

Regulations and other Acts

Gouvernement du Québec

O.C. 869-2021, 23 June 2021

Act respecting hours and days of admission to commercial establishments (chapter H-2.1)

Periods of admission to commercial establishments — Amendment

Regulation to amend the Regulation respecting periods of admission to commercial establishments

WHEREAS, under section 4.1 of the Act respecting hours and days of admission to commercial establishments (chapter H-2.1), the Government may, by regulation, change the hours or days of admission specified in section 2, 3 or 3.1 or determine special periods of admission to certain commercial establishments, which may vary according to criteria established by regulation and have precedence over sections 5 to 10;

WHEREAS the Government made the Regulation respecting periods of admission to commercial establishments (chapter H-2.1, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting periods of admission to commercial establishments was published in Part 2 of the *Gazette officielle du Québec* of 10 March 2021, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the the Minister of Economy and Innovation:

THAT the Regulation to amend the Regulation respecting periods of admission to commercial establishments, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting periods of admission to commercial establishments

Act respecting hours and days of admission to commercial establishments (chapter H-2.1, s. 4.1)

1. The Regulation respecting periods of admission to commercial establishments (chapter H-2.1, r. 1) is amended by inserting the following after section 6:

“DIVISION III.1 COMMERCIAL ESTABLISHMENTS THAT OFFER AUDIO RECORDINGS FOR SALE

6.2. Despite sections 2 and 3 of the Act, the public may be admitted to a commercial establishment offer audio recordings as principal products for sale between 8 a.m. and 11 p.m., every day of the year.

The periods of admission referred to in the first paragraph have precedence over sections 5 to 10 of the Act.”

2. This regulation comes into force tthe fifteenth day following the date its publication at the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 877-2021, 23 June 2021

Environment Quality Act (chapter Q-2)

Traceability of excavated contaminated soils

Regulation respecting the traceability of excavated contaminated soils

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Environment Quality Act (chapter Q-2), the Government may make regulations 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;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Act, the Government may make regulations 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 the Act or the regulations, determine their form and content and the conditions governing their preservation and sending;

WHEREAS, under section 115.27 of the Act, the Government or the Minister may, in a regulation made under the Act, specify in particular that a failure to comply with the regulation may give rise to a monetary administrative penalty and set forth the amounts;

WHEREAS, under the first paragraph of section 115.34 of the Act, the Government or, as applicable, the Minister may in particular determine the regulatory provisions made under the Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government or the Minister;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the traceability of excavated contaminated soils was published in Part 2 of the *Gazette officielle du Québec* of 24 April 2019 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

THAT the Regulation respecting the traceability of excavated contaminated soils, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation respecting the traceability of excavated contaminated soils

Environment Quality Act
(chapter Q-2, s. 95.1, 1st par., subpars. 3, 7 and 21, ss. 115.27 and 115.34)

CHAPTER I GENERAL

1. The purpose of this Regulation is to limit and control the contamination caused or likely to be caused by excavated contaminated soils, through the implementation of traceability measures to ensure that such soils are discharged in a site where they may be received.

2. This Regulation applies to soils containing contaminants from human activities, whatever the concentration value of the contaminants.

Sediments extracted from a lake or watercourse, including the estuary and Gulf of St. Lawrence and the oceans surrounding Québec, are considered to be soils to which the first paragraph applies if they contain such contaminants.

This Regulation does not apply to excavated contaminated soils transported to, or by, an aircraft.

3. In the case of soils to which this Regulation and any of sections 8 to 10 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46) apply or, if the latter Regulation does not apply, in the case of soils to which this Regulation applies that are in a situation similar to a situation described in those sections, this Regulation applies to such soils only from the time

(1) those sections no longer apply to the soils or the conditions of those sections are no longer met, or the soils are no longer in a situation similar to a situation described in those sections; and

(2) the soils are transported to be discharged in a site other than their site of origin.

If soils referred to in section 2 are transported from their site of origin to a facility dedicated exclusively to the processing of the soils and operated in accordance with an authorization issued pursuant to section 22 of the Environment Quality Act (chapter Q-2), referred to hereafter as “the Act”, this Regulation applies only from the time the soils are transported from that facility to be discharged in a site other than their site of origin.

4. In this Regulation,

“linear infrastructure” means

- (1) a road infrastructure or a railway;
- (2) an oil pipeline;
- (3) a natural gas supply or distribution pipeline;
- (4) a power or telecommunications transmission or distribution line; or
- (5) a water management or treatment facility referred to in section 32 of the Act; (*infrastructure linéaire*)

“project owner” means any person, municipality or department that requests the construction, alteration or dismantling of a linear infrastructure, and finances and sets the deadlines for the work; (*maître d'ouvrage*)

“receiving site” means any site situated in Québec in which contaminated soils are temporarily or permanently discharged; (*lieu récepteur*)

“receiving site manager” and “manager of a receiving site” mean the operator of a receiving site or, if the site is not operated, any other site manager; (*responsable d'un lieu récepteur*)

“site of origin” means the land from which the contaminated soils are excavated. (*terrain d'origine*)

5. Every owner of excavated contaminated soils, every project owner for work to excavate contaminated soils on a linear infrastructure and, if soils are excavated following an accidental discharge of hazardous materials, the party causing the discharge, may authorize another person to satisfy any requirement which, under this Regulation, must be satisfied using the computer system prescribed for that purpose by the Minister or any requirement under the first paragraph of section 22, subject to the exceptions mentioned in the third paragraph of that section.

6. Every manager of a receiving site in which contaminated soils are discharged temporarily is required, before the soils may leave the site, to satisfy the requirements of section 12, with the necessary modifications.

If soils are returned to their site of origin by a receiving site manager, the recipient of the returned soils must, when they arrive, satisfy the requirements of section 19, with the necessary modifications.

Despite the first paragraph, if the receiving site manager refuses to receive contaminated soils, the requirements of the first paragraph must be satisfied by the recipient of the returned soils along with the requirements under the second paragraph.

The first paragraph does not apply if the receiving site is a ship or a train.

7. All information and documents required under this Regulation must be provided to the Minister using the computer system prescribed by the Minister.

Any signature required under this Regulation must be affixed electronically.

CHAPTER II TRACEABILITY OF EXCAVATED CONTAMINATED SOILS

DIVISION I REGISTRATION

8. If contaminated soils are to be transported, before the soils may leave their site of origin, registration is mandatory for,

(1) if the quantity of soils to be transported is greater than 200 metric tonnes,

(a) the owner of the soils or, if the soils are excavated during work on a linear infrastructure, the project owner for the work or, if the soils are excavated following an accidental discharge of hazardous materials, the party causing the discharge; and

(b) the carrier of the soils;

(2) any person authorized under section 5 or under the second paragraph;

(3) the manager of a receiving site in which the soils are to be discharged, except if that site is a ship or a train; and

(4) any person qualified to provide an attestation referred to in the first paragraph of section 16.

In other cases, registration in the computer system is not mandatory. However, if a quantity of contaminated soils equal to or less than 200 metric tonnes is to be transported, authorization must be given to another person to satisfy the requirements which, under this Regulation, must be satisfied using the computer system if the owner of the soils or, if the soils are excavated during work on a linear infrastructure, the project owner for the work or, if

the soils are excavated following an accidental discharge of hazardous materials, the party causing the discharge, is not registered in the computer system.

A receiving site manager referred to in subparagraph 3 of the first paragraph must be registered not less than 72 hours before the soils are transported.

9. The following information must be provided for registration in the computer system:

(1) in the case of a natural person, the person's name and professional address or, if none, the person's personal address;

(2) in the case of a business corporation, a partnership or any other group of persons, or in the case of a trust, the name it uses to identify itself in connection with activities related to excavation work, its address, its legal form and the Québec business number assigned to it following registration under the Act respecting the legal publicity of enterprises (chapter P-44.1); and

(3) in other cases, its name and address and, if applicable, its legal form.

A registrant in the computer system must also give consent so that all information and documents provided to the Minister to comply with this Regulation may be communicated if necessary for the purposes of this Regulation.

10. The receiving site manager must also, to complete the registration,

(1) indicate in the computer system if the activities at the site are exempted or not from the requirement to obtain an authorization under section 22 of the Act;

(2) if covered by any of the following documents, provide the Minister with a copy of the document:

(a) an authorization issued under section 22 of the Act permitting operation of the site or, if the site is not operated, permitting the manager to allow transported soils to be discharged at the site;

(b) a declaration of compliance filed under section 31.0.6 of the Act for the discharge of contaminated soils at the receiving site; or

(c) any rehabilitation plan approved by the Minister containing a measure concerning discharge of contaminated soils at the receiving site.

11. Any change to the information or documents provided pursuant to section 9 or 10 must be communicated to the Minister within seven days of knowledge of the change and the provider of the information or documents must give consent so they may be communicated if necessary for the purposes of this Regulation.

DIVISION II TRACKING OF SOILS

12. All transportation of contaminated soils must, before the soils may leave their site of origin, be logged on a tracking slip on which the following information must be entered:

(1) the address of the site of origin or, if none, the cadastral designation or geographic coordinates of the site, and in the two latter cases the name of the municipality in which it is situated;

(2) where applicable, the name of the project for which the soils have been excavated;

(3) the name and professional address of the person completing the tracking slip or, if none, the person's personal address;

(4) if not the owner of the site, the name and address of the owner;

(5) the name and address of the carrier of the soils;

(6) the name of the driver of the vehicle used to transport the soils;

(7) the registration number of the vehicle used to transport the soils and, where applicable, that of its trailer or semi-trailer;

(8) the highest of the following concentration values that apply to the contaminants present in the soils, the concentration values in subparagraph *a* being the lowest and the concentration values in subparagraph *d* being the highest:

(a) the values below or equal to those listed in Schedule I to the Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);

(b) the values above those listed in Schedule I to the Land Protection and Rehabilitation Regulation but below or equal to those listed in Schedule II to that Regulation;

(c) the values above those listed in Schedule II to the Land Protection and Rehabilitation Regulation but below those listed in Schedule I of the Regulation respecting the burial of contaminated soils (chapter Q-2, r. 18); and

(d) the values equal to or above those listed in Schedule I to the Regulation respecting the burial of contaminated soils;

(9) the categories to which the contaminants present in the soils belong, among those indicated on the tracking slip, whose concentration values correspond to the values entered under subparagraph 8;

(10) the quantity of soils to be transported, expressed in metric tonnes;

(11) the date of transportation of the soils and the time at which the carrier of the soils left the site of origin; and

(12) the name, if any, of the receiving site for the soils and its address or, if none, the cadastral designation or geographic coordinates of the site, and in the two latter cases the name of the municipality in which it is situated.

Every tracking slip must be signed and dated and include a statement that the information it contains is complete and accurate.

13. If contaminated soils to be transported were excavated during work on a linear infrastructure, the information required by subparagraph 4 of the first paragraph of section 12 need not be entered on the tracking slip.

If contaminated soils to be transported were excavated following an accidental discharge of hazardous materials or were discovered unexpectedly, only the information required by subparagraphs 1 to 3, 5 to 7 and 10 to 12 of the first paragraph of section 12, as well as the contaminant discharged, must be entered on the tracking slip.

14. The requirement to complete the tracking slip for contaminated soils before they may leave their site of origin is to be satisfied by

- (1) the owner of the soils transported;
- (2) if the soils were excavated during work on a linear infrastructure, the project owner for the work; or
- (3) if the soils were excavated following an accidental discharge of hazardous materials, the party causing the discharge.

15. If contaminated soils are to be transported, the first transportation must, so that the soils may leave their site of origin, be reported in a notice to the Minister indicating the total estimated quantity of soils to be transported. The notice must be given by the signatory of the tracking slip under section 14.

16. If the total estimated quantity of soils to be transported is greater than 200 metric tonnes, the signatory of the tracking slip under section 14 must also provide the Minister, within fifteen days after the last transportation of soils, with an attestation from a qualified person stating that all the soils excavated have been recorded on a tracking slip.

A person that is neither the signatory of the tracking slip, the natural person who completed the tracking slip, the soil excavator, or one of their employees, is qualified to provide the attestation referred to in the first paragraph if the person is

(1) a member of a professional order governed by the Professional Code (chapter C-26) with not less than three years experience in site characterization and site rehabilitation; or

(2) the holder of a post-secondary diploma in a scientific discipline with not less than five years experience in site characterization and site rehabilitation.

17. If more than 200 metric tonnes of contaminated soils are to be transported, a carrier of the soils must, before they may leave their site of origin or a receiving site where they were discharged, indicate on the tracking slip for the soils that they have been loaded onto the vehicle used for their transportation and enter the telephone number of the device used pursuant to section 24, if such a number exists.

The tracking slip must be signed and dated and include a statement that the information entered under the first paragraph and subparagraphs 5 to 7, 10 and 11 of the first paragraph of section 12 is complete and accurate.

This section does not apply if the soils are transported from a receiving site and are discharged at a site with the same address as the receiving site.

18. If more than 200 metric tonnes of contaminated soils are to be transported, the receiving site manager must, before the soils may leave their site of origin, and in addition to the manager's other requirements under the preceding provisions, provide the Minister with confirmation that the manager has agreed with the signatory of the tracking slip for the soils under section 14 that the soils may be discharged at the receiving site.

19. The receiving site manager must, before contaminated soils may be discharged, enter on the tracking slip for the soils

- (1) the registration number of the vehicle used to transport the soils and that of any trailer or semi-trailer;
- (2) the date and time at which the carrier of the soils arrived at the receiving site;
- (3) whether the soils will be reclaimed at the receiving site or eliminated, when both options are available; and
- (4) the name of the person completing the tracking slip.

The receiving site manager must also enter on the tracking slip the quantity of soils expressed in metric tonnes as soon as the soils have been discharged.

The tracking slip must be signed and dated and include a statement that the information entered under the first and second paragraphs and under subparagraphs 5, 6 and 12 of the first paragraph of section 12 is complete and accurate.

This section does not apply if the receiving site is a ship or a train.

20. A carrier of contaminated soils cannot discharge the soils at a receiving site until the site manager has satisfied the requirements of the first paragraph of section 19, except if the receiving site is a ship or a train.

21. A receiving site manager refusing to receive contaminated soils must state that fact on the tracking slip for the soils along with the reason for the refusal.

The signatory of the new tracking slip before the soils may leave the receiving site must also enter the statement referred to in the first paragraph along with the reason for the receiving site manager's refusal to receive the soils.

This section does not apply if the receiving site is a ship or a train.

22. If contaminated soils are discharged outside Québec, the signatory of the tracking slip for the soils under the first paragraph of section 6 or section 14, as applicable, must be present on the arrival of the carrier at the place in which the soils are discharged and obtain a signed and dated document from the manager of the place confirming receipt of the soils and the quantity involved. The document must then be provided by the signatory to the Minister within 24 hours after the soils are discharged.

The signatory must also enter on the tracking slip the registration number of the vehicle used to transport the soils and that of any trailer or semi-trailer, the date and time at which the carrier of the soils arrived at the place in which the soils are discharged, the name of the manager of the place and the quantity of soils entered by the manager on the document referred to in the first paragraph. The tracking slip must be signed and dated and include a statement that the information it contains is complete and accurate.

A person authorized under section 5 to satisfy the requirements of the first and second paragraphs may not be the manager of the place in which the soils are discharged, or an employee of the manager.

23. If contaminated soils are discharged onto a ship or a train, the signatory of the tracking slip for the soils under the first paragraph of section 6, if the soils were transported from another receiving site, or under section 14 if the soils were transported directly from their site of origin, must enter on the tracking slip before the soils are discharged onto the ship or train,

- (1) the identification number of the ship or train transporting the soils;
- (2) the date and time at which, when the soils left the other receiving site or their site of origin, they were scheduled to be discharged onto the ship or train;
- (3) the site at which the soils will be discharged from the ship or train;
- (4) the date and time at which, when the soils left the other receiving site or their site of origin, the ship or train was scheduled to arrive at the site referred to in paragraph 3; and
- (5) the name and address of the new carrier of the soils.

DIVISION III TRACKING OF SOILS DURING TRANSPORTATION

24. If more than 200 metric tonnes of contaminated soils are to be transported, the carrier of the soils must, during transportation, whether from their site of origin or from a receiving site where they were discharged, use a device, compatible with the computer system prescribed by the Minister, that throughout the entire transportation time transmits the geographic position of the location of the soils to the system, even if the soils are discharged outside Québec.

The first paragraph does not apply if the soils are transported by ship or train or transported from a receiving site and discharged at a site with the same address as the receiving site.

CHAPTER III PENALTIES

DIVISION I MONETARY ADMINISTRATIVE PENALTIES

25. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in other cases may be imposed for

(1) failing to comply with the 72-hour minimum requirement for registration in the computer system, in contravention of the third paragraph of section 8;

(2) failing to give the consent required by the second paragraph of section 9 and by section 11;

(3) failing to provide a copy of a document required by paragraph 2 of section 10;

(4) failing to provide the Minister with the confirmation required by section 18; or

(5) failing to sign or date any document that must be signed pursuant to this Regulation.

26. A monetary administrative penalty of \$750 in the case of a natural person and \$3,500 in other cases may be imposed for

(1) failing to provide the Minister with the notice referred to in section 15 or providing the notice after the first transportation of soils;

(2) providing the Minister with the attestation required by the first paragraph of section 16 given by a person who does not satisfy either of the conditions set out in the second paragraph of that section, failing to provide the attestation or failing to provide it within the required time; or

(3) failing to provide the Minister with the document required by the first paragraph of section 22 or failing to provide it within the required time.

27. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in other cases may be imposed for

(1) failing to provide any information required by the first paragraph of section 9, paragraph 1 of section 10, the first paragraph of section 12, the second paragraph of section 13, the first paragraph of section 17, the first or second paragraph of section 19, section 21, the second paragraph of section 22 or section 23, or that is necessary for the purposes of those sections, or failing to comply with the time limit or time set for doing so;

(2) failing to comply with the requirements of section 11 concerning changes to the information or documents provided under section 9 or 10, or failing to do so within the required time;

(3) failing to provide the statement referred to in the second paragraph of section 12, the second paragraph of section 17, the third paragraph of section 19 or the second paragraph of section 22;

(4) failing to comply with the prohibition set out in section 20; or

(5) contravention of section 24.

28. A monetary administrative penalty of \$1,500 in the case of a natural person and \$7,500 in other cases may be imposed for

(1) completing a tracking slip without being contemplated by section 14 or without being authorized to do so under section 5;

(2) transporting contaminated soils or causing contaminated soils to be transported before entering the information required by the first paragraph of section 17 on a tracking slip; or

(3) authorizing the manager of a place in which contaminated soils are discharged outside Québec or any employee of the manager to satisfy the requirements of the first and second paragraphs of section 22, in contravention of the third paragraph of that section.

29. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in other cases may be imposed for

(1) failing to complete the tracking slip referred to in section 12, in contravention of the first or second paragraph of section 6 or the first paragraph of section 12 and section 14;

(2) in contravention of the first paragraph of section 7, failing to use the computer system prescribed by the Minister to provide the information and documents required under this Regulation;

(3) not being registered in the computer system prescribed by the Minister before contaminated soils are transported, in contravention of the first paragraph of section 8; or

(4) failing, if not registered in the system prescribed by the Minister, to authorize another person to satisfy the requirements which, under this Regulation, must be satisfied using the computer system, in contravention of the second paragraph of section 8.

30. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in other cases may be imposed for failure to comply with a provision of this Regulation for which no monetary administrative penalty is otherwise provided.

DIVISION II PENAL SANCTIONS

31. Anyone that

(1) fails to comply with the 72-hour minimum requirement for registration in the computer system, in contravention of the third paragraph of section 8;

(2) fails to give the consent required by the second paragraph of section 9 and by section 11;

(3) fails to provide a copy of a document required by paragraph 2 of section 10;

(4) fails to provide the Minister with the confirmation required by section 18; or

(5) fails to sign or date any document that must be signed pursuant to this Regulation, is liable to a fine of not less than \$2,500 and not more than \$250,000 in the case of a natural person or to a fine of not less than \$7,500 and not more than \$1,500,000 in other cases.

32. Anyone that

(1) fails to provide the Minister with the notice referred to in section 15 or provides the notice after the first transportation of soils;

(2) provides the Minister with the attestation required by the first paragraph of section 16 given by a person who does not satisfy either of the conditions set out in the second paragraph of that section, fails to provide the attestation or fails to provide it within the required time; or

(3) fails to provide the Minister with the document required by the first paragraph of section 22 or fails to provide it within the required time,

is liable to a fine of not less than \$4,000 and not more than \$250,000 in the case of a natural person or to a fine of not less than \$12,000 and not more than \$1,500,000 in other cases.

33. Anyone that

(1) fails to provide any information required by the first paragraph of section 9, paragraph 1 of section 10, the first paragraph of section 12, the second paragraph of section 13, the first paragraph of section 17, the first or second paragraph of section 19, section 21, the second paragraph of section 22 or section 23, or that is necessary for the purposes of those sections, or fails to comply with the time limit or time set for doing so;

(2) fails to comply with the requirements of section 11 concerning changes to the information or documents provided under section 9 or 10, or fails to do so within the required time;

(3) fails to provide the statement referred to in the second paragraph of section 12, the second paragraph of section 17, the third paragraph of section 19 or the second paragraph of section 22;

(4) fails to comply with the prohibition set out in section 20; or

(5) contravenes section 24,

is liable to a fine of not less than \$5,000 and not more than \$500,000 in the case of a natural person or to a fine of not less than \$15,000 and not more than \$3,000,000 in other cases.

34. Anyone that

(1) completes a tracking slip without being contemplated by section 14 or without being authorized to do so under section 5;

(2) transports contaminated soils or causes contaminated soils to be transported before entering the information required by the first paragraph of section 17 on a tracking slip; or

(3) authorizes the manager of a place in which contaminated soils are discharged outside Québec or any employee of the manager to satisfy the requirements of the first and second paragraphs of section 22, in contravention of the third paragraph of that section,

is liable to a fine of not less than \$8,000 and not more than \$500,000 in the case of a natural person or to a fine of not less than \$24,000 and not more than \$3,000,000 in other cases.

35. Anyone that

(1) fails to complete the tracking slip referred to in section 12, in contravention of the first or second paragraph of section 6 or the first paragraph of section 12 and section 14;

(2) in contravention of the first paragraph of section 7, fails to use the computer system prescribed by the Minister to provide the information and documents required under this Regulation;

(3) is not registered in the computer system prescribed by the Minister before contaminated soils are transported, in contravention of the first paragraph of section 8; or

(4) fails, if not registered in the system prescribed by the Minister, to authorize another person to satisfy the requirements which, under this Regulation, must be satisfied using the computer system, in contravention of the second paragraph of section 8,

is liable to a fine of not less than \$10,000 and not more than \$1,000,000 in the case of a natural person or to a fine of not less than \$30,000 and not more than \$6,000,000 in other cases.

36. Anyone that contravenes any other requirement imposed by this Regulation is liable, where no other penalty is provided for by this Division or by the Act, to a fine of not less than \$1,000 and not more than \$100,000 in the case of a natural person or, in other cases, to a fine of not less than \$3,000 and not more than \$600,000.

CHAPTER IV
FINAL

37. This Regulation comes into force on 1 November 2021.

Until 31 December 2021, it applies only to the transportation, from the site of origin, of a quantity of contaminated soils equal to or greater than 5,000 metric tonnes, excavated during work that began on or after 1 November 2021.

As of 1 January 2022, it also applies to the transportation,

(1) from the site of origin, of any quantity of contaminated soils equal to or greater than 1,000 metric tonnes, excavated during work under way before that date, on that date or after that date and that is, as the case may be,

(a) covered by a contract by mutual agreement entered into after the date on which this Regulation is made;

(b) covered by a contract entered into following a public call for tenders or a call for tenders from the private sector, made using a notice published after the date on which this Regulation is made, or an invitation to tender made after that date; or

(c) not covered by a contract; and

(2) from a receiving site,

(a) of any quantity of contaminated soils equal to or greater than 1,000 metric tonnes to which this Regulation applies under section 3, from the same site of origin and excavated during work under way before 1 January 2022, on that date or after that date and that is covered by a case referred to in any of subparagraphs *a* to *c* of subparagraph 1;

(b) of contaminated soils, regardless of the quantity of soils to be transported and the date on which they were discharged at that site, in other cases.

A copy of every contract, notice and invitation to tender referred to in subparagraph 1 of the third paragraph, on which the date of signing and the signatures of the co-contractors in the case of a contract, the date of publication in the case of a notice, and the date on the invitation in the case of an invitation to tender must appear legibly, must be sent to the Minister on request.

As of 1 January 2023, this Regulation applies to all transportation of excavated contaminated soils on or after that date, regardless of the date on which the excavation work began.

Subparagraph *b* of subparagraph 1 of the first paragraph of section 8 and sections 17, 20 and 24 apply only as of 1 January 2023, regardless of the date on which the work to excavate the soils transported began.

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