

2. Chapter VII is replaced by the following:

**“CHAPTER VII
PENAL SANCTIONS**

54. Every person who

(1) contravenes section 6 or 7, the second or third paragraph of section 8, or section 10, 11, 26, 32, 38, 45 or 51,

(2) fails to provide the notice of intention or the information or documents prescribed by section 58 or the second paragraph of section 59,

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.

55. Every person who contravenes the first or second 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.

56. Every person who

(1) contravenes the first paragraph of section 8, the second paragraph of section 13, the second, third or fourth paragraph of section 14, the first paragraph of section 18, section 19, 21, 24, 31, 37, 44 or 50,

(2) fails to transport, at the frequency and on the conditions provided for in the first paragraph of section 17, the recovered products to a site referred to in that section,

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.

56.1. Every person who

(1) contravenes section 2, 3 or 5,

(2) fails to set up drop-off centres on the conditions provided for in section 16 or 17,

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.

56.2. Every person who, 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.

56.3. 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.”

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. 684-2013, 19 June 2013

Environment Quality Act
(chapter Q-2)

**Hot mix asphalt plants
— Amendment**

Regulation to amend the Regulation respecting hot mix asphalt plants

WHEREAS, under subparagraphs *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 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 analyses must be carried out in a laboratory accredited by the Minister pursuant to section 118.6 of the Act;

WHEREAS, under paragraphs *b* and *c* of section 46 of the Act, the Government may make regulations to determine the standards of quality for any source of water supply and determine the maximum quantity or concentration of a contaminant the discharge of which is allowed into water;

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 hot mix asphalt plants (chapter Q-2, r. 48);

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 hot mix asphalt plants 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 hot mix asphalt plants, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting hot mix asphalt plants

Environment Quality Act
(chapter Q-2, s. 31, 1st par., subpars. *e*, *h* and *h.2*, s. 46, pars. *b* and *c*, and ss.115.27 and 115.34)

1. The Regulation respecting hot mix asphalt plants (chapter Q-2, r. 48) is amended by striking out section 7.

2. Section 17 is replaced by the following:

“**17.** Methods of analysis: The water samples taken to ensure the enforcement of sections 15 and 16 must be sent, for analysis, to a laboratory accredited by the Minister under section 118.6 of the Act.”.

3. The following is inserted after section 25:

“DIVISION VI.1 MONETARY ADMINISTRATIVE PENALTIES

25.1. 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 to submit a new noise estimate to the Minister in the case provided for in the second paragraph of section 12.

25.2. 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 comply with the location standards prescribed in the first paragraph of section 12 in the cases provided for therein;

(2) to send, for analysis, to an accredited laboratory the water samples referred to in section 17 in accordance with that section;

(3) to meet the conditions relating to the equipment of a hot mix asphalt plant provided for in section 18;

(4) to comply with the methods of measurement prescribed by section 20;

(5) to comply with the height prescribed by section 22 for a stack referred to therein;

(6) to control dust emissions referred to in section 24 by the means prescribed therein.

25.3. 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 uses or installs equipment referred to in section 27 that is not in good working order or who uses, during production hours, such equipment that is not working optimally, in contravention of that section.

25.4. 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

(1) builds or alters a hot mix asphalt plant, or undertakes the operation or increases the production of such a plant, without the certificate of authorization required, as provided for in section 4;

(2) builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, less than 300 m from a territory referred to in section 8, in contravention of that section;

(3) fails to comply with the location standards prescribed by section 9, 13 or 14 on the conditions provided for in those sections.

25.5. 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 builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, in a territory referred to in section 8, in contravention of that section.

25.6. 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

(1) fails to comply with the noise standards referred to in the second paragraph of section 10 in the case or on the conditions provided for in that section or in the second paragraph of section 12;

(2) discharges water into the environment that does not meet the emission standards prescribed by paragraph *a* or *b* of section 15 or section 16;

(3) emits into the atmosphere particulate matter that does not meet the emission standards prescribed by the first paragraph of section 19 or the opacity standards prescribed by the second paragraph of that section;

(4) fails to take the measures prescribed by section 23 so as to ensure that no loss of dust into the atmosphere is visible more than 2 m from the source of emission;

(5) fails to take the measures required to prevent the dust emissions referred to in section 25.

DIVISION VI.2

PENAL SANCTIONS

25.7. Every person who fails to submit a new noise estimate to the Minister in the case provided for in the second paragraph of section 12 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.

25.8. Every person who contravenes the first paragraph of section 12, section 17, 18, 22, 22 or 24 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.

25.9. Every person who contravenes section 27 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.

25.10. Every person who

(1) contravenes section 4, 9, 13 or 14,

(2) builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, less than 300 m from a territory referred to in section 8, in contravention of that section,

(3) 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.

25.11. Every person who builds or installs a hot mix asphalt plant, or has areas for the loading, unloading or discharge of aggregate materials used for the needs of such plant, in a territory referred to in section 8, in contravention of that section, 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.

25.12. Every person who

(1) contravenes the second paragraph of section 10, section 15, 16, 19, 23 or 25,

(2) fails to comply with the noise standards referred to in the second paragraph of section 10 in the case and on the conditions provided for in the second paragraph of section 12,

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.

25.13. 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. Section 28 is revoked.

5. 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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