and 74 of that Act, which concern certain information to be sent to the Minister of Sustainable Development, Environment and Parks and the Minister of Natural Resources and Wildlife, amended by this Act, apply nonetheless to the person or partnership that filed the application.

295. The coming into force process for any residual materials management plan adopted, in accordance with section 53.18 of the Environment Quality Act, by the council of a regional municipality before 23 March 2017 continues in accordance with the provisions of that Act as they read on that date.

CHAPTER IV

OTHER TRANSITIONAL PROVISIONS

296. On an application by a holder of two or more authorization certificates issued under section 22 of the Environment Quality Act (chapter Q-2) before 23 March 2018 and relating to the same works, establishment, activity or work, the Minister may, on the conditions the Minister determines, combine those certificates into a single authorization. Such an application must be made not later than 23 March 2027.

When issuing such an authorization, the Minister may not make any change to the conditions set out in the authorization certificates so combined that would either reduce the environmental protection provided by those conditions or make the holder subject to new obligations.

From its date of issue, the authorization is deemed to have been issued under section 22 of the Environment Quality Act and replaces the authorization certificates it combines, which cease to have effect, without however affecting the offences committed, proceedings instituted or penalties incurred before that date with regard to those certificates.

297. As of 23 March 2017, the information and documents mentioned in section 118.5 of the Environment Quality Act, replaced by section 188, and received or produced by the Minister on or after that date, are available on request.

Subject to the right-of-access restrictions provided for in sections 28, 28.1 and 29 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), and in the first and second paragraphs of section 298 of this Act, the information and documents referred to in the first paragraph are public, except information concerning the location of vulnerable or threatened species.

This section ceases to have effect on the date of coming into force of section 118.5 of the Environment Quality Act, as amended by section 188.

298. If the Minister receives an application made under the first paragraph of section 297 requesting access to an application for the issue of an authorization, permit, certificate, attestation or permission, or requesting access to an authorization, permit, certificate, attestation or permission the Minister has already issued, the Minister must, before communicating the requested information or documents, give notice to the third person concerned in order to allow that person to identify any information or documents it considers to be a confidential industrial or trade secret and to justify that claim.

The third person concerned may submit observations within 15 days after the date the notice is sent. If the third person does not submit observations within that time, it is deemed to have consented to access being given to the information and documents.

If the Minister does not agree as to the claimed confidentiality of information or documents identified by the third person and decides to give access to them, the Minister must notify the third person in writing of the decision. The Minister's decision becomes enforceable on the expiry of 15 days after the date the notice is sent.

Despite the first paragraph, the following information and documents are public:

(1) the description of the activity concerned and its location; and

(2) the nature, quantity, concentration and location of all contaminants likely to be released into the environment.

This section does not have the effect of restricting the scope of section 118.4 of the Environment Quality Act.

299. The register provided for in section 118.5 of the Environment Quality Act, as it reads before the date of coming into force of that section 118.5, replaced by section 188, is maintained for the information and documents entered in it before that date.

The register provided for in that section 118.5, replaced by section 188, contains the information and documents received or produced, as applicable, by the Minister on or after the date of coming into force of that section.

300. The register provided for in section 118.5.0.1 of the Environment Quality Act, as introduced by section 188, contains the information and documents received or produced, as applicable, by the Minister on or after 23 March 2018.

301. The accounts of the Green Fund for the 2016–2017 fiscal year must be tabled by the Minister in the National Assembly not later than 15 days after the Assembly's resumption in the year 2017.

The accounts must include

(1) the expenditure and investment estimates for the 2016–2017 fiscal year;

(2) the excess expenditures and investments for the 2015–2016 fiscal year;

(3) the sums debited from the Fund by each minister who is a party to an agreement referred to in section 15.4.3 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) on that date; and

(4) the nature of the revenues.

302. For the appointment of the first members of the Conseil de gestion du Fonds vert established under the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, the members are appointed by the Government without taking into account the experience and expertise profiles provided for in paragraph 3 of section 15.4.9 of that Act, introduced by section 216.

303. Despite section 15.4.37 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, as introduced by section 216, the first report under that section must be submitted to the Government not later than five years after the date of assent to this Act. The second paragraph of that section, which concerns tabling the report in the National Assembly, applies.

304. As of 23 March 2017, whoever makes an authorization application to the Minister under the Environment Quality Act must also send a copy of it to the municipality in whose territory the project concerned will be carried out.

CHAPTER V

REGULATORY POWERS

305. The Government may, by a regulation made not later than 23 March 2018, enact any transitional measures required to carry out this Act, including measures to adjust the transitional provisions in this Act.

306. Not later than 23 March 2018, the Government must make a regulation, which must come into force on that date, to amend, replace or repeal the following regulations in order to ensure consistency with and enforcement of the provisions of this Act:

(1) the Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2);

(2) the Regulation respecting the application of the Environment Quality Act (chapter Q-2, r. 3);

(3) the Regulation respecting industrial depollution attestations (chapter Q-2, r. 5);

(4) the Regulation respecting waterworks and sewer services (chapter Q-2, r. 21);

(5) the Regulation respecting environmental impact assessment and review (chapter Q-2, r. 23);

(6) the Regulation respecting hazardous materials (chapter Q-2, r. 32); and

(7) the Water Withdrawal and Protection Regulation (chapter Q-2, r. 35.2).

In addition, not later than 23 March 2018, the Government must make the following regulations, which must come into force on that date:

(1) a regulation on activities that are eligible for a declaration of compliance, in accordance with subdivision 2 of Division II of Chapter IV of Title I of the Environment Quality Act (chapter Q-2), introduced by section 16; and

(2) a regulation on activities that are exempted from section 22 of the Environment Quality Act, in accordance with subdivision 3 of Division II of Chapter IV of Title I of that Act, introduced by section 16.

Not later than 23 March 2018, the Government must also amend the Terms and conditions for the signing of certain documents of the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001, r. 1).

307. Not later than 23 March 2019, the Government must make a regulation to amend the Regulation respecting pits and quarries (chapter Q-2, r. 7) in order to provide for activities that are eligible for a declaration of compliance under subdivision 2 of Division II of Chapter IV of Title I of the Environment Quality Act, introduced by section 16.

308. The Minister must, not later than 23 March 2018, make a regulation on fees payable, in accordance with section 95.3 of the Environment Quality Act, replaced by section 126, which must come into force on that date.

309. Not later than 23 March 2018, the Bureau d'audiences publiques sur l'environnement must submit to the Government, for approval, rules of procedure for targeted consultations and mediation sessions, in accordance with the first paragraph of section 6.6 of the Environment Quality Act, amended by section 11.

FINAL PROVISION

310. This Act comes into force on 23 March 2018, except

(1) sections 1, 5, 7, 8, 12, 13, 33 to 43, 75 to 81, 85 to 107, 127, 137, 143, paragraph 3 of section 144, sections 158, 159, 161, 162, 172, 173, 207 to 237, 240, 247, 251, 252, 254 to 273, 285, 286, 292 to 295 and 297 to 309, which come into force on 23 March 2017;

(2) section 118.5 of the Environment Quality Act (chapter Q-2), replaced by section 188, which comes into force on the date to be set by the Government.