

66.2. Every person who

(1) contravenes section 8, 10, 21, 22, 33, 37, 39 or 43,

(2) fails to keep biomedical waste at the temperature provided for in the third paragraph of section 40,

commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

66.3. Every person who

(1) contravenes any of paragraphs 1 to 3 of section 36 or paragraph 3 of section 44,

(2) pursuant to this Regulation, makes a declaration, communicates information or files a document that is false or misleading,

commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$15,000 to \$3,000,000.

66.4. Every person who contravenes any of sections 5 to 7, 24, 25 or 35 commits an offence and is liable, in the case of a natural person, to a fine of \$8,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$24,000 to \$3,000,000.

66.5. Every person who contravenes section 11 or paragraph 1 or 2 of section 44 commits an offence and is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or to both the fine and imprisonment, or, in other cases, to a fine of \$30,000 to \$6,000,000.

66.6. Every person who contravenes any other requirement imposed by this Regulation also commits an offence and is liable, where no other penalty is provided for by this Division or the Environment Quality Act (chapter Q-2), to a fine of \$1,000 to \$100,000 in the case of a natural person or, in other cases, to a fine of \$3,000 to \$600,000.”

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

Gouvernement du Québec

O.C. 661-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

Solid waste
—Amendment

Regulation to amend the Regulation respecting solid waste

WHEREAS, under section 20 and subparagraphs *c*, *d*, *e*, *f*, *g* and *h* to *h.2* of the first paragraph of section 31 of the Environment Quality Act (chapter Q-2), the Government may make regulations to prohibit, limit and control sources of contamination, define standards for the protection and quality of the environment, determine the terms and conditions whereunder an application for an authorization and an application to amend or renew an authorization must be made, determine the form and tenor of such an authorization, determine the methods for collecting, analysing and computing any emission, deposit, issuance or discharge of a contaminant, and prescribe that any analyses must be carried out in a laboratory accredited by the Minister pursuant to section 118.6 of the Act;

WHEREAS, under paragraphs *b*, *c*, *f* and *g* of section 46 of the Act, the Government may make regulations to determine the maximum quantity or concentration of contaminant the discharge of which is allowed into water;

WHEREAS, under subparagraphs 2, 3 and 4 of the first paragraph of section 53.30 of the Act, the Government may, by regulation, regulate the recovery and reclamation of residual materials;

WHEREAS, under paragraphs *c* and *d* of section 87 of the Act, the Government may make regulations to regulate construction, location and maintenance in respect of installations intended to receive or eliminate waste water and prescribe for each class of immovables or installations the issuance of a permit;

WHEREAS, under section 115.27 of the Act, the Government may, by regulation, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty and determine the amount of such penalty;

WHEREAS, under section 115.34 of the Act, the Government may, by regulation, determine the regulatory provisions whose contravention constitutes an offence and renders the offender liable to a fine, a term of imprisonment, or both the fine and imprisonment;

WHEREAS the Government made the Regulation respecting solid waste (chapter Q-2, r. 13);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Regulation respecting solid waste was published in Part 2 of the *Gazette officielle du Québec* of 27 March 2013 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting solid waste, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting solid waste

Environment Quality Act
(chapter Q-2, s. 20, s. 31, 1st par., subpars. *c, d, e, g, h, h.1, h.2* and *m*, s. 46, 1st par., subpars. *b, c, f* and *g*, s. 53.30, 1st par., subpars. 2, 3 and 4, s. 87, pars. *c* and *d*, and ss. 124.1, 115.27 and 115.34)

1. The Regulation respecting solid waste (chapter Q-2, r. 13) is amended by revoking paragraphs *a, c, d, h, j, k, p, q, r* and *s* of section 1.

2. Sections 1.1 to 7.1, 9, 10, 17 to 21, 23 to 29 and 32 to 35 are revoked.

3. Section 36 is amended by striking out everything that follows “must be useable”.

4. Section 40 is replaced by the following:

“**40. Posting of a sign:** A conspicuous sign must be posted at the entrance to a sanitary landfill that has been permanently closed stating that the landfill is closed and that the disposal of residual materials is prohibited.”.

5. Sections 42 to 44 and 46 to 51 are revoked.

6. Section 52 is amended by striking out “Outside regular operating hours or in the absence of compacting and covering attendants,”.

7. Sections 53 to 74 and 76 to 87 are revoked.

8. Section 88 is replaced by the following:

“**88. Other operating standards:** Section 40 applies at all times, with the necessary modifications, to dry materials disposal sites.”.

9. Sections 91 to 100.2 are revoked.

10. Section 100.3 is replaced by the following:

“**100.3. Fence and gate:** A waste disposal site in the North must be surrounded by a fence equipped with a gate to prevent access to the site. They must be at least 2.5 metres high and the gate must remain closed at all times.”.

11. Sections 100.4 to 103, 105 to 118 and 123 to 125 are revoked.

12. Section 126 is amended

(1) by striking out subparagraphs *c, d, e* and *f* of the first paragraph;

(2) by striking out the second paragraph.

13. The following is inserted after section 126:

“DIVISION XVI.1 MONETARY ADMINISTRATIVE PENALTIES

126.1. A monetary administrative penalty of \$250 in the case of a natural person or \$1,000 in other cases may be imposed on any person who fails

(1) to provide a permanently closed landfill with a sign that meets the requirements of section 40;

(2) to provide a site referred to in section 126 with a sign that meets the requirements of subparagraph *b* of the first paragraph of that section.

126.2. A monetary administrative penalty of \$350 in the case of a natural person or \$1,500 in other cases may be imposed on any person who fails

(1) to prevent motor vehicles from entering a sanitary landfill by one of the means provided for in section 52, in the cases and under the conditions set out in that section;

(2) to surround a waste disposal site in the North with a fence or equip the fence with a gate that meet the requirements of section 100.3 or to keep the gate closed at all times, in accordance with that section;

(3) to permanently prohibit access to a site referred to in section 126, by a means that complies with the requirements of subparagraph *a* of the first paragraph of that section.

126.3. A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who fails

(1) to carry out the sampling or analysis of the water samples referred to in section 30.3 in accordance with the terms and conditions of that section, section 30.4 or section 30.5;

(2) to ensure that the roads and areas referred in section 36 are useable;

(3) to provide a sanitary landfill with a buffer zone that meets the requirements of the first or second paragraph of section 39;

(4) to comply with either of the conditions prescribed by section 45 regarding the final cover or revegetation of a sanitary landfill;

(5) to ensure that the final profile of a dry materials disposal site meets the conditions set out in section 89;

(6) to immediately apply the final cover of a dry materials disposal site, in the cases and under the conditions set out in section 90.

126.4. A monetary administrative penalty of \$750 in the case of a natural person or \$3,500 in other cases may be imposed on any person who fails

(1) to ensure that an outside stabilization or oxidation pond referred to in section 31.1 meets the conditions set out in paragraphs *a* to *m* of that section;

(2) to provide a sanitary landfill with a drainage system that complies with the requirements of section 38.

126.5. A monetary administrative penalty of \$1,000 in the case of a natural person or \$5,000 in other cases may be imposed on any person who fails to comply with the siting standards prescribed by the first or second paragraph of section 31.

126.6. A monetary administrative penalty of \$1,500 in the case of a natural person or \$7,500 in other cases may be imposed on any person who dilutes leachate before it is discharged into a network referred to in section 30.1, in contravention of section 30.1.

126.7. A monetary administrative penalty of \$2,000 in the case of a natural person or \$10,000 in other cases may be imposed on any person who discharges into a network referred to in section 30 leachate that does not comply with the standards prescribed by subparagraphs *a* to *s* of the first paragraph of that section.

DIVISION XVI.2

PENAL SANCTIONS

126.8. Every person who contravenes section 40 or subparagraph *b* of the first paragraph of section 126 commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 or, in other cases, to a fine of \$3,000 to \$600,000.

126.9. Every person who contravenes section 52 or 100.3 or subparagraph *a* of the first paragraph of section 126 commits an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 or, in other cases, to a fine of \$6,000 to \$600,000.

126.10. Every person who contravenes section 30.3, 30.4, 30.5, 36, 39, 45, 89 or 90 commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 or, in other cases, to a fine of \$7,500 to \$1,500,000.

126.11. Every person who contravenes section 31.1 or 38 commits an offence and is liable, in the case of a natural person, to a fine of \$4,000 to \$250,000 or, in other cases, to a fine of \$12,000 to \$1,500,000.

126.12. Every person who contravenes section 31 or, under this Regulation, makes a declaration, communicates information or files a document that is false or misleading commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$15,000 to \$3,000,000.

126.13. Every person who contravenes section 30.1 commits an offence and is liable, in the case of a natural person, to a fine of \$8,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$24,000 to \$3,000,000.

126.14. Every person who contravenes section 30 commits an offence and is liable, in the case of a natural person, to a fine of \$10,000 to \$1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 3 years, or to both the fine and imprisonment, or, in other cases, to a fine of \$30,000 to \$6,000,000.

126.15. Every person who contravenes any other requirement imposed by this Regulation also commits an offence and is liable, where no other penalty is provided for by this Division or the Environment Quality Act (chapter Q-2), to a fine of \$1,000 to \$100,000 in the case of a natural person or, in other cases, to a fine of \$3,000 to \$600,000.”.

14. Sections 127, 128, 130 and 131 are revoked.

15. Section 132 is replaced by the following:

“**132. Existing elimination sites:** This Regulation applies to elimination sites established before 10 May 1978.”.

16. Sections 132.1 to 138 are revoked.

17. Schedules A and C are revoked.

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

2800

Gouvernement du Québec

O.C. 662-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

**Declaration of water withdrawals
— Amendment**

Regulation to amend the Regulation respecting the declaration of water withdrawals

WHEREAS, under paragraph s of section 46 of the Environment Quality Act (chapter Q-2), the Government may make regulations to regulate withdrawals of surface water or groundwater;

WHEREAS, under section 115.27 of the Act, the Government may, by regulation, specify that a failure to comply with the regulation may give rise to a monetary administrative penalty and determine the amount of such penalty;

WHEREAS, under section 115.34 of the Act, the Government may, by regulation, determine the regulatory provisions whose contravention constitutes an offence and renders the offender liable to a fine, a term of imprisonment, or both the fine and imprisonment;

WHEREAS the Government made the Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Regulation respecting the declaration of water withdrawals was published in Part 2 of the *Gazette officielle du Québec* of 27 March 2013 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the declaration of water withdrawals, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the declaration of water
withdrawals**

Environment Quality Act
(chapter Q-2, ss. 46, par. s, 115.27 and 115.34)

1. The Regulation respecting the declaration of water withdrawals (chapter Q-2, r. 14) is amended in section 8 by striking out “after 10 September 2009”.