



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 99

An Act to amend the Environment Quality Act and other legislation

Introduction

1988-03-23

**Introduced by
Mr Clifford Lincoln
Minister of the Environment**

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EXPLANATORY NOTES

The object of this bill amending the Environment Quality Act is to add a new division pertaining to the depollution attestation applicable to industrial establishments operating in certain sectors of activity and to municipalities operating certain classes of wastewater treatment works.

The bill specifies the procedures relating to the application for a depollution attestation and to the issuance of or refusal to issue the attestation. It describes the content and determines the valid period of a depollution attestation.

The bill also provides for public consultation of the attestation and sets out possible grounds for amending, suspending or revoking it.

Moreover, it provides for the making of the regulations required to enforce this new division.

The bill raises the amounts of the fines fixed by the Environment Quality Act and specifies certain powers of the public servants of the Ministère de l'Environnement relating to search and seizure.

The bill also makes amendments to provisions concerning the issuance of an authorization certificate for activities in aquatic environments and concerning the non-transferability of authorization certificates. It repeals certain provisions relating to intermunicipal agreements and amends the regulations governing the removal and analysis of waste.

Finally, the bill makes a number of concordance amendments to other Acts.

ACTS AMENDED BY THIS BILL:

- (1) Environment Quality Act (R.S.Q., chapter Q-2);

- (2) Pesticides Act (1987, chapter 29);
- (3) Act respecting ecological reserves (R.S.Q., chapter R-26);
- (4) Municipal Code of Québec (R.S.Q., chapter C-27.1).

Bill 99

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ENVIRONMENT QUALITY ACT

1. Section 1 of the Environment Quality Act (R.S.Q., chapter Q-2), amended by section 1 of chapter 25 of the statutes of 1987, is again amended by inserting, after the words “motor vehicle wrecks,” in the fourth line of paragraph 11, the words “used tires,”.

2. Section 2 of the said Act is amended

(1) by replacing the word “governmental” in the second line of subparagraph *h* of the third paragraph by the words “with any governmental or international”;

(2) by adding, after subparagraph *i* of the third paragraph, the following subparagraph:

“(j) devise and implement a programme to abate the discharge of contaminants resulting from the operation of industrial establishments and to monitor the discharge of contaminants resulting from the operation of municipal wastewater treatment works.”

3. Section 19.7 of the said Act is replaced by the following section:

“19.7 Sections 19.2 to 19.6 do not apply in the case where a depollution project or programme has been duly authorized or approved under this Act, or in the case where a depollution attestation

has been issued under this Act, except with regard to any act contrary to the provisions of a certificate of authorization, a depollution programme, a depollution attestation or any applicable regulation.”

4. Section 22 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“However, no one may erect or alter any structure, carry out any works or projects, undertake to operate any industry, carry on any activity or use any industrial process or increase the production of any goods or services in a constant or intermittent watercourse, a lake, pond, marsh, water meadow, swamp or bog, unless he first obtains a certificate of authorization from the Minister.”

5. Section 24 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“A certificate of authorization issued under section 22 is non-transferable, except where the Minister authorizes the transfer on such conditions as he shall determine.”

6. Section 31 of the said Act is amended

(1) by inserting, after the words “fix the” in the third line of paragraph *g*, the words “duties and” and by inserting, at the end of the paragraph, the words “and, in such cases as he shall determine, for its amendment or renewal; these duties and fees may vary depending upon the cost of the project in respect of which any such document is requested, amended or renewed;”;

(2) by inserting, after paragraph *h*, the following paragraphs:

“(h.1) prescribe methods for collecting, preserving and analyzing samples of water, air, soil and waste materials for the purposes of any regulation under this Act;

“(h.2) prescribe that any analyses contemplated by paragraphs *h* and *h.1* shall be carried out in whole or in part in a laboratory accredited by the Minister pursuant to section 118.6 and indicate the statements of analysis results to be prepared and transmitted to the Minister;”;

(3) by inserting, after the word “installation” in the first line of paragraph *i*, the words “and operation”;

(4) by adding, at the end of paragraph *m*, the words “and, in such cases as he shall determine, those according to which every application to amend or renew any such document must be made;”.

7. The said Act is amended by inserting, after section 31.9, the following division:

“DIVISION IV.2

“DEPOLLUTION ATTESTATION

“§ 1.—*Industrial establishments*

“31.10 This subdivision applies to the classes of industrial establishments determined by order of the Government.

Such order shall come into force on the date of its publication in the *Gazette officielle du Québec*.

“31.11 No operator of an industrial establishment shall emit, deposit, release or discharge, nor allow the emission, deposit, release or discharge into the environment of any contaminant resulting from the operation of his establishment if the Minister has refused to issue a depollution attestation to him.

The first paragraph does not apply to the discharge of contaminants contemplated by a municipal by-law approved by the Minister under the fifth paragraph of section 124.

“31.12 Every depollution attestation shall set out the following elements:

(1) the nature, quantity, quality and concentration of every contaminant emitted, deposited, released or discharged into the environment, which results from the operation of an industrial establishment;

(2) the nature and quantity of goods and services produced by an industrial establishment, to the extent that such production results in the emission, deposit, release or discharge of a contaminant into the environment;

(3) the contaminant discharge standards prescribed by regulation under paragraphs *c* and *d* of section 31, subparagraphs *c* and *f* of the first paragraph of section 46 and paragraphs *a* and *c* of section 95, for every contaminant emitted, deposited, released or discharged into the environment, which results from the operation of an industrial establishment, except those standards which are incompatible with those set down by the Minister under section 31.15;

(4) the standards prescribed by regulation under paragraph *e* of section 31, subparagraph *g* of the first paragraph of section 46,

paragraph *e* of section 53, subparagraphs *a*, *c*, *f* and *k* of the first paragraph of section 70 and paragraph *b* of section 95, to the extent that such standards apply to an industrial establishment;

(5) the standards prescribed by regulation under paragraph *i* of section 31 with respect to the installation and operation of any apparatus or equipment utilized in order to abate or eliminate the emission, deposit, release or discharge of a contaminant and any other standard prescribed by the Minister with respect to the installation and operation of any apparatus or equipment intended for one of the said purposes;

(6) the methods for collecting, analysing and measuring any emission, deposit, release or discharge of a contaminant and the methods for collecting, preserving and analysing water, air, soil and waste material samples determined or prescribed by regulation under paragraphs *h* to *h.2* of section 31, the standards prescribed by regulation under paragraph *i* of section 31 with respect to the installation and operation of any apparatus or equipment installed in order to measure the concentration, quality or quantity of any contaminant, as well as any other method or standard prescribed by the Minister with respect to controlling and monitoring the discharge of contaminants, including the procedure for transmitting statements of the results obtained thereby;

(7) any other element prescribed by regulation.

“31.13 Where applicable, the depollution attestation shall set out the following elements:

(1) the contaminant discharge standards set down by the Minister under section 31.15;

(2) a corrective or decontamination programme determined by the Minister, the object of which is to oblige the holder of a depollution attestation to comply, in accordance with the requirements and time limits determined therein, with the contaminant discharge standards referred to in paragraph 3 of section 31.12 and paragraph 1 of this section;

(3) the measures required to prevent the accidental occurrence of a contaminant in the environment;

(4) the emergency or evacuation measures which must be taken in the event that a contaminant occurs accidentally in the environment;

(5) the obligation, on the part of the holder of the attestation, to conduct studies relating to the origin of the contaminants, the abatement of their discharge and the impact of such discharge on environment quality, animal life, plant life and property and on human life, health, safety, comfort and well-being, as well as studies relating to the analysis of accident risks and toxicological risks and to the development of preventive, emergency and evacuation measures.

“31.14 The Minister may determine, for each industrial establishment, the standards and methods referred to in paragraphs 5 and 6 of section 31.12 and the elements referred to in paragraphs 2 to 5 of section 31.13, and, for that purpose, he shall take into account the following factors:

- (1) the class and geographical location of the establishment;
- (2) the elements referred to in paragraphs 1 and 2 of section 31.12;
- (3) the impact of the discharge of contaminants on environment quality, animal life, plant life and property and on human life, health, safety, comfort and well-being.

“31.15 In the depollution attestation, the Minister may, for each industrial establishment, set down contaminant discharge standards which differ from those referred to in paragraph 3 of section 31.12, if the latter standards do not adequately ensure that the environment affected by the industrial establishment is suitable for the normal development of human beings and plant and animal life, or do not adequately protect human beings and plant and animal life from unacceptable risks imputable to the acute or chronic toxicity of any contaminant or to its carcinogenic, mutagenic, teratogenic or synergistic effects.

“31.16 Every operator of an industrial establishment shall submit an application to the Minister for a depollution attestation within the time and in the manner and form prescribed by regulation.

“31.17 The application for a depollution attestation shall include the documents and contain the information prescribed by regulation.

However, the Minister may, at any time, require the applicant to furnish him, within such time as he shall determine, with further particulars and dictate how such particulars are to be presented.

“31.18 After studying the application for a depollution attestation, the Minister shall transmit a written notice to the

applicant informing him of the content of the proposed depollution attestation or of his intention to refuse, on such grounds as he shall state, to issue a depollution attestation to the applicant.

“31.19 The applicant may within 30 days following the date of transmission of one of the notices described in section 31.18, present his written arguments to the Minister for the purpose of requesting him to change the content of the proposed depollution attestation or, as the case may be, for the purpose of proposing a depollution attestation to the Minister.

The Minister shall transmit his decision to the applicant before the publication of any notice under section 31.20.

“31.20 The Minister shall, on two separate occasions and within the time prescribed by regulation, publish a notice summarizing the content of the proposed depollution attestation or a notice of his intention to refuse to issue a depollution attestation to the applicant, in a daily newspaper having general circulation throughout the region in which the source of contamination is located.

The Minister shall also transmit a copy of such notices to the secretary-treasurer or the clerk of the municipality in which the source of contamination is located.

The notices shall indicate the locations where, and the period during which the application record may be consulted and the days and times set aside for consultation thereof.

“31.21 The Minister shall, after publishing one of the notices described in section 31.20, make the application record available for public consultation for a period of time prescribed by regulation. The application record shall include the documents prescribed by regulation.

During the period set aside for consultation of the record, all persons and municipalities may forward their comments to the Minister.

“31.22 After the period set aside for consultation of the application record, the Minister shall either

(1) issue, on payment of the fees prescribed by regulation, a depollution attestation to the applicant and make a public announcement of the issuance of the attestation; or

(2) refuse to issue a depollution attestation to the applicant and notify him in a writing which states the grounds for refusal.

“31.23 The holder of a depollution attestation shall

(1) comply with the contaminant discharge standards referred to in paragraph 3 of section 31.12 and those referred to in paragraph 1 of section 31.13;

(2) respect any other element set out in his attestation;

(3) notify the Minister forthwith, or, in the cases provided for by regulation under paragraph *j* of section 31, within the time prescribed therein, of the accidental occurrence in the environment of any contaminant and take all necessary measures to minimize the effects and to eliminate and prevent the causes thereof;

(4) keep up to date and preserve, in accordance with the regulations, the records indicated therein;

(5) furnish the Minister, in accordance with the regulations, with the reports indicated therein;

(6) furnish, at the request of the Minister, any information necessary to ascertain compliance of the contaminant discharge with the standards referred to in paragraph 3 of section 31.12 and in paragraph 1 of section 31.13;

(7) inform the Minister, in accordance with the regulations, of any change which would modify any element set out in his depollution attestation; or

(8) inform the Minister, in accordance with the regulations, of any event or incident entailing a contravention of the provisions of his attestation and of the measures he has taken in order to minimize or eliminate the effects of the event or incident.

“31.24 A depollution attestation is transferable only according to the terms and conditions prescribed by regulation.

“31.25 The holder of a depollution attestation shall apply to the Minister for amendment of his attestation if he plans to make any changes which would modify any element set out therein, except if he plans to make changes which would reduce the quantity or concentration of the contaminant contemplated by paragraph 1 of section 31.12.

The application to amend a depollution attestation shall be submitted to the Minister in the manner and form prescribed by regulation. Sections 31.17, 31.18 and the first paragraph of section 31.19, adapted as required, apply to the application to amend an attestation.

After the time limit provided for in the first paragraph of section 31.19 has expired or after a decision is made pursuant to the said paragraph, the Minister shall either

(1) issue, on payment of the fees prescribed by regulation, if any, an amended depollution attestation to the applicant and make a public announcement of the issuance of the attestation; or

(2) refuse to issue an amended depollution attestation to the applicant and notify him in a writing which states the grounds for the refusal.

Notwithstanding the foregoing, in the cases described by regulation, the second paragraph of section 31.19 and sections 31.20 to 31.22, adapted as required, apply to the application to amend an attestation.

“31.26 In the following cases, the Minister may, of his own initiative, amend a depollution attestation issued by him or on his behalf:

(1) where the attestation is issued on the basis of erroneous or fraudulent information or where the applicant fails to declare any important fact;

(2) where, contrary to section 31.25, the holder of the attestation fails to apply to the Minister for amendment of his attestation;

(3) where the methods or standards prescribed by the Minister with respect to the control and monitoring of the discharge of contaminants, including the procedure for transmitting the statements of the results obtained, must be amended to permit better control over the sources of contamination.

Where the Government amends any of the contaminant discharge standards referred to in paragraph 3 of section 31.12 and considers that failure to include any one of them in the depollution attestation could threaten public health and safety, the Minister shall include the discharge standards so amended in the attestation and adjust the corrective or decontamination programme accordingly.

Before rendering his decision, the Minister shall transmit notice of the amendment to the holder of the depollution attestation and allow him the opportunity to present his point of view.

“31.27 A depollution attestation shall be issued for a period of five years.

However, where a person plans to construct an industrial establishment belonging to a class that is subject to this division, the depollution attestation shall be issued for a period of 10 years.

The operator of an industrial establishment must continue to comply with the elements set out in the attestation issued to him and with his obligations under paragraphs 3 to 8 of section 31.23, until such time as the Minister makes a decision with respect to any reapplication for a depollution attestation.

“31.23 The holder of a depollution attestation shall submit a reapplication for a depollution attestation to the Minister within the time and in the manner and form prescribed by regulation.

Sections 31.17 and 31.18 and the first paragraph of section 31.19, adapted as required, apply to the reapplication for an attestation.

After the time limit provided for in the first paragraph of section 31.19 has expired or after a decision is made pursuant to the said paragraph, the Minister shall either

(1) issue, on payment of the fees prescribed by regulation, a new depollution attestation and make a public announcement of the issuance of the attestation; or

(2) refuse to issue a new depollution attestation to the applicant and notify him in a writing which states the grounds for refusal.

Notwithstanding the foregoing, in the cases prescribed by regulation, the second paragraph of section 31.19 and sections 31.20 to 31.22, adapted as required, apply to the reapplication for an attestation.

“31.29 The Minister may suspend or revoke all or part of a depollution attestation issued by him or on his behalf in the cases described in subparagraphs 1 and 2 of the first paragraph of section 31.26 and in cases where the holder of the attestation

(1) does not comply with the contaminant discharge standards referred to in paragraph 3 of section 31.12 or those referred to in paragraph 1 of section 31.13;

(2) does not take the preventive measures referred to in paragraph 3 of section 31.13;

(3) does not take every measure necessary to minimize the effects of the accidental occurrence in the environment of a contaminant and to eliminate and prevent the causes thereof;

(4) hinders the Minister, the Deputy Minister or any functionary contemplated by sections 119, 120 and 120.1 in the performance of his duties.

The Minister may, furthermore, revoke all or part of a depollution attestation issued by him or on his behalf in cases where the holder of a depollution attestation does not take the necessary emergency or evacuation measures when a contaminant occurs accidentally in the environment.

Before rendering his decision, the Minister shall transmit a notice of suspension or revocation to the holder of the depollution attestation and give him the opportunity to present his point of view.

“31.30 No operator of an industrial establishment whose depollution attestation has been revoked or suspended shall emit, deposit, release or discharge or allow the emission, deposit, release or discharge into the environment of a contaminant resulting from the operation of an industrial establishment.

“31.31 The Minister may revoke a depollution attestation, upon application by the holder, where the latter ceases to operate the industrial establishment for which his attestation was issued to him.

Before revoking a depollution attestation, the Minister shall satisfy himself that the cessation of activities will not entail the emission, deposit, release or discharge of a contaminant into the environment.

“§ 2.—*Municipal wastewater treatment works*

“31.32 This subdivision applies to the classes of municipal wastewater treatment works determined by order of the Government.

Such order shall come into force on the date of its publication in the *Gazette officielle du Québec*.

“31.33 The Minister shall issue a depollution attestation to every municipality which operates wastewater treatment works.

“31.34 Every depollution attestation shall set out the following elements:

(1) the nature, quantity, quality and concentration of every contaminant emitted, deposited, released or discharged into the environment, which results from the operation of municipal wastewater treatment works;

(2) the nature, origin and quality of the wastewater treated by municipal wastewater treatment works;

(3) the contaminant discharge standards prescribed by regulation under paragraphs *c* and *d* of section 31 and subparagraphs *c* and *f* of the first paragraph of section 46, for every contaminant emitted, deposited, released or discharged into the environment, which results from the operation of municipal wastewater treatment works, except those standards which are incompatible with those set down by the Minister under section 31.37;

(4) the standards prescribed by regulation under paragraph *e* of section 31, subparagraph *g* of the first paragraph of section 46, subparagraphs *a*, *c* and *k* of the first paragraph of section 70, as well as those standards with respect to the operation of a sewer or water treatment system prescribed by regulation under subparagraph *d* of the first paragraph of section 46, to the extent that such standards apply to municipal wastewater treatment works;

(5) the elements contemplated by paragraphs 5 and 6 of section 31.12;

(6) any other element prescribed by regulation.

“31.35 Where applicable, the depollution attestation shall set out the following elements:

(1) the contaminant discharge standards set down by the Minister under section 31.37;

(2) a corrective programme determined by the Minister, the object of which is to oblige the holder of a depollution attestation to comply, in accordance with the requirements and time limits determined therein, with the contaminant discharge standards referred to in paragraph 3 of section 31.34 and paragraph 1 of this section;

(3) the measures required to prevent the accidental occurrence of a contaminant in the environment.

“31.36 The Minister may determine, for each municipal wastewater treatment works, the standards and methods referred to in paragraph 5 of section 31.34 and the elements referred to in paragraphs 2 and 3 of section 31.35 and, for that purpose, he shall take into account the following factors:

(1) the class and geographical location of the municipal wastewater treatment works;

(2) the elements referred to in paragraphs 1 and 2 of section 31.34;

(3) the impact of the discharge of contaminants on environment quality, animal life, plant life and property and on human life, health, safety, comfort and well-being.

“31.37 In the depollution attestation, the Minister may, for each municipal wastewater treatment works, set down contaminant discharge standards which differ from those referred to in paragraph 3 of section 31.34, if the latter standards do not adequately ensure that the environment affected by the municipal wastewater treatment works is suitable for the normal development of human beings and plant and animal life, or do not adequately protect human beings and animal and plant life from unacceptable risks imputable to the acute or chronic toxicity of any contaminant or to its carcinogenic, mutagenic, teratogenic or synergistic effects.

“31.38 The holder of a depollution attestation shall

(1) comply with every element set out in its attestation;

(2) furnish, at the request of the Minister, any information necessary to ascertain compliance of the contaminant discharge with the standards referred to in paragraph 3 of section 31.34 and in paragraph 1 of section 31.35;

(3) comply with its obligations under paragraphs 3 to 5 and 7 and 8 of section 31.23.

“31.39 In the following cases, the Minister may amend a depollution attestation issued by him or on his behalf:

(1) where the holder of the attestation submits an application for amendment to him;

(2) where the standards prescribed by the Minister with respect to the installation and operation of any apparatus or equipment utilized for the purposes of abating or eliminating the emission, deposit, release or discharge of any contaminant must be amended in order to permit better control over the operation of municipal wastewater treatment works;

(3) where the methods or standards prescribed by the Minister with respect to the control and monitoring of the discharge of contaminants, including the procedure for transmitting the statements of the results obtained, must be amended to permit better control over the sources of contamination.

Where the Government amends any of the contaminant discharge standards referred to in paragraph 3 of section 31.34 and considers that failure to include any one of them in the depollution attestation could threaten public health and safety, the Minister shall include the discharge standards so amended in the attestation and adjust the corrective programme accordingly.

Before rendering his decision, the Minister shall transmit notice of the amendment to the holder of the depollution attestation and allow him the opportunity to present his point of view.

“31.40 A depollution attestation shall be issued for a period of five years and must be renewed.

The municipality must continue to comply with the elements set out in the attestation issued to it and with its obligations under paragraphs 2 and 3 of section 31.38 until such time as the Minister renews its depollution attestation.

“§ 3.—Regulatory powers

“31.41 The Government may make regulations to

(1) prescribe any element other than those mentioned in paragraphs 1 to 6 of section 31.12 and other than those mentioned in section 31.13 which must be set out in a depollution attestation issued under subdivision 1 of this division;

(2) prescribe any element other than those mentioned in paragraphs 1 to 5 of section 31.34 and other than those mentioned in section 31.35 which must be set out in a depollution attestation issued under subdivision 2 of this division;

(3) prescribe the form of a depollution attestation issued under this Act and the regulations;

(4) prescribe the manner and form in which every application or reapplication for a depollution attestation or every application to amend an attestation submitted to the Minister pursuant to subdivision 1 of this division must be made, as well as the documents to be included and the information to be set out therein;

(5) prescribe the time limits within which applications or reapplications for depollution attestations under subdivision 1 of this division must be made;

(6) prescribe the fees exigible for issuing a depollution attestation, a new depollution attestation and, in such cases as it shall

determine, an amended depollution attestation under subdivision 1 of this division, which fees may be established on an annual basis and vary depending on the class of industrial establishments involved or depending on the nature, breadth or extent of their activities or contaminant discharge;

(7) determine which classes of natural persons must sign applications or reapplications for a depollution attestation or applications to amend a depollution attestation under subdivision 1 of this division, as well as the documents to be included therein and determine which classes of natural persons must sign the statements of results or reports furnished to the Minister under subdivision 1 of this division;

(8) indicate the records that must be kept and preserved by every holder of a depollution attestation, the conditions which apply to keeping and preserving such records and determine the form and content thereof, as well as the period for which they must be preserved;

(9) indicate the reports which must be furnished to the Minister by every holder of a depollution attestation and determine the form and content thereof, as well as the date on which and the manner in which they must be transmitted;

(10) prescribe, for every holder of a depollution attestation, the time within which and manner in which he must inform the Minister in the cases provided for in paragraphs 7 and 8 of section 31.23;

(11) prescribe the documents which must be included in the application record and prescribe the duration of the period during which the Minister shall make the application record available for public consultation;

(12) prescribe the time limits referred to in section 31.20;

(13) describe the cases in which the second paragraph of section 31.19 and sections 31.20 to 31.22 apply to applications to amend a depollution attestation or to reapplications for a depollution attestation;

(14) prescribe terms and conditions which govern the transfer of a depollution attestation issued under subdivision 1 of this division."

8. Section 32 of the said Act is amended by adding, after the third paragraph, the following paragraph:

"This section does not apply to the holder of a depollution attestation who installs wastewater treatment devices in any industrial establishment for which an attestation was issued to him."

9. Section 36 of the said Act is repealed.

10. Section 46 of the said Act is amended

(1) by replacing the words "river, watercourse, lake or underground water area;" in the fourth line of subparagraph *c* of the first paragraph by the words "constant or intermittent watercourse, lake, pond, marsh, water meadow, swamp, bog or underground body of water;"

(2) by striking out subparagraph *e* of the first paragraph;

(3) by replacing the words "bulk distribution" in the first line of subparagraph *m* of the first paragraph by the words "distribution by volume";

(4) by adding, after subparagraph *s* of the first paragraph, the following subparagraph:

"(t) determine the qualifications of natural persons assigned to the operation of municipal wastewater treatment equipment."

11. Section 48 of the said Act is amended by adding, at the end of the second paragraph, the following sentence:

"Nor does it apply to the holder of a depollution attestation who operates an industrial establishment for which an attestation was issued to him."

12. Section 62 of the said Act is repealed.

13. Section 70 of the said Act, amended by section 8 of chapter 25 of the statutes of 1987, is again amended

(1) by inserting, after the word "issue" in the second line of subparagraph *g* of the first paragraph, the words "or renew";

(2) by replacing subparagraph *k* of the first paragraph by the following subparagraph:

"(k) govern, restrict or prohibit the removal, collection, transport, deposit, storage, treatment, recycling, use or sale of any class of waste for all or part of the territory of Québec;"

14. Section 96 of the said Act, amended by section 9 of chapter 25 of the statutes of 1987, is again amended

(1) by replacing the word “or” in the eighth line of the second paragraph by a comma;

(2) by adding, at the end of the second paragraph, the words “, refuses to issue, or amends, suspends or revokes a depollution attestation or refuses to amend or revoke a depollution attestation upon application therefor by the holder.”

15. Section 106 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

“106. A natural person who contravenes any of sections 21, 22, 31.1, 68, 91, 95.1, 95.3, 121, 123.1, 154 and 189 or any of paragraphs 2 to 8 of section 31.23 commits an offence and is liable, on summary proceedings, to a fine

(a) of not less than \$600 nor more than \$20 000 for the first offence; and

(b) of not less than \$4 000 nor more than \$40 000 for any subsequent offence.

A natural person is guilty of an offence and liable to the same penalty who

(a) proceeds with the carrying out of a project that is the object of a denial of conformity under section 95.4;

(b) files or signs a false attestation of environmental conformity;

(c) does not comply with a depollution programme approved by the Minister under section 116.2;

(d) does not comply with a condition imposed under section 31.5, 31.6, 65, 164, 167, 201 or 203;

(e) does not comply with an agreement entered into with the Minister respecting the deposit or storage of waste;

(f) contrary to section 31.28, does not submit a reapplication for a depollution attestation.”

16. The said Act is amended by inserting, after section 106, the following sections:

“106.1 Whoever contravenes section 20 or refuses or neglects to comply with an order of the Deputy Minister or of the Minister under this Act, commits an offence and is liable, on summary proceedings,

(a) in the case of a natural person, to a fine of not less than \$2 000 and of not more than \$20 000 for a first offence and to a fine of not less than \$4 000 and of not more than \$40 000 for any subsequent offence, or, in either case, to imprisonment for not more than one year or to both the imprisonment and fine;

(b) in the case of a corporation, to a fine of not less than \$6 000 and of not more than \$250 000 for a first offence and to a fine of not less than \$12 000 and of not more than \$500 000 for any subsequent offence.

“106.2 Whoever contravenes paragraph 1 of section 31.23 or either of sections 31.11 or 31.30 commits an offence and is liable, on summary proceedings,

(a) in the case of a natural person, to a fine of not less than \$5 000 and of not more than \$20 000 for a first offence and to a fine of not less than \$10 000 and of not more than \$40 000 for any subsequent offence, or, in either case, to imprisonment for not more than one year or to both the imprisonment and the fine;

(b) in the case of a corporation, to a fine of not less than \$10 000 and of not more than \$250 000 for a first offence and to a fine of not less than \$20 000 and of not more than \$500 000 for any subsequent offence.”

17. Section 107 of the said Act is amended by replacing the first paragraph by the following paragraphs:

“107. A natural person who, contrary to the provisions of this Act or the regulations hereunder, refuses or neglects to file a declaration or guarantee, furnish information or reports, submit plans, or who does something without first obtaining approval, authorization, permission or a permit from the Minister, whereas such a document is required under this Act or the regulations hereunder, commits an offence and is liable, upon summary proceedings, in the cases other than those contemplated in section 106, to a fine

(a) of not less than \$500 nor more than \$12 000 for the first offence; and

(b) of not less than \$1 000 nor more than \$20 000 for every subsequent offence.

A natural person who knowingly, in order to obtain an authorization certificate, a certificate, an authorization, a permit, a permission, an approval or a depollution attestation issued under this Act or a regulation hereunder, makes false or misleading declarations to the Minister also commits an offence and is liable to the same penalties.”

18. Section 108 of the said Act is amended by replacing the word “twenty-five” in the second line, by the words “two hundred” and the words “one hundred” in the fourth line, by the words “one thousand”.

19. Section 109 of the said Act is amended by replacing the words “not exceeding five hundred dollars,” in the last line, by the words “of not less than \$200 and not more than \$5 000.”

20. Section 109.1 of the said Act is amended by replacing subparagraphs *a* and *b* of the first paragraph by the following subparagraphs:

“(a) in the case of a natural person, to a minimum fine of not more than \$10 000 and to a maximum fine of not more than \$25 000 in the case of the first offence, and to a minimum fine of not more than \$25 000 and to a maximum fine of not more than \$50 000 in the case of a subsequent offence, or, in either case, to imprisonment for not more than 18 months or to both the imprisonment and fine;

“(b) in the case of a corporation, to a minimum fine of not more than \$25 000 and to a maximum fine of not more than \$500 000 in the case of the first offence and to a minimum fine of not more than \$50 000 and to a maximum fine of not more than \$1 000 000 in the case of any subsequent offence.”

21. The said Act is amended by inserting, after section 109.1, the following section:

“109.1.1 A court which finds a person or municipality guilty of an offence under this Act may, in addition to imposing any other penalty,

(1) impose an additional fine of an amount equal to the amount of the monetary benefit acquired by or accrued to the person or municipality as a result of the commission of the offence, notwithstanding any maximum fine elsewhere provided imposed upon him or it;

(2) order the offender to take, at his or its own expense, all measures necessary to return things to the state they were in before the offence took place.

Where the Minister has exercised his powers under the first paragraph of section 115.1, the court may order the offender to pay back the direct and indirect costs related to such measures."

22. The said Act is amended by inserting, after section 109.2, the following section:

"109.3 Every director or officer of a corporation who, by means of an order or authorization or through his advice or encouragement, leads the corporation to emit, deposit, release or discharge a contaminant into the environment commits an offence and is liable to the same penalties as those prescribed in paragraph *a* of section 106.1."

23. The said Act is amended by inserting, after section 112, the following section:

"112.1 Penal proceedings instituted under this Act are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by any person whom he has generally or specially authorized in writing for that purpose."

24. Section 116.2 of the said Act is replaced by the following section:

"116.2 Any person responsible for a source of contamination not resulting from the operation of an industrial establishment contemplated by section 31.10 may submit a depollution programme to the Minister for approval."

25. Section 118.5 of the said Act, amended by section 102 of chapter 68 of the statutes of 1987, is again amended

(1) by adding, after subparagraph *g* of the first paragraph, the following subparagraphs:

"(h) all applications or reapplications for a depollution attestation submitted under sections 31.16 and 31.28 and all applications to amend an attestation submitted under sections 31.25 and 31.39;

"(i) all proposed or amended depollution attestations and all those issued under subdivision 1 of Division IV.2 and all notices of intention to refuse and all notices transmitted under sections 31.22, 31.25 and 31.28;

“(j) all depollution attestations issued or amended under subdivision 2 of Division IV.2;

“(k) the application record contemplated by section 31.21 and the comments made by persons or municipalities, transmitted during the period set aside for consultation of the record;

“(l) all statements of results relating to the control and monitoring of contaminant discharge, all reports and all information furnished to the Minister under Division IV.2 of this Act and the regulations hereunder.”;

(2) by inserting the words “, except any information prescribed by regulation,” after the word “register” in the second paragraph.

26. The said Act is amended by inserting, after section 118.5, the following section:

“118.5.1 The Government may prescribe by regulation what information contained in a register is not public information.”

27. Sections 120.1 to 120.5 of the said Act are replaced by the following sections:

“120.1 Every functionary authorized for that purpose by the Minister may, provided he obtains a warrant issued by a justice of the peace, at any reasonable hour or at any hour specified in the warrant, enter on land, a building, a vehicle or a boat, to seize any animate or inanimate thing likely to afford evidence that an offence under this Act or the regulations is being or has been committed, collect samples, install measuring devices, carry out analyses, consult records or examine the premises, if he has reasonable and probable grounds to believe that an offence under this Act or the regulations is being or has been committed.

A justice of the peace may issue a warrant, subject to such conditions as he shall specify therein, if he is satisfied, on the basis of a sworn statement by an authorized functionary, that there are reasonable and probable grounds to believe that such an offence is being or has been committed.

A functionary authorized by the Minister for that purpose may exercise, without a warrant, the powers conferred upon him in the first paragraph, if he has reasonable and probable grounds to believe that an offence under this Act or the regulations is being or has been committed and if, owing to exigent circumstances, the delay necessary to obtain a warrant may endanger human life, health or safety, harm

or cause serious damage to soil quality, plant life, animal life or property or lead to the loss, disappearance or destruction of evidence.

“120.2 A functionary contemplated in section 120.1 shall make a written report to the Minister of every seizure that he carries out.

“120.3 A functionary contemplated in section 120.1 shall be responsible for the custody of everything he seizes until a judge declares it confiscated or orders it returned to its owner.

However, the Minister may authorize the functionary to entrust the offender with the custody of the object of the seizure, and the offender must accept custody of it until a judge declares it confiscated or orders it returned to its owner.

“120.4 No person, without the authorization of the Minister, may dispose of, use or offer for sale the object of a seizure or remove or damage it or allow it, its container or seizure tag to be removed or damaged.

“120.5 A functionary contemplated in section 120.1 shall return the object of a seizure to the seized person as soon as justice is no longer served by the retention thereof.

“120.6 Anything seized by a functionary contemplated in section 120.1 must be returned to its owner if no charge is laid in respect of it within 180 days of the seizure.

The justice of the peace may, however, order the period of seizure extended by not over 90 days.

“120.7 The Government may make regulations prescribing the form and content of any seizure or release tag and prescribing how these documents may be used.”

28. Section 125 of the said Act is amended by striking out the first paragraph.

29. The said Act is amended by inserting, after section 129, the following section:

“129.1 Any provision of an authorization certificate, certificate, authorization and depollution programme issued or approved pursuant to sections 22, 32, 48, 54 and 116.2 shall continue to have force insofar as it is not incompatible with the elements set out in a depollution attestation.”

30. The said Act is amended by replacing the words “Deputy Minister”, wherever they appear, by the word “Minister”.

PESTICIDES ACT

31. Section 123 of the Pesticides Act (1987, chapter 29) is amended by adding, at the end, the words “by the Attorney General or by any person whom he generally or specially authorizes in writing for that purpose.”

ACT RESPECTING ECOLOGICAL RESERVES

32. Section 14 of the Act respecting ecological reserves (R.S.Q., chapter R-26) is replaced by the following section:

“14. Penal proceedings instituted under this Act are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by any person whom he generally or specially authorizes in writing for that purpose.”

MUNICIPAL CODE OF QUÉBEC

33. Article 549 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), amended by section 41 of chapter 102 of the statutes of 1987, is again amended

(1) by striking out the words “and the minister responsible for the carrying out of the Environment Quality Act (chapter Q-2)” in the third and fourth lines of the first paragraph of subarticle 4;

(2) by striking out the words “and the minister responsible for the Environment Quality Act” in the fourth line of the first paragraph of subarticle 7;

(3) by replacing the word “approvals” in the fifth line of the first paragraph of subarticle 8 by the word “approval”;

(4) by replacing the fourth paragraph of subarticle 9 by the following paragraph:

“A corporation which joins an agreement made under this article must send to the Commission municipale du Québec, for approval, a copy of the resolution and, where such is the case, a statement of the conditions of joining not determined in the agreement.”;

(5) by replacing the words “every required approval” in the third line of the sixth paragraph of subarticle 9 by the words “the required approval”.

34. Section 2 of the Act to again amend the Environment Quality Act (1978, chapter 94) is repealed.

35. The provisions of this Act come into force on the date or dates fixed by the Government.