

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*.

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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”.

2. Section 9 is amended

(1) by striking out “and must attest to the accuracy of the information contained therein” at the end of the third paragraph;

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

“The person who writes a declaration provided for in this section must attest to the accuracy of the information contained therein.”.

3. Section 18.7 is amended by adding the following paragraph:

“This section applies as of 1 January 2016 for water withdrawals made for agricultural or fish-breeding purposes during 2015.”.

4. The heading of Title III is amended by replacing “PENAL AND” by “PENALTIES AND”.

5. The heading of Chapter I, preceding section 19, is replaced by “MONETARY ADMINISTRATIVE PENALTIES”.

6. The following is inserted after the heading of Chapter I and before section 19:

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

(1) to send the declaration referred to in section 9 to the Minister within the periods or on the conditions provided for in the second, third or fourth paragraph of that section;

(2) to keep or make available to the Minister, during the period provided for, the documents in support of the declaration in accordance with the seventh paragraph of section 9;

(3) to keep or make available to the Minister a register prescribed by section 10 during the period and on the conditions provided for in that section.

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

(1) to determine the volumes of water withdrawn in the manner prescribed by section 5;

(2) to install appropriate measuring equipment in the cases and on the conditions provided for in section 5.1;

(3) to make the calculations or cause to be made the calculations prescribed by the second paragraph of section 7 in accordance with the conditions provided for therein or to have the estimates certified by a professional in accordance with the third paragraph of that section;

(4) to fit a withdrawal site referred to in section 8 with prescribed measuring equipment in accordance with that section;

(5) to send to the Minister the declaration referred to in section 9 in accordance with the first, fifth or sixth paragraph of that section;

(6) to comply with any conditions provided for in section 11 relating to the installation of measuring equipment or section 12 relating to the maintenance, verification or replacement of such equipment;

(7) to ensure that the reading of measuring equipment complies with section 13;

(8) to take the reading of volume data from measuring equipment at least once a month in accordance with the second paragraph of section 14;

(9) to comply with the indications provided for in section 15 relating to the volumes of water withdrawn if the measuring equipment ceases to function or malfunctions, or a discrepancy in a reading is detected;

(10) to comply with the conditions provided for in section 16 or 17 regarding an estimate of volumes of water withdrawn or the intervals of the measurements;

(11) to replace or modify the estimation method or use conforming measuring equipment if the margin of error established under the first paragraph of section 18 is exceeded in accordance with that section;

(12) to send to the Minister the declaration referred to in section 18.7 or any other information provided for in that section in accordance with the conditions provided for therein.

18.10. 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 tampers with or alters the proper functioning or reading of the measuring equipment or diverts water or otherwise affects the direction, flow rate or streamflow of water, so as to alter the evaluation required under this Regulation of the volume of withdrawals.

7. The following is inserted before section 19:

**“CHAPTER I.1
PENAL SANCTIONS”.**

8. Section 19 is replaced by the following:

“19. Every person who contravenes the second, third, fourth or seventh paragraph of section 9 or section 10 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.

19.1. Every person who contravenes section 5 or 5.1, the second or third paragraph of section 7, section 8, the first, fifth or sixth paragraph of section 9, section 11, 12 or 13, the second paragraph of section 14, section 15, 16, 17, 18 or 18.7 commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 or, in other cases, to a fine of \$7,500 to \$1,500,000.

19.2. Every person who

(1) tampers with or alters the proper functioning or reading of the measuring equipment or diverts water or otherwise affects the direction, flow rate or streamflow of water, so as to alter the evaluation required under this Regulation of the volume of withdrawals,

(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.

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

9. 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. 663-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

**Liquid effluents of petroleum refineries
— Amendment**

Regulation to amend the Regulation respecting the liquid effluents of petroleum refineries

WHEREAS, under subparagraphs *c*, *e*, *h* and *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 or control sources of contamination, define standards for the protection and quality of the environment, 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 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 liquid effluents of petroleum refineries (chapter Q-2, r. 16);

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 liquid effluents of petroleum refineries 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: