

Gouvernement du Québec

O.C. 679-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

**Land Protection and Rehabilitation Regulation
— Amendment**

Regulation to amend the Land Protection and Rehabilitation Regulation

WHEREAS, under section 115.27 of the Environment Quality Act (chapter Q-2), 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 Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37);

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 Land Protection and Rehabilitation Regulation 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 Land Protection and Rehabilitation Regulation, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Land Protection and Rehabilitation Regulation

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

1. The Land Protection and Rehabilitation Regulation (chapter Q-2, r. 37) is amended by inserting the following after section 13:

“**13.1.** 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 keep an analysis report produced by an accredited laboratory for the period provided for in the third paragraph of section 8;

(2) to transmit to the Minister the attestation of conformity required under the second paragraph of section 9, according to the frequency provided for in that section.

13.2. 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 to transmit to the Minister, an analysis report made pursuant to section 8, according to the frequency provided for in the first paragraph of section 9.

13.3. 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 sample groundwater, on the conditions and according to the frequency provided for in section 7 or have those samples analyzed by a laboratory accredited by the Minister in accordance with the first paragraph of section 8;

(2) to transmit to the Minister a groundwater monitoring program and the opinion of a professional, within the time prescribed and according to the conditions provided for in section 11;

(3) to review and update a groundwater monitoring program for the purposes and according to the frequency provided for in section 13 or to send the program to the Minister within the time provided for in that section.

13.4. 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 carry on the monitoring of groundwater quality in accordance with section 4;

(2) to install a well system to monitor groundwater quality that complies with the requirements of section 6.

13.5. 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 inform the Minister if a limit value has been exceeded in accordance with the second paragraph of section 8.”.

2. Section 14 is replaced by the following:

“**14.** Every person who contravenes the third paragraph of section 8 or the second paragraph of section 9 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.

14.1. Every person who contravenes the first paragraph of section 9 commits an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 or, in other cases, to a fine of \$6,000 to \$600,000.

14.2. Every person who contravenes section 7, the first paragraph of section 8 or section 11 or 13 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.

14.3. Every person who contravenes section 4 or 6 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.

14.4. Every person who

(1) contravenes the second paragraph of section 8,

(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.

14.5. 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 Regulation 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.”.

3. 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. 680-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

**Quality of the atmosphere
—Amendment**

Regulation to amend the Regulation respecting the quality of the atmosphere

WHEREAS, under section 115.27 of the Environment Quality Act (chapter Q-2), 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 quality of the atmosphere (chapter Q-2, r. 38);

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 quality of the atmosphere 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 quality of the atmosphere, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif