



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 102

**An Act mainly to reinforce the enforcement
of environmental and dam safety legislation,
to ensure the responsible management of
pesticides and to implement certain
measures of the 2030 Plan for a Green
Economy concerning zero emission vehicles**

Introduction

**Introduced by
Mr. Benoit Charette
Minister of the Environment and the Fight Against
Climate Change**

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EXPLANATORY NOTES

The main purpose of this bill is to improve and standardize measures enabling the enforcement of legislation under the responsibility of the Minister of the Environment and the Fight Against Climate Change, to reinforce the Pesticides Act and to adjust the framework of the Dam Safety Act.

The bill begins by enacting the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation. That Act provides for a common framework for the enforcement of several Acts under the Minister's responsibility, and includes

(1) inspection, penal investigation and administrative investigation powers and the power to issue notices of execution;

(2) general provisions relating to monetary administrative penalties;

(3) powers to refuse, suspend, revoke or cancel various types of authorization granted under the Acts;

(4) general provisions relating to penal proceedings brought to ensure compliance with the Acts;

(5) a mechanism for claiming and recovering amounts owed to the Minister;

(6) proceedings to contest certain decisions before the Administrative Tribunal of Québec; and

(7) regulatory powers regarding the rate applicable to the calculation of the costs related to an inspection or an investigation, including the fees payable to cover the costs incurred for control and monitoring measures.

The bill contains several consequential amendments required by the establishment of the common framework under the Act enacted. The bill also amends the Act respecting threatened or vulnerable species, the Pesticides Act and the Dam Safety Act to introduce monetary administrative penalties and to revise the amounts of fines.

The bill proposes many amendments to the Pesticides Act to regulate the use of seeds coated with pesticides, to provide for regulatory powers in order to employ economic instruments and to establish rules for the possession of pesticides.

The bill also amends the Dam Safety Act, in particular to introduce into it the general requirement for owners to maintain their dams in working order such that they are unlikely to compromise the safety of persons or property. It adjusts the authorization and approval regime and expands the Minister's power under the regime to make orders.

With respect to certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the bill authorizes the Government, in the Environment Quality Act, to make a regulation limiting or prohibiting the sale or lease of certain classes of motor vehicles and authorizes the Minister, in the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions, to regulate the use of credits accumulated in excess of those required within the framework of that Act.

The bill also amends the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs, mainly to allow the Minister to delegate certain powers conferred on him, to clarify his powers over lands acquired by the Streams Commission that are under his authority and to provide for the allocation of certain sums credited to the Fund for the Protection of the Environment and the Waters in the Domain of the State.

The bill also amends the Mining Act to introduce, for claim holders, a prior authorization that must be obtained before certain impact-causing mining exploration work and to provide for the regulatory powers required for this authorization.

The bill amends the Tree Protection Act to allow preventive pruning and felling of trees and shrubs that could cause an electrical outage.

The bill amends the Environment Quality Act to provide for, among other things,

(1) the requirement, in the case of an accidental release of contaminants, to recover, clean or treat the matter contaminated by the release;

(2) the requirement to record certain information relating to hazardous materials;

(3) clarifications with respect to the power to amend an authorization issued under the Act;

(4) adjustments to the environmental impact assessment and review procedure, in particular with respect to the Minister's powers and obligations in the framework of that procedure; and

(5) adjustments to the Minister's power to issue orders.

The bill also amends the Watercourses Act to expand the Minister's power to recover amounts owed to him under that Act.

Lastly, the bill provides for various other technical adjustments and consequential and transitional provisions.

LEGISLATION ENACTED BY THIS BILL:

– Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*).

LEGISLATION AMENDED BY THIS BILL:

– Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02);

– Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2);

– Natural Heritage Conservation Act (chapter C-61.01);

– Act respecting threatened or vulnerable species (chapter E-12.01);

– Act respecting administrative justice (chapter J-3);

– Mining Act (chapter M-13.1);

- Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);
- Pesticides Act (chapter P-9.3);
- Tree Protection Act (chapter P-37);
- Environment Quality Act (chapter Q-2);
- Watercourses Act (chapter R-13);
- Dam Safety Act (chapter S-3.1.01).

REGULATIONS AMENDED BY THIS BILL:

- Terms and conditions for the signing of certain documents of the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001, r. 1);
- Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1).

Bill 102

AN ACT MAINLY TO REINFORCE THE ENFORCEMENT OF ENVIRONMENTAL AND DAM SAFETY LEGISLATION, TO ENSURE THE RESPONSIBLE MANAGEMENT OF PESTICIDES AND TO IMPLEMENT CERTAIN MEASURES OF THE 2030 PLAN FOR A GREEN ECONOMY CONCERNING ZERO EMISSION VEHICLES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ACT ENACTED

1. The Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the text of which appears in this Chapter, is enacted.

“ACT RESPECTING CERTAIN MEASURES ENABLING THE ENFORCEMENT OF ENVIRONMENTAL AND DAM SAFETY LEGISLATION

“CHAPTER I

“GENERAL PROVISIONS

“1. The purpose of this Act is to set out the provisions necessary for verifying compliance with the following Acts:

- (1) the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02);
- (2) the Natural Heritage Conservation Act (chapter C-61.01);
- (3) the Act respecting threatened or vulnerable species (chapter E-12.01);
- (4) the Pesticides Act (chapter P-9.3);
- (5) the Environment Quality Act (chapter Q-2); and
- (6) the Dam Safety Act (chapter S-3.1.01).

A further purpose of this Act, with respect to the Acts mentioned in the first paragraph and with respect to this Act, is to establish the system of applicable monetary administrative penalties and of penal provisions. It grants the Government or the Minister certain powers with respect to applications for authorization made under one of the Acts concerned and authorizations issued under them.

“2. For the purposes of this Act, unless the context indicates otherwise,

“Acts concerned” means the Acts mentioned in the first paragraph of section 1 and their regulations;

“authorization” means a permit or licence, authorization, approval, certificate, attestation, accreditation or certification or any other right of a similar nature granted under the Acts concerned as well as its renewal and amendment;

“municipality” means any municipality, the Communauté métropolitaine de Montréal, the Communauté métropolitaine de Québec, as well as an intermunicipal management board;

“person” means a natural person, legal person, trust, partnership, cooperative or any other group of persons; and

“shareholder” means a natural person holding, directly or indirectly, shares that carry 20% or more of the voting rights in a legal person that is not a reporting issuer under the Securities Act (chapter V-1.1).

“3. This Act is binding on the State.

“CHAPTER II

“INSPECTION, INVESTIGATION AND OTHER POWERS

“DIVISION I

“INSPECTION

“4. The Minister may designate any person to act as an inspector to see to the enforcement of this Act and the Acts concerned.

The Minister may also, by agreement, authorize any person other than a public servant to exercise, in the absence of an inspector, certain powers usually devolved to an inspector under this division. The agreement specifies, in particular, the power or powers devolved and the framework applicable to the person concerned.

Inspectors and authorized persons must, on request, provide identification and produce a certificate of authority.

“5. Inspectors may, at any reasonable time, enter areas governed by the Natural Heritage Conservation Act, land, including private land, a building, including a dwelling house, or a vehicle, boat or aircraft to examine the premises and conduct an inspection. They may, in such cases, by any reasonable, appropriate means:

(1) record the state of a place or any natural setting or property that is part of it;

(2) collect samples, conduct tests and perform analyses;

(3) carry out any necessary excavation or drilling to assess the state of the premises;

(4) install measuring apparatus necessary for taking measurements on the premises and subsequently remove the apparatus;

(5) take measurements, including continuous measurements, using an apparatus they install or that is already on the premises, for any reasonable period of time they determine;

(6) access a facility, including a secure facility, found on the premises;

(7) set in action or use an apparatus or equipment to ensure that the inspection is properly conducted or require the apparatus or equipment to be set in action or used within the time and according to the conditions they specify;

(8) open or require the opening of a container or package, within the time and according to the conditions they specify;

(9) require the provision of any information relating to the application of this Act or the Acts concerned and the communication of any relevant documents for examination, recording and reproduction;

(10) use any computer, equipment or other thing that is on the premises to access data relating to the application of this Act or the Acts concerned that is contained in an electronic device, computer system or other medium or to inspect, examine, process, copy or print out such data; and

(11) be accompanied by any person whose presence is considered necessary for the purposes of the inspection, who may then exercise the powers set out in subparagraphs 1 to 10.

For the purposes of the first paragraph, inspectors may enter a dwelling house without the consent of the owner or lessee only

(1) if, given the urgency of the situation, there is, as the case may be, a serious risk of danger to human life, health or safety, of causing serious damage or harm to the environment, to living species or to property, or of the loss, disappearance or destruction of evidence; or

(2) to ensure compliance with the provisions of this Act or the Acts concerned determined by regulation of the Minister.

Despite the first paragraph, only the powers set out in subparagraphs 9 to 11 may be applied to see to the enforcement of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions. Any person who accompanies an inspector under subparagraph 11 may exercise only the powers set out in subparagraphs 9 and 10. Despite the second paragraph, the powers set out in subparagraphs 9 to 11 of the first paragraph may not be enforced without judicial authorization in a dwelling house to see to the enforcement of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions.

“6. Inspectors may also, generally, exercise the following powers:

(1) immediately seize any thing

(a) that has been used to commit an offence against this Act or the Acts concerned;

(b) that may be used to prove an offence against this Act or the Acts concerned;

(c) the possession of which constitutes an offence against this Act or the Acts concerned;

(d) that was obtained, directly or indirectly, through the perpetration of an offence against this Act or the Acts concerned; or

(e) mixed with a material or a substance so as to render it difficult to distinguish in one of the cases mentioned in subparagraphs *a* to *d*;

(2) install or remove any notice concerning a matter governed by this Act or the Acts concerned or require such a notice to be installed or removed, within the time and according to the conditions they specify;

(3) require that a product, device, apparatus or equipment cease to be offered for sale if its sale or use is prohibited under the Acts concerned;

(4) require a person to produce the authorization allowing them to carry on an activity governed by the Acts concerned, where such an authorization is required;

(5) require a vehicle, boat or aircraft to be stopped or moved, within the time and according to the conditions they specify;

(6) require a person, by any means that allows proof of receipt at a specific time, to communicate to the inspector any information or document concerning the application of the Acts concerned, within the time and according to the conditions the inspector specifies; and

(7) visit the premises referred to in section 5 and exercise the powers set out in section 5

(a) to assess the condition of the premises in order to perform work; and

(b) following a finding of guilt, to document any application made to a judge in order to obtain an order under section 54.

The rules established by the Code of Penal Procedure (chapter C-25.1) apply, with the necessary modifications, to things seized under subparagraph 1 of the first paragraph, except in respect of section 129 for the custody of the thing seized. In such a case, the inspector has custody of the thing seized even when it is submitted in evidence and until a judge declares it forfeited or orders it returned to its owner, unless the judge decides otherwise. However, the Minister may authorize an inspector to entrust the offender with the custody of the thing seized, and the offender must accept custody of it until a judge declares it forfeited or orders it returned to its owner.

Despite the first paragraph, only the powers set out in paragraph 6 apply to see to the enforcement of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions.

“7. The owner, lessee or custodian of land, a building, a vehicle, a boat or an aircraft being inspected and any person found there must lend assistance to the inspectors in performing their duties.

The obligation set out in the first paragraph also applies to persons accompanying inspectors and any person authorized by the Minister under the second paragraph of section 4.

“DIVISION II

“PENAL INVESTIGATION

“8. The Minister may designate any person to act as a penal investigator in order to investigate any penal matter related to the application of this Act and the Acts concerned.

Penal investigators must, on request, provide identification and produce their certificate of authority.

“9. Penal investigators who have reasonable grounds to believe that an offence against a provision of this Act or the Acts concerned has been committed may, at the time of an investigation relating to the offence, apply to a judge for authorization to enter any place to exercise any power set out in sections 5 and 6 that, without such authorization, would constitute an unreasonable search or seizure.

The application for authorization must be made in writing and must be accompanied by a sworn declaration of the investigator and include, in particular, the following information:

- (1) a description of the offence that is the subject of the investigation;
- (2) the reasons why exercising the power that is the subject of the application will provide evidence of the commission of the offence;
- (3) a description of the place referred to in the application;
- (4) the time needed to exercise the power that is the subject of the application; and
- (5) the period when the power that is the subject of the application is to be exercised.

The application for authorization may also be made by telephone or any other appropriate means of telecommunication. The rules governing telewarrants set out in the Code of Penal Procedure apply to such an application.

The judge may grant the authorization on the conditions the judge determines if satisfied on the strength of the declaration that there are reasonable grounds to believe that an offence has been committed and that exercising the power that is the subject of the application will provide evidence of the commission of the offence.

The judge may also order any person to lend assistance, if it may reasonably be necessary for exercising the authorized power.

“10. Any penal investigator may, without the judicial authorization set out in section 9, exercise any power set out in sections 5 and 6 if, given the urgency of the situation, the conditions to be met and the time needed to obtain authorization

- (1) may result in danger to human life, health or safety;
- (2) may cause serious damage or harm to the environment, to living species or to property; or
- (3) may result in the loss, disappearance or destruction of evidence.

However, in a dwelling house, such a power may be exercised without judicial authorization only if the person exercising the power has reasonable grounds to believe that human life, health or safety is in danger or, as the case may be, that serious damage or harm to the environment, to living species or to property may be caused.

Despite the second paragraph, such a power may not be enforced without judicial authorization in a dwelling house to see to the enforcement of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions.

“11. To conduct their investigations, penal investigators are justified in performing an act or making an omission that would constitute an offence under this Act or the Acts concerned, provided the investigators are acting within their investigative functions. If such an act is performed or such an omission is made, they are not liable to any penalty imposed by those Acts.

For the purposes of the first paragraph, prior authorization from the investigator’s immediate superior is required for the investigator to perform the act or make the omission. An investigator’s immediate superior is the person who has direct authority over the investigator and who represents the Deputy Minister in the investigator’s regard.

“12. The second paragraph of section 6 applies to any thing seized by a penal investigator.

“DIVISION III

“ADMINISTRATIVE INVESTIGATION

“13. The Minister may designate any person to act as an administrative investigator in order to investigate any matter, other than a penal matter, related to the application of this Act and the Acts concerned.

Administrative inspectors must, on request, provide identification and produce their certificate of authority.

“14. If a person believes that they can attribute to the presence of a contaminant in the environment or to the release of a contaminant harm to their health or damage to their property, they may, within 30 days of ascertaining the harm or damage, request the Minister to conduct an administrative investigation.

A person who considers that their right to access to water that is safe for drinking, cooking and personal hygiene is compromised by a water withdrawal may also request that the Minister conduct an administrative investigation.

The first paragraph applies to municipalities as regards damage to their property.

“15. The Minister must provide a report of the results of any administrative investigation the Minister considers necessary to conduct under section 14 to the one the Minister believes responsible, to the complainant and to the municipality in whose territory the source of contamination is situated.

“16. For the purposes of conducting an administrative investigation, the Minister and the person appointed to conduct the investigation are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

“DIVISION IV

“NOTICES OF EXECUTION

“17. A person designated by the Minister may, to ensure a return to compliance with this Act or the Acts concerned after a failure to comply has been ascertained in the course of an inspection or a penal or administrative investigation, within the time and according to the conditions the person determines,

(1) require that the release of a contaminant stop, if the release threatens human life, health, safety, welfare or comfort, threatens the life, health or safety of other living species or could cause damage to ecosystems or property;

(2) require that an apparatus or equipment be stopped;

(3) prohibit the sale or use of a product, apparatus or equipment;

(4) require remedial measures to be taken with respect to any failure to comply that has been ascertained;

(5) if the failure to comply that has been ascertained concerns carrying on an activity without having first obtained the authorization required under one of the Acts concerned,

(a) require payment of the financial compensation that would have been required under the Act concerned for the issue of the authorization, in accordance with the calculation rules set out for that purpose by regulation; and

(b) require payment of the fees prescribed by regulation for an application for authorization; and

(6) take any measure the person considers necessary to facilitate the execution of an act under this section, including

(a) require registers to be kept on any relevant matter;

(b) require the person concerned to report periodically to the designated person; and

(c) require the person concerned to send the designated person the information and documents specified and set out the measures the person concerned must take with respect to any matter specified.

The acts referred to in the first paragraph are notified to the person concerned by a written notice of execution or, in the case of subparagraph 5, by a notice of claim in accordance with section 61.

The notice of execution applies until the return to compliance or until the application of another measure with respect to the person concerned.

If a person fails to comply with a notice of execution within the time specified and according to the conditions determined, the Minister may have the notice of execution carried out at the person's expense.

Despite the first paragraph, only the powers set out in subparagraphs 4 and 6 apply to see to the enforcement of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions.

“18. A person concerned by a notice of execution may apply, in writing, to the Bureau de réexamen instituted by section 76 to have the notice reviewed within 30 days of its notification.

“DIVISION V

“IMMUNITY

“19. Inspectors, penal investigators and persons responsible for lending assistance to or accompanying them may not be prosecuted for an act performed or an omission made in good faith in the performance of their duties.

The same applies to any person authorized by the Minister under the second paragraph of section 4 and under section 17 for an act performed or an omission made under this Act and to any public servant or member of the personnel of the Ministère du Développement durable, de l'Environnement et des Parcs, for an act performed or an omission made for the purposes of research, study, analysis, inventory, appraisal, knowledge or monitoring.

“CHAPTER III

“MONETARY ADMINISTRATIVE PENALTIES

“20. The Minister develops and makes public a general framework for applying monetary administrative penalties in connection with penal proceedings, specifying the following elements, in particular:

(1) the purposes of the penalties, including to encourage a person to rapidly take the measures required to remedy the failure to comply and to deter its repetition;

(2) the categories of offices held by the persons designated to impose the penalties;

(3) the criteria that must guide the designated persons when a failure to comply has been ascertained, including the nature of the failure, whether it has been repeated, the benefits derived from it, the seriousness of the harm or potential harm resulting from it and the measures taken by the person to remedy the failure;

(4) the circumstances in which penal proceedings will be given priority; and

(5) the other procedures connected with such penalties, such as the fact that they must be preceded by notification of a notice of non-compliance.

“21. A monetary administrative penalty is imposed by a person designated in this regard by the Minister. The person designated must notify their decision by a notice of claim in accordance with section 61.

No accumulation of monetary administrative penalties may be imposed on the same person for failure to comply with the same provision if the failure occurs on the same day and is based on the same facts. In cases where more than one penalty would be applicable, the person imposing the penalty determines which penalty is most appropriate in light of the circumstances and the purposes of the penalties.

“22. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on anyone who prevents an inspector, a penal investigator, any person responsible for lending assistance to or accompanying them or any person authorized by the Minister under the second paragraph of section 4 or the first paragraph of section 17 to exercise

powers conferred on them by this Act or the Acts concerned, impedes them or fails to obey an order that such a person may give under this Act and the Acts concerned.

“23. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on anyone who fails or neglects to comply with a notice of execution under section 17.

“24. No decision to impose a monetary administrative penalty may be notified to a person for failure to comply with a provision of this Act or the Acts concerned if a statement of offence has already been served on the person for contravention of the same provision on the same day and based on the same facts.

“25. If failure to comply with this Act or the Acts concerned is ascertained, a notice of non-compliance may be notified to the person concerned urging that the necessary measures be taken immediately to remedy the failure. Such a notice must mention that the failure may, in particular, give rise to a monetary administrative penalty and penal proceedings.

“26. If a failure to comply for which a monetary administrative penalty may be imposed continues for more than one day, it constitutes a new failure for each day it continues.

In particular, continuing, day after day, to use a facility or infrastructure or to carry on an activity without holding the required authorization, without obtaining an amendment to an existing authorization or without having declared an activity under one of the Acts concerned constitutes, for anyone who does so, a new failure for each day this continues.

“27. The imposition of a monetary administrative penalty for failure to comply with this Act or the Acts concerned is prescribed by two years from the date on which the failure to comply was ascertained.

In the absence of evidence to the contrary, the date of the inspection or investigation report ascertaining the failure to comply constitutes conclusive proof of the date on which the failure to comply was ascertained.

“28. A person on whom a monetary administrative penalty is imposed may apply, in writing, to the Bureau de réexamen for review of the decision within 30 days of the notification of the notice of claim sent to the person.

“29. The Government or the Minister may, in a regulation made under this Act or the Acts concerned, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty. The regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them. The amounts may vary in particular according to the extent to which the standards have been violated.

Unless otherwise provided for in this Act or the Acts concerned, the amounts of the monetary administrative penalties prescribed by a regulation referred to in the first paragraph may not exceed the following maximum amounts:

- (1) \$2,000 in the case of a natural person; and
- (2) \$10,000 in any other case.

“CHAPTER IV

“REFUSAL, AMENDMENT, SUSPENSION, REVOCATION AND CANCELLATION OF AUTHORIZATION

“30. This Chapter applies in addition to any other similar power provided for this purpose by the Acts concerned.

It does not apply in the case of a finding of guilt with respect to a criminal offence if the person has obtained a pardon for the offence.

“31. The Government or the Minister may refuse to issue, amend or renew an authorization required under the Acts concerned, may amend, suspend, revoke or cancel such an authorization, in whole or in part, or may oppose its transfer if, where applicable, the applicant or authorization holder or, in the case of a legal person, one of its directors, officers or shareholders

- (1) is the prête-nom of another person;
- (2) has, in the last five years, been found guilty of an offence under a fiscal law, a criminal offence connected with activities covered by the authorization or an indictable offence under sections 467.11 to 467.13 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);
- (3) has filed a false declaration, document or information, or has distorted or has omitted to report a material fact to have the authorization issued, maintained, amended, renewed or transferred;
- (4) has been found guilty of an offence under any Act that is administered by the Minister or any regulation made under those Acts
 - (a) in the last five years if the minimum amount of the fine to which the offender is liable for the offence was the amount provided for in section 44; or
 - (b) in the last two years in any other case;
- (5) has failed to comply with a notice of execution sent under section 17, except in the case provided for in subparagraph 8 of this section;
- (6) has failed to comply with an order made under any Act that is administered by the Minister;

(7) has failed to comply with an injunction made under any Act that is administered by the Minister;

(8) has defaulted on payment of an amount owed under any Act that is administered by the Minister or the regulations, including a fine, a monetary administrative penalty and, in cases where prior authorization should have been obtained and payment of compensation and related fees made, financial compensation or the fees payable;

(9) has failed to comply with any provision of any Act that is administered by the Minister or the regulations and has not remedied the failures that were ascertained at the time of an inspection or investigation, within the time and according to the conditions set out for doing so; and

(10) is not dealing at arm's length, within the meaning of the Taxation Act (chapter I-3), with a person who carries on a similar activity but whose authorization has been suspended, revoked or cancelled or is the subject of an injunction or order to that effect, unless it is proven that the activity of the applicant or authorization holder does not constitute a continuation of the activity of that person.

Subparagraphs 7 and 8 of the first paragraph apply only upon expiry of the following time limits, as applicable:

(1) in the case of an amount owing, the time for applying for a review, if applicable;

(2) the time for contesting the decision before the competent court or tribunal; or

(3) the 30th day following the final decision of the court or tribunal confirming all or part of the decision.

“32. The Government or the Minister may refuse to issue, amend or renew an authorization required under the Acts concerned, may amend, suspend, revoke or cancel such an authorization, in whole or in part, or may oppose its transfer if, where applicable, the applicant or authorization holder or, in the case of a legal person, one of its directors, officers or shareholders has entered into a contract for a loan of money with a person to finance activities covered by the authorization and if this person or, in the case of a legal person, one of its directors, officers or shareholders has, in the last five years, been found guilty of an offence under a fiscal law, a criminal offence connected with activities covered by the authorization or an indictable offence under sections 467.11 to 467.13 of the Criminal Code.

For the purposes of the first paragraph, “loan of money” means a loan that is not granted by insurers governed by the Insurers Act (chapter A-32.1), financial services cooperatives governed by the Act respecting financial services cooperatives (chapter C-67.3), trust companies or savings companies governed

by the Trust Companies and Savings Companies Act (chapter S-29.02) or banks listed in Schedule I or II of the Bank Act (Statutes of Canada, 1991, chapter 46), to the extent that those financial institutions are duly authorized to act in that capacity.

“33. The Government or the Minister may refuse to amend or renew an authorization required under the Acts concerned, may amend, suspend, revoke or cancel such an authorization, in whole or in part, or may oppose its transfer if, where applicable, the applicant or authorization holder or, in the case of a legal person, one of its directors, officers or shareholders is a director, officer or shareholder of a legal person who

(1) has been found guilty of an offence under any Act that is administered by the Minister or any regulation made under those Acts

(a) in the last five years if the minimum amount of the fine to which the offender is liable for the offence was the amount provided for in section 44; or

(b) in the last two years in any other case; or

(2) has been, in the last five years, found guilty of an offence under a fiscal law, a criminal offence related to activities governed by the authorization or an indictable offence under sections 467.11 to 467.13 of the Criminal Code.

“34. The Government or the Minister may refuse to issue, amend or renew an authorization required under the Acts concerned, may amend, suspend, revoke or cancel such an authorization, in whole or in part, or may oppose its transfer if, where applicable, the applicant or authorization holder is named in the register of enterprises ineligible for public contracts kept under section 21.6 of the Act respecting contracting by public bodies (chapter C-65.1).

“35. The Government or the Minister may, for all or part of a project subject to an authorization under the Acts concerned, amend the authorization, refuse to amend or renew it, or suspend, revoke or cancel it in the following cases:

(1) if the authorization holder fails to comply with any of the authorization’s provisions or uses the authorization for purposes other than those specified in it;

(2) if the authorization holder fails to comply with a provision of the Act or the regulation under which the authorization was issued; or

(3) if the authorization holder fails to begin an activity within the time specified in the authorization or, if no time is specified, within two years after the authorization is issued.

“36. If, in light of new or additional information that becomes available after an authorization is issued or after existing information is reassessed on the basis of new or additional scientific knowledge, the Minister is of the opinion that an activity that the Minister authorized under an Act concerned could cause irreparable harm or damage to or have serious adverse effects on living species, human health or the environment, the Minister may limit or put a stop to the activity or make it subject to any specific standard, condition, restriction or prohibition that the Minister deems necessary to remedy the situation, for the period the Minister determines or permanently.

The Minister may exercise the power provided for under the first paragraph with regard to an activity authorized by the Government under an Act concerned, if applicable. However, such a decision is valid for a period of not more than 30 days.

The Minister may also, for the same reasons and to the same extent as provided for in the first paragraph, limit or put a stop to any activity for which a declaration of compliance was filed or which may be carried out without prior authorization under the Environment Quality Act. The Minister may make such an activity subject to any specific standard or any condition, restriction or prohibition the Minister determines.

A decision made under this section entails no compensation from the State and prevails over any incompatible provision of an Act, by-law, regulation or order in council.

“37. For activities carried on in connection with a project it has authorized under an Act concerned, the Government may, on the Minister’s recommendation based on the reasons set out in the first paragraph of section 36, for the period it determines or permanently,

(1) modify the specific standards or conditions, restrictions or prohibitions governing the activity concerned;

(2) impose any new specific standard or condition, restriction or prohibition on the activity; or

(3) limit or put a stop to the activity.

A decision made under this section entails no compensation from the State and prevails over any incompatible provision of an Act, by-law, regulation or order in council.

“38. Before making a decision under sections 31 to 36, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and allow the person at least 15 days to submit observations.

In addition, before recommending to the Government that it make a decision under those sections or section 37, the Minister must allow the applicant or authorization holder at least 15 days to submit written observations.

Despite the first and second paragraphs, the Government or the Minister may make a decision without notifying the prescribed prior notice if the decision is made in a situation where urgent action is required or so as to prevent serious or irreparable harm or damage to human beings, ecosystems, other living species, the environment or property. However, a person to whom such a decision is notified may, within the time specified in the decision, submit observations to obtain a review of the decision.

“39. Any decision made under this Chapter must be notified to the person concerned. If the decision concerns a decision made by the Minister under sections 31 to 36, the notice of notification must state the person’s right to contest the decision before the Administrative Tribunal of Québec and the time limit for bringing such a proceeding.

“40. Any decision made by the Minister under sections 31 to 36 may be contested by the person concerned before the Administrative Tribunal of Québec.

“CHAPTER V

“PENAL PROVISIONS

“41. Anyone who hinders the work of an inspector, a penal investigator, any person responsible for lending assistance to or accompanying them or any person authorized by the Minister under the second paragraph of section 4 or the first paragraph of section 17, impedes them, misleads them by an act, concealment, omissions or false declarations, refuses or fails to obey an order that such a person may give under this Act or the Acts concerned or fails to lend them assistance commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and to a fine of \$7,500 to \$1,500,000 in any other case.

“42. Anyone who fails or neglects to comply with a notice of execution sent under section 17 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, to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, and, in any other case, to a fine of \$15,000 to \$3,000,000.

“43. Anyone who fails to comply with an order rendered by a judge under section 54 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, to a maximum term of imprisonment of three years, or to both the fine and imprisonment, and, in any other case, to a fine of \$30,000 to \$6,000,000.

“44. The Government or the Minister may determine the provisions of a regulation the Government or the Minister has made under this Act or the Acts concerned whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government or the Minister. The Government or the Minister may also provide that, despite article 231 of the Code of Penal Procedure, a contravention renders the offender liable to a term of imprisonment or to both the imprisonment and the fine.

The maximum penalties under the first paragraph may, in particular, vary according to the importance of the standards to which the contravention relates, but may not exceed

(1) in the case of a natural person, \$1,000,000 or, despite article 231 of the Code of Penal Procedure, a maximum term of imprisonment of three years, or both; and

(2) in any other case, \$6,000,000.

“45. The fines prescribed by this Act and the Acts concerned are doubled for a second offence and tripled for a subsequent offence. The maximum term of imprisonment is five years less a day for a second or subsequent offence.

Furthermore, if an offender commits an offence under this Act or the Acts concerned after having previously been found guilty of any such offence and if, without regard to the amounts prescribed for a second or subsequent offence, the minimum fine to which the offender was liable for the first offence was equal to or greater than the minimum fine prescribed for the second offence, the minimum and maximum fines and, if applicable, the term of imprisonment prescribed for the second offence become, if the prosecutor so requests, those prescribed in the case of a second or subsequent offence.

“46. If an offence under this Act or the Acts concerned is committed by a director or officer of a legal person, partnership or association without legal personality, the minimum and maximum fines that would apply in the case of a natural person for this offence are doubled.

“47. If an offence under this Act or the Acts concerned continues for more than one day, it constitutes a separate offence for each day it continues.

In particular, anyone who continues, day after day, to use a facility or infrastructure or to carry on an activity without holding the required authorization, without obtaining an amendment to an existing authorization or without having declared an activity under one of the Acts concerned commits a separate offence for each day.

“48. Anyone who, by an act or omission, helps a person to commit an offence under this Act or the Acts concerned or induces a person, by encouragement, advice, consent, authorization or order to commit such an offence commits that offence and is liable to the same penalty as that prescribed for the offence they helped or induced the person to commit.

“49. In any penal proceedings related to an offence under this Act or the Acts concerned, proof that the offence was committed by an agent, mandatory or employee of any party is sufficient to establish that it was committed by that party, unless the party establishes that it exercised due diligence and took all necessary precautions to prevent the offence.

“50. If a legal person or agent, mandatory or employee of a legal person, partnership or association without legal personality commits an offence under this Act or the Acts concerned, the director or officer of the legal person, partnership or association is presumed to have committed the offence, unless it is established that they exercised due diligence and took all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership, unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

“51. A professional within the meaning of the Professional Code (chapter C-26) who knowingly produces false or misleading information with regard to a document produced in accordance with a provision of any of the Acts concerned and for which the provision of the Act requires the signature of a professional is presumed to have personally produced a false or misleading document even if another person was under the obligation to produce the document.

If penal proceedings are brought against a professional under the first paragraph, the Minister must inform the syndic of the professional order concerned. The same applies for any offence committed by a professional under the Acts concerned with regard to a false or misleading signature or attestation.

“52. In determining the penalty, the judge takes into account aggravating factors such as

- (1) the seriousness of the harm or damage, or of the risk of serious harm or damage, to human health, to the environment, including vegetation and wildlife, or to the safety of persons or property;
- (2) the specific nature of the environment or place affected, in particular, whether the feature affected is unique, rare, significant or vulnerable;
- (3) the fact that the offender acted intentionally, or was negligent or reckless;

(4) the foreseeable character of the offence or the failure to follow recommendations or warnings to prevent it;

(5) the cost to society of repairing the harm or damage;

(6) the dangerous nature of the substances resulting in the offence;

(7) the lasting or irreparable damage caused by the offence;

(8) the offender's behaviour after committing the offence, in particular, whether the offender attempted to cover up the offence or omitted to take rapid measures to prevent or limit the damage or to remedy the situation;

(9) the fact that the offender has previously failed to comply with federal or provincial legislation aimed at conserving or protecting human health or the environment, including vegetation and wildlife;

(10) the fact that, by committing the offence or omitting to take measures to prevent it, the offender

(a) increased their revenue;

(b) decreased their expenses;

(c) obtained any other benefit by committing the offence; or

(d) intended to obtain the benefits mentioned in subparagraphs *a*, *b* or *c*; and

(11) the fact that the offender failed to take reasonable measures to prevent the commission of the offence or limit its effects despite the offender's financial ability to do so, given, in particular, the size of the offender's undertaking and the offender's assets, turnover and revenues.

A judge who, despite the presence of an aggravating factor, decides to impose the minimum fine must give reasons for the decision.

“53. On an application made by the prosecutor and submitted with the statement of offence, the judge may impose, in addition to any other penalty, a further fine on the offender not exceeding the financial benefit realized by the offender as a result of the offence, even if the maximum fine was imposed.

“54. In the judgment, the judge may order an offender who has been found guilty under this Act or one of the Acts concerned

(1) to refrain from any action or activity that could lead to the continuation or repetition of the offence;

(2) to carry out any action or activity to prevent the offence from being continued or repeated;

(3) to prepare any plan, submit it to the Minister for approval and abide by it once it is approved;

(4) to provide the Minister with any study, opinion or analysis that the situation requires or pay an amount of money to a person or body designated by the judge to provide such studies, opinions or analyses;

(5) to take the appropriate measures to remedy the failures that were ascertained;

(6) to take one or more of the following measures, with priority given to those determined by the judge as being best for attaining the objective of the Act that was violated:

(a) to restore things to the state they were in prior to the offending act;

(b) to restore things to a state approaching their original state;

(c) to repair or mitigate damage resulting from the commission of the offence;

(d) if the offence concerns carrying on an activity without having first obtained the authorization required under one of the Acts concerned, to pay the financial compensation that would have been required under the Act concerned for the issue of the authorization, in accordance with the calculation rules set out for that purpose;

(e) to perform community service, subject to the conditions determined by the judge;

(f) to pay compensation, in a lump sum or otherwise, for repair of damage resulting from the commission of the offence;

(g) to pay, as compensation for damage resulting from the commission of the offence, an amount of money to the Electrification and Climate Change Fund established under section 15.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) or to the Fund for the Protection of the Environment and the Waters in the Domain of the State established under section 15.4.38 of that Act;

(h) to pay, in the manner specified by the judge, an amount of money to an educational institution to create scholarships for anyone enrolled in a program of studies related to the environment; and

(i) to implement any other compensatory measure;

(7) to provide security or deposit an amount of money to guarantee performance of the offender's obligations;

(8) to make public, under the conditions determined by the judge, the conviction and the imposition of any prevention or repair measures; and

(9) to inform, at the offender's cost, any indirect victim of the facts related to the commission of the offence.

Moreover, if the Minister, in carrying out this Act or the Acts concerned, has taken measures in the offender's place and stead, the judge may order the offender to reimburse the Minister for the direct and indirect costs of such measures, including interest.

The judge may also, in the judgment, order the forfeiture of the property seized during an inspection or investigation. The rules set out in the Code of Penal Procedure apply to the property forfeited.

“55. The prosecutor must give the offender at least 10 days' prior notice of any application concerning subparagraphs 5 and 6 of the first paragraph of section 54, unless the parties are in the presence of a judge. The judge must, before issuing an order concerning those applications and on the request of the offender, grant the offender what the judge considers a reasonable period of time in which to present evidence with regard to the prosecutor's application.

“56. When determining a fine higher than the minimum fine prescribed in this Act or the Acts concerned, or when determining the time within which an amount must be paid, the judge may take into account the offender's ability to pay, provided the offender provides proof of assets and liabilities.

“57. The prescription period for penal proceedings for offences under this Act or the Acts concerned is the longer of

(1) five years from the date the offence was committed; and

(2) two years from the date on which the inspection or penal investigation that led to the discovery of the offence began if

(a) false declarations were made to the Minister, an inspector, a penal or administrative investigator, a person responsible for lending assistance to or accompanying them or a person authorized by the Minister under the second paragraph of section 4 or the first paragraph of section 17; or

(b) in the other cases provided for by the Acts concerned.

In the cases referred to in subparagraph 2 of the first paragraph, the certificate of the Minister, the inspector or the investigator constitutes, in the absence of evidence to the contrary, conclusive proof of the date on which the inspection or investigation began.

“CHAPTER VI

“CLAIMS AND RECOVERY

“58. The Minister may claim payment from any person of an amount owed to the Minister under this Act or the Acts concerned by notification of a notice of claim.

If a notice of claim applies to more than one debtor, the debtors are solidarily liable.

“59. Despite section 58, the claim is made

(1) by the person designated by the Minister under section 17 if it concerns sending a notice of execution; or

(2) by the person designated by the Minister under section 21 if it concerns imposing a monetary administrative penalty.

“60. Unless otherwise provided, any amount owing bears interest at the rate determined under the first paragraph of section 28 of the Tax Administration Act (chapter A-6.002), from the 31st day after notification of the notice referred to in section 59.

The interest is capitalized monthly.

“61. The notice of claim must indicate

(1) the amount claimed;

(2) the reasons why the amount is owing; and

(3) the time from which it bears interest.

If the notice of claim concerns the imposition of a monetary administrative penalty or the payment of the financial compensation or the fees referred to in section 17, the notice must also mention the debtor’s right to obtain a review of the decision before the Bureau de réexamen and the time limit for applying for a review. In any other case, the notice must mention the debtor’s right to contest the claim before the Administrative Tribunal of Québec and the time limit for doing so.

The notice also includes information on the procedure for payment and recovery of the amount claimed. The debtor is also informed that failure to pay the amount owing could result in the refusal to issue an authorization required under one of the Acts concerned or the amendment, suspension, revocation or cancellation of any such authorization and, if applicable, that the facts on which the claim is founded could result in a notice of execution, in an order or in civil or penal proceedings.

“62. Notification of a notice of claim interrupts the prescription provided for in the Civil Code for the recovery of an amount owing.

“63. Any notice of claim, other than a notice of claim notified under section 17 or 21, may, within 30 days of notification of the notice, be contested by the debtor concerned before the Administrative Tribunal of Québec.

“64. The directors and officers of a legal person that has defaulted on payment of an amount owed are solidarily liable, with the legal person, for payment of the amount, unless they establish that they exercised due care and diligence to prevent the failure which led to the claim.

In the case of a partnership or an association without legal personality, all partners, except the special partners of a limited partnership, are presumed to be directors of the partnership or association, unless there is evidence to the contrary that one or more of them, or a third person, has been appointed to manage the affairs of the partnership or association.

“65. The reimbursement of an amount owing is secured by a legal hypothec on the debtor’s movable and immovable property.

“66. The Minister and the debtor of an amount owing may enter into an agreement with regard to its payment.

The agreement or the payment, in whole or in part, of the amount owing does not constitute, for the purposes of any monetary administrative penalty or penal proceedings, an acknowledgement of the facts giving rise to it.

“67. The Minister may, if the debtor fails to pay the amount owing in its entirety or to adhere to the conditions of an agreement entered into under section 66, issue a recovery certificate upon, as applicable,

(1) expiry of the time prescribed for applying for a review, before the Bureau de réexamen, of a decision referred to in this Act or the Acts concerned;

(2) expiry of the time prescribed for contesting, before the Administrative Tribunal of Québec, a decision of the Bureau de réexamen or a notice of claim other than a notice of claim notified in accordance with section 17 or 21 referred to in this Act or the Acts concerned; or

(3) expiry of 30 days after the decision of the Administrative Tribunal of Québec confirming a decision of the Bureau de réexamen or a notice of claim other than a notice of claim notified in accordance with section 17 or 21 referred to in this Act or the Acts concerned.

However, a recovery certificate may be issued before expiry of the time referred to in the first paragraph if the Minister is of the opinion that the debtor is attempting to evade payment.

The recovery certificate states the debtor's name and address and the amount of the debt.

“68. When the Minister of Revenue allocates, after a recovery certificate has been issued and in accordance with section 31 of the Tax Administration Act (chapter A-6.002), a refund owed to a person by reason of the application of a fiscal law to the payment of an amount owed by that person under this Act or an Act concerned, the allocation interrupts the prescription provided for in the Civil Code as regards the recovery of that amount.

“69. Upon the filing of a copy of the final decision stating the amount of the debtor's debt and the certificate of the Minister at the office of the competent court, the decision becomes enforceable, as if it were a final judgment of that court not subject to appeal, and has all the effects of such a judgment.

“70. The debtor is required to pay recovery charges incurred by the Minister in the cases and under the conditions determined by a regulation of the Minister.

“71. The Minister may, by agreement, delegate to another department or body all or some of the powers relating to the recovery of an amount owing under this Act or the Acts concerned.

“CHAPTER VII

“ACCOUNTABILITY

“72. The Minister keeps a register of the following information related to the notices of execution sent under this Act:

(1) the notice of execution sent under the second paragraph of section 17, including the date on which it takes effect;

(2) the date and nature of the failure for which the notice was sent and the legislative and regulatory provisions under which the measures were imposed;

(3) the name of the municipality in whose territory the failure occurred;

(4) if the notice concerns a legal person, its name and the address of its head office or the address of one of its establishments or the business establishment of one of its agents;

(5) if the notice concerns a partnership or association without legal personality, the name and address of the partnership or association;

(6) if the notice concerns a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the failure occurred during the course of business of the person's enterprise, the enterprise's name and address;

(7) if applicable, the date of receipt of an application for review and the date and conclusions of the Bureau de réexamen's decision;

(8) if applicable, the date a proceeding was brought before the Administrative Tribunal of Québec and the date and conclusions of the Tribunal's decision, as soon as the Minister is made aware of the information;

(9) if applicable, the date any proceeding was brought against the Administrative Tribunal of Québec's decision, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Minister is made aware of the information; and

(10) any other information the Minister considers of public interest.

“73. The Minister keeps a register of the following information related to the monetary administrative penalties imposed under this Act or the Acts concerned:

(1) the date the penalty was imposed;

(2) the date and nature of the failure for which the penalty was imposed and the legislative and regulatory provisions under which it was imposed;

(3) the name of the municipality in whose territory the failure occurred;

(4) if the penalty concerns a legal person, the legal person's name and the address of its head office or one of its establishments or the business establishment of one of its agents;

(5) if the penalty concerns a partnership or association without legal personality, the name and address of the partnership or association;

(6) if the penalty concerns a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the failure occurred during the course of business of the person's enterprise, the name and address of the enterprise;

(7) the amount of the penalty imposed;

(8) if applicable, the date of receipt of an application for review and the date and conclusions of the decision of the Bureau de réexamen;

(9) if applicable, the date a proceeding was brought before the Administrative Tribunal of Québec and the date and conclusions of the Tribunal's decision, as soon as the Minister is made aware of the information;

(10) if applicable, the date any proceeding was brought against the Administrative Tribunal of Québec's decision, the nature of the proceeding and the date and conclusions of the decision rendered by the court concerned, as soon as the Minister is made aware of the information; and

(11) any other information the Minister considers of public interest.

“74. The Minister keeps a register of the following information related to findings of guilt for offences under this Act or the Acts concerned:

(1) the date of conviction;

(2) the nature of the offence and the legislative or regulatory provisions under which the offender was convicted;

(3) the date of the offence and the name of the municipality in whose territory it was committed;

(4) if the offender is a legal person, its name and the address of its head office or one of its establishments or the business establishment of one of its agents;

(5) if the offence concerns a partnership or association without legal personality, the name and address of the partnership or association;

(6) if the offence concerns a natural person, the person's name, the name of the municipality in whose territory the person resides and, if the offence was committed during the course of business of the person's enterprise, the name and address of the enterprise;

(7) if the offence concerns an officer or director of a legal person, partnership or association without legal personality, the officer's or director's name, the name of the municipality in whose territory the officer or director resides and, as applicable, the name and the address of the head office of the legal person or one of its establishments or the business establishment of one of its agents, or the name and address of the partnership or association;

(8) the penalty imposed by the judge;

(9) if applicable, the date a proceeding was brought against the decision rendered, the nature of the proceeding and the date and conclusions of the decision rendered by the competent court, as soon as the Minister is made aware of the information; and

(10) any other information the Minister considers of public interest.

“75. Subject to the right-of-access restrictions provided for in sections 28, 28.1 and 29 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the documents and information contained in the registers established under sections 72 to 74 are public, except information concerning the location of threatened or vulnerable species.

The Minister must publish such documents and information on the Minister's department's website with due dispatch.

“CHAPTER VIII

“REMEDIES

“DIVISION I

“BUREAU DE RÉEXAMEN

“76. A review board known as the “Bureau de réexamen” is established as an administrative unit within the Ministère du Développement durable, de l'Environnement et des Parcs.

The Minister designates the persons who are part of the unit, who must belong to a unit that is separate from the unit to which the persons whose decisions are subject to review belong.

“77. The Bureau de réexamen is responsible for processing applications for review under this Act, that is, those relating to the notices of execution referred to in section 17 and to the monetary administrative penalties imposed under this Act or the Acts concerned.

“78. After giving the applicant an opportunity to submit observations and, if applicable, produce documents to complete the applicant's record, the Bureau de réexamen renders a decision on the basis of the record, unless it considers it necessary to proceed in some other manner. The Bureau de réexamen may confirm, quash or amend the decision under review.

“79. The application for review must be processed promptly.

In the case of an application concerning payment of an amount owing, if the review decision is not rendered within 30 days of receipt of the application or, if applicable, of the time granted to the applicant to submit observations or documents, the interest provided for in section 60 on the amount owing ceases to accrue until the decision is rendered.

“80. The review decision must be written in clear, concise terms, and must include reasons. It must be notified to the applicant, who must be informed of the applicant's right to contest the decision before the Administrative Tribunal of Québec and of the time limit for doing so.

“81. A decision is executory despite its review, unless it concerns an amount owing. In such a case, subject to the second paragraph of section 79, even if the decision is not executory, interest nevertheless accrues from the date provided for in section 60.

“82. A Bureau de réexamen decision may be contested by the person concerned before the Administrative Tribunal of Québec within 30 days of the decision’s notification.

“DIVISION II

“ADMINISTRATIVE TRIBUNAL OF QUÉBEC

“83. A proceeding before the Administrative Tribunal of Québec under this Act must be brought within 30 days of notification of the contested decision.

“84. When rendering a decision concerning a notice of claim, the Administrative Tribunal of Québec may rule on the interest accrued between the date the contestation was brought and the date of the Tribunal’s decision.

“85. A proceeding brought before the Administrative Tribunal of Québec does not suspend the execution of a decision, unless, on a motion heard and judged on an urgent basis, a member of the Tribunal orders otherwise because of the urgency of the situation or because of the risk of serious and irreparable harm.

If the Tribunal issues such an order, the proceeding is heard and judged on an urgent basis.

Despite the first paragraph, a proceeding to contest a Bureau de réexamen decision suspends execution of the decision if it concerns an amount owing. In such a case, even if the decision is not executory, interest nevertheless accrues.

“86. Any person may intervene before the Administrative Tribunal of Québec with respect to proceedings brought under this Act.

“CHAPTER IX

“REGULATORY POWER

“87. The Minister may, by regulation, set the rate applicable to the costs related to an inspection or investigation conducted under this Act or the Acts concerned, including the cost of sampling, measurement, testing, analysis or excavation.

“88. The Minister may, by regulation, set the fees payable by any person the Minister specifies that are intended to cover the costs incurred for control and monitoring measures under this Act or the Acts concerned, in particular costs related to inspecting facilities and examining information or documents provided to the Minister.

The fees set under the first paragraph are based, in particular, on the nature of the activities, their location and the characteristics of the facilities. They are also set on the basis of the costs incurred to process documents, including costs incurred to examine them.

The fees may vary according to the nature, scope and cost of the project, the class of the source of contamination, the characteristics of the enterprise or establishment, in particular its size, and the complexity of the technical and environmental aspects of the record.

Under such a regulation, a person who has set up an environmental management system or a system to ensure the safety of persons and property that meets a recognized Québec, Canadian or international standard may be exempted from paying all or part of the fees referred to in the first paragraph, on the conditions determined in the regulation.

“CHAPTER X

“MISCELLANEOUS PROVISIONS

“89. In any civil or penal proceeding instituted under this Act or the Acts concerned, the cost of any inspection or investigation, including the cost of any sampling, measurement, test, analysis or excavation, is included in the cost of the proceedings.

Expenses incurred by the Minister to determine the nature of the work required to restore things to their original state or, if applicable, to implement compensatory measures must also be included in the cost of proceedings.

“90. In any civil or penal proceeding instituted under this Act or the Acts concerned and in any proceeding brought before the Administrative Tribunal of Québec, a certificate of the analysis of a contaminant or other substance signed by a person having made the analysis at the request of the Minister is admissible in lieu of the person’s affidavit as regards the facts declared in it if the person attests on the certificate that they personally recorded the facts. The certificate is proof, in the absence of any evidence to the contrary, of the capacity of the person who signed it.

“CHAPTER XI

“TRANSITIONAL AND FINAL PROVISIONS

“91. The general framework for applying monetary administrative penalties under section 21 of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02), section 69.5 of the Natural Heritage Conservation Act (chapter C-61.01) and section 115.13 of the Environment Quality Act (chapter Q-2) remains applicable until it is replaced, with the necessary modifications, for the purposes of section 20 of this Act.

“92. The certificates issued to the persons referred to in section 16 of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02), in sections 66, 66.3 and 66.4 of the Natural Heritage Conservation Act (chapter C-61.01), in section 28 of the Act respecting threatened or vulnerable species (chapter E-12.01), in sections 79 and 98 of the Pesticides Act (chapter P-9.3), in sections 119, 119.1, 120, 120.1 and 121.2 of the Environment Quality Act and in section 32 of the Dam Safety Act (chapter S-3.1.01) to attest to their capacity are deemed to have been issued under this Act.

“93. Any inspection, penal investigation or administrative investigation pending on (*insert the date of coming into force of this Act*) initiated under the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions, the Natural Heritage Conservation Act, the Act respecting threatened or vulnerable species, the Pesticides Act, the Environment Quality Act or the Dam Safety Act is continued in accordance with the provisions of this Act.

“94. Any claim or recovery pending on (*insert the date of coming into force of this Act*) initiated under the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions, the Natural Heritage Conservation Act, the Act respecting threatened or vulnerable species, the Pesticides Act, the Environment Quality Act or the Dam Safety Act is continued in accordance with the provisions of this Act.

“95. The Regulation respecting the rate to determine the costs of sampling, analysis, inspection or investigation included in the costs of civil or penal proceedings instituted for the purposes of the Environment Quality Act (chapter Q-2, r. 47) is deemed to have been made under section 87 of this Act.

“96. The Minister of Sustainable Development, Environment and Parks is responsible for the administration of this Act.”

CHAPTER II

AMENDING PROVISIONS

ACT TO INCREASE THE NUMBER OF ZERO-EMISSION MOTOR VEHICLES IN QUÉBEC IN ORDER TO REDUCE GREENHOUSE GAS AND OTHER POLLUTANT EMISSIONS

2. Section 9 of the Act to increase the number of zero-emission motor vehicles in Québec in order to reduce greenhouse gas and other pollutant emissions (chapter A-33.02) is amended by replacing the second paragraph by the following paragraph:

“The Minister may, by regulation,

(1) limit the number of credits referred to in the first paragraph that may be used by a motor vehicle manufacturer during a later period for the purpose of establishing the number of credits it has accumulated;

(2) determine a conversion factor applicable to the credits referred to in the first paragraph for their use by a motor vehicle manufacturer during a later period for the purpose of establishing the number of credits it has accumulated; and

(3) limit the number of consecutive periods later than the period in which the credits referred to in the first paragraph were accumulated and at the end of which those credits may be used by a motor vehicle manufacturer for the purpose of establishing the number of credits it has accumulated.”

3. The Act is amended by replacing Chapter IV by the following chapter:

“CHAPTER IV

“INSPECTION AND INVESTIGATION

“16. The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.”

4. The Act is amended by inserting the following section before section 19:

“18.1. A monetary administrative penalty of \$1,000 may be imposed on a motor vehicle manufacturer that provides inaccurate information or an incomplete document for the purposes of this Act and the regulations.”

5. Section 19 of the Act is amended by replacing “\$1,000” by “\$1,500”.

6. Sections 20 to 29 of the Act are replaced by the following section:

“20. The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the imposition of a monetary administrative penalty on a motor vehicle manufacturer that fails to comply with a provision of this Act or the regulations.”

7. Section 31 of the Act is amended by striking out “, other than a notice of claim notified to it in accordance with section 24, or a review decision confirming the imposition of a monetary administrative penalty” in the first paragraph.

8. Sections 33 to 46 of the Act are replaced by the following sections:

“33. A motor vehicle manufacturer that provides false or misleading information for the purposes of this Act and the regulations is liable to a fine of not less than \$5,000 nor more than \$500,000.

“34. A motor vehicle manufacturer that fails to provide information or documents required under this Act or necessary for its application, or fails to file them in the prescribed time, is liable to a fine of not less than \$6,000 nor more than \$600,000.

“35. The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to this chapter and to the penal provisions provided by regulation.”

9. Sections 47 to 58 of the Act are replaced by the following section:

“47. The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.”

10. Section 62 of the Act is amended by striking out the second paragraph.

ACT TO AFFIRM THE COLLECTIVE NATURE OF WATER
RESOURCES AND TO PROMOTE BETTER GOVERNANCE OF WATER
AND ASSOCIATED ENVIRONMENTS

11. Section 14 of the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2) is amended

(1) by replacing subparagraphs *a* and *b* of subparagraph 3 of the first paragraph by the following subparagraphs:

“(a) for the creation of a watershed body whose mandate is to:

i. coordinate an advisory panel representative of users and stakeholders in various sectors;

ii. develop and establish collaboration mechanisms for concerted, integrated water resource management for its integrated management zone;

iii. coordinate the implementation of the collaboration mechanisms and ensure their monitoring;

iv. coordinate the development and subsequent updating of a water master plan;

v. promote the implementation of the water master plan and ensure the consistency of the plan, in particular by promoting it and by mobilizing the users of the water and the land; and

vi. coordinate the water master plan follow-up and assessment processes; or

“(b) for the designation, in exceptional circumstances, of a body that is representative of the users and stakeholders in various sectors and responsible for carrying out the mandate normally conferred on a watershed body provided for in subparagraph a;”;

(2) by replacing “its mission” in the second paragraph by “its mandate”.

NATURAL HERITAGE CONSERVATION ACT

12. Section 22.2 of the Natural Heritage Conservation Act (chapter C-61.01) is repealed.

13. Section 52 of the Act is amended by replacing the first paragraph by the following paragraph:

“Despite section 51, inspectors, investigators, wildlife protection officers and any persons required to assist them or carry on activities as part of an inspection or investigation may be in an ecological reserve and carry on the activities necessary to their functions there.”

14. Section 66 of the Act is replaced by the following section:

“66. The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.”

15. Sections 66.1 to 69 and 69.5 to 69.14 of the Act are repealed.

16. Section 69.17 of the Act is replaced by the following section:

“69.17. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on any person who

(1) carries on an activity or does something without first obtaining an authorization required under this Act or the regulations; or

(2) provides erroneous information or an incomplete document for the purposes of this Act and the regulations.”

17. Sections 69.19 to 69.21 of the Act are replaced by the following section:

“69.19. The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.”

18. Section 71 of the Act is replaced by the following section:

“71. Whoever fails to comply with a condition of an authorization issued by the Minister under this Act or the regulations commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and to a fine of \$7,500 to \$1,500,000 in any other case.”

19. Section 72 of the Act is amended by replacing paragraph 2 by the following paragraph:

“(2) provides false or misleading information for the purposes of this Act and the regulations.”

20. Sections 74 to 87 of the Act are replaced by the following section:

“74. The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to this chapter and to the penal provisions provided by regulation.”

21. Sections 88 to 97 of the Act are replaced by the following section:

“88. The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this*

Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation) apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.”

ACT RESPECTING THREATENED OR VULNERABLE SPECIES

22. The heading of Division V of the Act respecting threatened or vulnerable species (chapter E-12.01) is amended by replacing “, SEIZURE, CONFISCATION AND ARREST” by “AND INVESTIGATION”.

23. Sections 27 to 38.1 of the Act are replaced by the following sections:

“**27.** The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.

“**28.** Despite article 130 of the Code of Penal Procedure (chapter C-25.1) and section 6 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*), where the thing seized is perishable or likely to depreciate rapidly, the inspector or penal investigator may dispose of it in the manner prescribed by government regulation.

If the inspector or penal investigator has disposed of such a thing and it subsequently appears that there is no cause for confiscation, the inspector or penal investigator shall, at the request of the person entitled thereto, pay to that person the indemnity provided by government regulation, as replacement for the property.”

24. The Act is amended by inserting the following division after section 39:

“DIVISION VI.1

“MONETARY ADMINISTRATIVE PENALTIES

“**39.1.** A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on any person who, in contravention of a provision of this Act, fails to transmit any information or document required under this Act or the regulations or to transmit the information or document within the prescribed time.

“39.2. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on any person who, in contravention of a provision of this Act, fails to comply with any condition of an authorization issued by the Minister under this Act or the regulations.

“39.3. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on any person who

(1) carries on an activity or does something without having obtained an authorization required under this Act or the regulations; or

(2) provides erroneous information or an incomplete document for the purposes of this Act and the regulations.

“39.4. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on any person who

(1) carries on an activity prohibited under this Act; or

(2) fails to comply with an order made by the Minister under this Act.

“39.5. The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.”

25. Sections 40 to 47 of the Act are replaced by the following sections:

“40. Anyone who refuses or neglects to transmit information or a document required under this Act or the regulations or fails to transmit the information or document within the prescribed time commits an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and \$3,000 to \$600,000 in any other case.

“41. Anyone who fails to comply with any condition of an authorization issued by the Minister under this Act or the regulations commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in any other case.

“42. Anyone who

(1) carries on an activity or does something without obtaining an authorization required under this Act or the regulations, or

(2) provides false or misleading information for the purposes of this Act and the regulations,

commits an offence and is liable to a fine of \$5,000 to \$500,000 in the case of a natural person and \$15,000 to \$3,000,000 in any other case.

“43. Anyone who

(1) carries on an activity prohibited under this Act, or

(2) fails to comply with an order made under this Act, or in any way prevents or hinders its enforcement,

commits an offence and is liable to a fine of \$10,000 to \$1,000,000 in the case of a natural person and \$30,000 to \$6,000,000 in any other case.

“44. The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to this division and the penal provisions provided by regulation.

“45. The owner of private land on which a habitat of a threatened or vulnerable plant species is situated cannot be found guilty of an offence under section 17 or for violation of a standard or condition of management prescribed by regulation committed in that habitat unless that owner had prior notification of the existence of the habitat.

The Minister of Sustainable Development, Environment and Parks may request the registration, in the land register, of a reference to the existence of a habitat of a threatened or vulnerable plant species on the land. The Minister's request is made by means of a notice filed at the registry office; such notice shall be in lieu of a notice of the existence of a habitat of a threatened or vulnerable plant species on that land in respect of any person who becomes the owner thereof after the registration.

“46. In the cases prescribed by the Government, by regulation, in which a habitat of a threatened or vulnerable plant species must be indicated, a person cannot be found guilty of an offence under section 17 or for violation of a standard or condition of management prescribed by regulation committed in that habitat unless the habitat has already been indicated in the manner prescribed by regulation or unless the person had prior notification of the existence of the habitat.”

26. Section 49 of the Act is amended by replacing “section 40 or 43” by “sections 40 to 43”.

27. The Act is amended by inserting the following division after section 49:

“DIVISION VII.1

“RECOVERY

“49.1. The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.”

ACT RESPECTING ADMINISTRATIVE JUSTICE

28. Schedule III to the Act respecting administrative justice (chapter J-3) is amended

(1) by replacing “, 65, 69.20 and 89” and “, 118.12 or 118.13” in paragraph 3 by “or 65” and “or 118.12”, respectively;

(2) by replacing “against decisions of the Minister under sections 12, 14, 17, 23 and 25” in paragraph 4 by “under sections 2.3, 14, 34.2 and 35.4”;

(3) by adding the following paragraph at the end:

“(8) proceedings under sections 40, 63 and 82 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*).”

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

29. The Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) is amended by inserting the following section after section 9:

“9.1. The Minister may delegate the exercise of the powers conferred on him by this Act or by another Act under the Minister's administration to the Deputy Minister, a member of the personnel of the department or the holder of a position within his department.

The Minister may, in writing, authorize the subdelegation of specified powers.”

30. Sections 13 to 14 of the Act are replaced by the following sections:

“13. The Minister has authority over the lands included in the waters in the domain of the State, in particular those referred to in section 2 of the Watercourses Act (chapter R-13), and over those acquired by the Streams Commission, abolished in 1955. The Minister holds the rights and powers inherent in the right of ownership in respect of those lands.

The Minister holds the same rights and powers in respect of other lands in the domain of State over which he has authority under any Act, order in council, title of ownership, order or notice, excluding the power to alienate the lands.

In all cases, the Minister exercises his rights and powers in a manner consistent with the use of the lands concerned.

“13.1. The Minister shall be responsible for the management of water as a natural resource.

“13.2. With respect to dams, the Minister shall

(1) see to the application of rules relating to dam safety; and

(2) exercise the rights and powers inherent in the right of ownership in respect of the dams of the State, which, under any Act, order in council, title of ownership, order or notice, are not under the responsibility of another Minister or public body.

“13.3. In addition to the powers mentioned in section 12, the Minister may, for the performance of the functions referred to in sections 13 to 13.2, conduct studies concerning the dangers of flooding, soil erosion and landslides. The Minister may also prepare and implement programs to prevent or lessen the damage caused by those phenomena.”

31. Section 15.4.40 of the Act is amended, in the first paragraph,

(1) by replacing subparagraphs 6 to 17 by the following subparagraphs:

“(6) damages, including punitive damages, paid following a civil suit instituted on behalf of the Minister, in particular compensation obtained as a result of an action brought under the Act to affirm the collective nature of water resources and to promote better governance of water and associated environments (chapter C-6.2);

“(7) the sums collected for the management and conservation of the natural heritage under the Natural Heritage Conservation Act (chapter C-61.01);

“(8) the sums collected under the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) and the regulations made under that Act;

“(9) the sums collected under the Pesticides Act (chapter P-9.3), in particular those collected as regulatory fees, duties or charges under a regulation made under that Act;

“(10) the sums collected under the Environment Quality Act (chapter Q-2) or the regulations, in particular those collected as regulatory fees, duties or charges, to the extent that they are not required to be paid into the Electrification and Climate Change Fund;

“(11) the sums collected in connection with a concession of rights in the domain of the State and under the Minister’s authority, in particular those collected under the Watercourses Act (chapter R-13);

“(12) the sums collected under the Dam Safety Act (chapter S-3.1.01), in particular those collected as regulatory fees, duties or charges under a regulation made under that Act;

“(13) the revenue generated by the management, operation and use of public dams by third persons;

“(14) unless otherwise provided by this Act or by a regulation of the Government or a regulation of the Minister, the monetary administrative penalties imposed under an Act or regulation under the Minister’s administration;

“(15) unless otherwise provided by this Act or by a regulation of the Government or a regulation of the Minister, the fines paid by offenders for an offence against a provision of an Act or regulation under the Minister’s administration;

“(16) the costs or other sums collected by the Minister to compensate his expenditures or the costs incurred for the measures the Minister is authorized to take within the scope of his functions to protect or restore the environment;”;

(2) by replacing “government regulation” in paragraph 19 by “a regulation of the Government or a regulation of the Minister”.

32. Section 15.4.41 of the Act is amended by striking out “referred to in subparagraph 12 of the first paragraph of section 15.4.40” and “referred to in subparagraph 17 of the first paragraph of that section”.

33. Section 15.4.41.1 of the Act is amended by replacing “referred to in subparagraph 6 of the first paragraph of section 15.4.40” in the first paragraph by “collected as compensation for adverse effects on wetlands and bodies of water under the Environment Quality Act (chapter Q-2)”.

34. Section 15.4.41.2 of the Act is amended by replacing “referred to in subparagraph 11.1 of the first paragraph of section 15.4.40” by “derived from charges prescribed by the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43)”.

35. Section 15.4.41.3 of the Act is amended by replacing “referred to in subparagraph 11.2 of the first paragraph of section 15.4.40” by “derived from charges prescribed by the Regulation respecting the charges payable for the use of water (chapter Q-2, r. 42.1)”.

36. The Act is amended by inserting the following sections after section 15.4.41.3:

“15.4.41.4. The sums collected with regard to contaminated soil under the Environment Quality Act (chapter Q-2) and the regulations made under that Act, in particular those collected as regulatory fees, duties or charges, are allocated to the financing of any measure related to the management of such soil.

“15.4.41.5. The sums collected under the Pesticides Act (chapter P-9.3) are allocated to the financing of programs fostering a decrease in and the rationalization of the use of pesticides.”

MINING ACT

37. Section 69 of the Mining Act (chapter M-13.1) is replaced by the following sections:

“69. The claim holder must obtain the authorization of the Minister before performing any impact-causing exploration work determined by regulation. The Minister issues the authorization provided the claim holder

(1) has paid the fees prescribed by regulation;

(2) has furnished the guarantee referred to in section 232.4 of this Act, where applicable; and

(3) has met the other conditions prescribed by regulation.

The claim holder provides to the Minister, at the Minister’s request, any document or information relating to impact-causing exploration work covered by the application for authorization.

“69.1. The Minister may, where considered necessary by the Minister, impose conditions and requirements on the holder of the authorization mentioned in the first paragraph of section 69 that may, in particular and despite the provisions of this Act, concern work to be performed on the parcel of land subject to the claim.

“69.2. The authorization provided for in the first paragraph of section 69 is valid for a term of two years.

The Minister shall renew the authorization for a term of 12 months on the conditions and on payment of the fees prescribed by regulation. However, if mining activities are temporarily or permanently discontinued, the authorization cannot be renewed.”

38. Section 291 of the Act is amended by inserting “69, 69.2,” after “63,”.

39. Section 306 of the Act is amended by replacing paragraph 8.3 by the following paragraphs:

“(8.3) determine, for the purposes of section 69, what constitutes impact-causing exploration work;

“(8.4) set, for the purposes of sections 69 and 69.2, the conditions for the issue and renewal of the authorization for impact-causing exploration work and the fees payable;”.

40. Section 316 of the Act is amended by inserting “69,” after “sections”.

PESTICIDES ACT

41. Section 1 of the Pesticides Act (chapter P-9.3) is amended

(1) by replacing “for external use on” by “for”;

(2) by adding the following paragraph at the end:

“A pesticide includes any pest control product registered under the Pest Control Products Act (Statutes of Canada, 2020, chapter 28) as well as any seed coated with such a product.”

42. Section 2 of the Act is amended by replacing “does not apply” by “also applies”.

43. Section 4 of the Act is amended

(1) by inserting “or waste consisting in whole or in part of pesticides or contaminated by pesticides” at the end of the first paragraph;

(2) by striking out “emission, deposit, issuance or” in the second paragraph.

44. Section 10 of the Act is amended

(1) by inserting “manufacture, acquisition outside Québec, possession,” after “sale” in the first paragraph;

(2) by adding the following paragraph at the end:

“It also applies to the management of waste consisting in whole or in part of pesticides or contaminated by pesticides.”

45. Sections 28 and 29 of the Act are replaced by the following section:

“28. This chapter applies to all activities relating to the manufacture and sale of pesticides and to the performance of work involving the use of pesticides. It also applies to the acquisition of pesticides outside Québec for sale in Québec or for the performance of work in Québec involving the use of those pesticides.

This chapter applies to both sales for resale and sales for use. However, it does not apply to the sale, for the purpose of use, of topical medication intended for animals.”

46. Section 32 of the Act is amended by striking out “and, for the purpose of the second paragraph of section 34, classes of household pesticides” in the first paragraph.

47. Section 34 of the Act is amended

(1) in the first paragraph,

(a) by adding the following subparagraph before subparagraph 1:

“(0.1) every person who manufactures pesticides;”;

(b) by inserting the following subparagraph after subparagraph 1:

“(1.1) every person who acquires pesticides outside Québec for sale in Québec or for the performance of work in Québec involving the use of those pesticides;”;

(c) by striking out “, for others and in return for remuneration,” in subparagraph 2;

(d) by striking out subparagraph 3;

(2) by striking out the second paragraph.

48. Section 38 of the Act is amended

- (1) in the first paragraph,
 - (a) by inserting “government” before “regulation” in subparagraph 4;
 - (b) by replacing “regulation or” in subparagraph 5 by “government regulation or, in the cases prescribed by such a regulation,”;
 - (c) by inserting “government” before “regulation” in subparagraphs 6 to 8;
- (2) by replacing “cancelled” in the third paragraph by “revoked”.

49. Section 40 of the Act is amended by inserting “in the manner and form prescribed by government regulation” after “writing” in the second paragraph.

50. Section 42 of the Act is amended by replacing “cancelled” by “revoked”.

51. Section 45 of the Act is amended by replacing “regulation or” by “government regulation or, in the cases prescribed by such a regulation,”.

52. Section 46 of the Act is amended

- (1) by inserting “government” before “regulation” in the first paragraph;
- (2) by replacing “fixed” in the second paragraph by “that he fixes”.

53. Section 48 of the Act is amended

- (1) by inserting “, within the time and in the manner and form prescribed by government regulation,” after “shall” in the first paragraph;
- (2) by inserting “no later than 30 days after the cessation, in the manner and form prescribed by government regulation” at the end of the second paragraph;
- (3) by inserting “, within the time and in the manner and form prescribed by government regulation,” after “shall” in the third paragraph.

54. Section 49 of the Act is amended, in the first paragraph,

- (1) by replacing “in subparagraph 1 or 2 of” by “in”;
- (2) by replacing “in full view in each of his establishments” by “in the manner and form prescribed by government regulation”.

55. Section 50 of the Act is replaced by the following section:

“50. Every natural person who performs an activity referred to in a government regulation is required to hold a certificate issued by the Minister.”

56. Section 51 of the Act is amended by inserting “in accordance with a government regulation,” after “who,”.

57. Section 54 of the Act is amended

(1) in the first paragraph,

(a) by replacing subparagraph 1 by the following subparagraph:

“(1) who has

(a) successfully completed the examination prescribed or recognized by the Minister for the issuance of the certificate applied for;

(b) successfully completed the training prescribed or recognized by the Minister for the issuance of the certificate applied for;

(c) acquired the skills and knowledge recognized by the Minister for the issuance of the certificate applied for; or

(d) obtained a certificate outside Québec and has established to the Minister’s satisfaction that he has the required competence to obtain the certificate;”;

(b) by inserting “government” before “regulation” in subparagraphs 4 and 5;

(2) by replacing “cancelled” in the second paragraph by “revoked”.

58. Section 55 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 1 by the following subparagraph:

“(1) has successfully completed

(a) the examination prescribed or recognized by the Minister for the renewal of the certificate applied for;

(b) the training prescribed or recognized by the Minister for the renewal of the certificate applied for; or

(c) the examination or training required by the Minister under paragraph 4 of section 61;”;

(2) by inserting “government” before “regulation” in subparagraph 2.

59. Section 57 of the Act is amended by replacing “cancelled” by “revoked”.

60. Section 60 of the Act is amended by inserting “, within the time and according to the conditions prescribed by government regulation,” after “certificate holder shall”.

61. Section 61 of the Act is amended by replacing “the examination referred to” in the introductory clause by “and successfully complete the examination referred to in subparagraph *a* or the training prescribed in subparagraph *b* of”.

62. Section 63 of the Act is amended by replacing paragraph 1 by the following paragraph:

“(1) that the work has been or very likely will be performed by a person who is not a permit holder, by a natural person who is not the holder of a certificate prescribed by government regulation or by a natural person who, in contravention of a government regulation, does not act under the supervision of such a holder on the premises where work is performed;”.

63. The heading of Division V of the Act is amended by replacing “AND CANCELLATION” by “, CANCELLATION AND REVOCATION”.

64. Section 66 of the Act is amended

(1) by replacing “or cancel” in the portion before paragraph 1 by “, cancel or revoke”;

(2) by inserting “or to take the training” after “examination” in paragraph 3.

65. Section 68 of the Act is amended, in the second paragraph,

(1) by replacing “extend, renew or revise” in subparagraph 1 by “renew, revise or revoke”;

(2) by replacing “or cancels” in subparagraph 4 by “, revises, extends, cancels or revokes”;

(3) by replacing “submit to an examination” in subparagraph 6 by “take or successfully complete an examination or training”.

66. Sections 79 to 97 of the Act are replaced by the following section:

“79. The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.”

67. Chapter VII of the Act, comprising sections 98 to 100, is repealed.

68. Section 105 of the Act is amended

(1) by replacing “storage, transportation, sale” by “sale, manufacture, acquisition outside Québec, possession, storage, transportation”;

(2) by inserting “as well as to the management of any waste consisting in whole or in part of pesticides or contaminated by pesticides” at the end.

69. Section 109 of the Act is amended

(1) by replacing “or renewal” in paragraph 4 by “, renewal, revision or revocation”;

(2) by inserting the following paragraphs after paragraph 11.1:

“(11.2) determine the activities that require the supervision of a certificate holder and the applicable conditions;

“(11.3) establish measures providing for the use of economic instruments, including fees or charges related to the distribution, sale, manufacture, acquisition outside Québec, possession, storage, transportation or use of pesticides and of any pesticide container, pesticide waste or equipment used for any such activities;

“(11.4) establish any rule that is necessary for or relevant to carrying out measures referred to in paragraph 11.3 and that pertains, in particular, to the determination of persons required to pay the fees or charges referred to in that paragraph, the conditions applicable to their collection and the interest and penalties payable if they are not paid;

“(11.5) determine the information that is public information and, if applicable, the terms and conditions relating to its distribution;”;

(3) by adding the following paragraph at the end:

“Any regulatory provision made under this Act that concerns the active ingredients contained in pesticides must be evaluated every two years to take into account the evolution of scientific and technological knowledge applicable to it.”

70. The Act is amended by inserting the following chapter after section 109:

“CHAPTER VIII.1

“MONETARY ADMINISTRATIVE PENALTIES

“109.1. A monetary administrative penalty of \$250 in the case of a natural person and \$1,000 in any other case may be imposed on anyone who fails

(1) to transmit to the Minister, within the time and on the conditions fixed, all or part of the information recorded in the registers prescribed under the first paragraph of section 46 concerning the nature, origin, properties, quantities and destination of the pesticides received, sold or used by the permit holder, in contravention of the second paragraph of that section;

(2) to keep up to date the registers referred to in the first paragraph of section 46;

(3) to keep the registers and other documents prescribed by regulation for the period indicated therein in accordance with section 47;

(4) to notify the Minister of the cessation of his activities, in contravention of the second paragraph of section 48, for the period indicated therein, and in the manner and form prescribed by regulation;

(5) to post his permit or a duplicate thereof in accordance with the first paragraph of section 49;

(6) to have his temporary permit or, as the case may be, a duplicate thereof issued by the Minister in his possession or to produce his permit to an inspector upon request, in contravention of the second paragraph of section 49; and

(7) to have, when carrying on his activities in Québec, his certificate in his possession or to produce it to an inspector upon request, in contravention of section 62.

“109.2. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on anyone who fails

(1) to inform the Minister of any change which makes the information furnished for the issue or renewal of his permit inaccurate or incomplete, in accordance with the first paragraph of section 48, within the time and in the manner and form prescribed by regulation;

(2) to inform the Minister of any amalgamation, sale or transfer and of any change in the person’s name, in accordance with the third paragraph of section 48, within the time and in the manner and form prescribed by regulation; and

(3) to inform the Minister of any change that makes the information furnished for the issue or renewal of his certificate inaccurate or incomplete, in accordance with section 60.

“109.3. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed on anyone who

(1) manufactures pesticides without holding a permit issued by the Minister, in contravention of subparagraph 0.1 of section 34;

(2) sells pesticides or offers them for sale without holding a permit issued by the Minister, in contravention of subparagraph 1 of section 34;

(3) acquires pesticides outside Québec for sale in Québec or for the performance of work involving the use of those pesticides without holding a permit issued by the Minister, in contravention of subparagraph 1.1 of section 34;

(4) performs or offers to perform work involving the use of pesticides without holding a permit issued by the Minister, in contravention of subparagraph 2 of section 34;

(5) transfers a permit without the Minister’s authorization, in contravention of section 43;

(6) fails to cause the activities authorized by his permit and requiring a certificate for their performance to be carried out by a natural person holding the certificate or by a natural person who, on the premises where the activities are carried out, acts under the supervision of the holder of such a certificate, in accordance with section 45;

(7) performs an activity referred to by government regulation without holding a certificate issued by the Minister, in contravention of section 50; or

(8) does not submit to an examination or take training required by the Minister under section 61, or does not successfully complete it.

The penalty provided for in the first paragraph may also be imposed on any person who

(1) provides erroneous information or a document that is incomplete for the purposes of this Act and the regulations; or

(2) allows or authorizes the entry of any erroneous information or incomplete document in any register, statement or other document required under this Act or the regulations.

“109.4. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed on anyone who

(1) fails to comply with an order issued by the Minister under the first paragraph of section 13 or 14, or fails to comply with such an order within the time fixed;

(2) reopens or allows access to a place that is subject to an order without an order of the Minister issued to that effect, in contravention of the second paragraph of section 14; or

(3) fails to comply with an order issued by the Minister under section 15 or the first paragraph of section 17.

“109.5. The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.”

71. Sections 110 to 122 of the Act are replaced by the following:

“110. Anyone who contravenes section 46 or 47, the second paragraph of section 48, or section 49 or 62 commits an offence and is liable to a fine of \$1,000 to \$100,000 in the case of a natural person and \$3,000 to \$600,000 in any other case.

“111. Anyone who contravenes the first or third paragraph of section 48 or section 60 commits an offence and is liable to a fine of \$2,500 to \$250,000 in the case of a natural person and \$7,500 to \$1,500,000 in any other case.

“112. Anyone who

(1) contravenes subparagraph 0.1, 1, 1.1 or 2 of section 34, or section 45 or 50,

(2) transfers a permit without the Minister’s authorization, in contravention of section 43,

(3) does not submit to an examination or take training required by the Minister under section 61, or does not successfully complete it,

(4) provides information that is false or misleading for the purposes of this Act and the regulations, or

(5) allows or authorizes the entry of false or misleading information in any register, statement or other document required under this Act or the regulations,

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, and, in any other case, to a fine of \$15,000 to \$3,000,000.

“113. Anyone who fails to comply with an order imposed on him under this Act, or in any way prevents or hinders its enforcement, 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 three years, or to both the fine and imprisonment, and, in any other case, to a fine of \$30,000 to \$6,000,000.

“114. The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to this chapter and the penal provisions provided by regulation.

“CHAPTER IX.1

“CLAIMS AND RECOVERY

“115. The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.”

72. Section 127 of the Act is repealed.

73. Section 129 of the Act is amended, in the first paragraph,

(1) by inserting “the issue, revision, renewal or revocation of” after “applications for” in subparagraph 1;

(2) by inserting the following subparagraphs after subparagraph 2:

“(2.1) all contracts pronounced null by a court under section 65 for work involving the use of pesticides;

“(2.2) all decisions regarding a refusal to issue, revise, renew or revoke a permit or certificate, or regarding a suspension, revision, extension, cancellation or revocation of a permit or certificate, and all prior notices of such decisions;”;

(3) by adding the following subparagraph at the end:

“(6) all other information and documents prescribed by the Pesticides Management Code (chapter P-9.3, r. 1).”

74. The Act is amended by inserting “in the manner and form prescribed by government regulation” after “Minister” and by inserting “the” after “prescribed by” in the following provisions:

- (1) the first paragraph of section 37;
- (2) section 53.

75. The Act is amended by inserting “government” before “regulation” in the following provisions:

- (1) subparagraphs 1 and 2 of the first paragraph of section 39;
- (2) the first paragraph of section 41;
- (3) sections 44 and 47;
- (4) the first paragraph of section 56;
- (5) section 59;
- (6) the first paragraph of section 125.

TREE PROTECTION ACT

76. Section 1 of the Tree Protection Act (chapter P-37) is amended

(1) by inserting “or could come in contact” and “electrical” after “come in contact” and “with”, respectively, in the second paragraph;

(2) by adding the following paragraph at the end:

“Before felling any tree, sapling or shrub for precautionary reasons, a person must, by any appropriate means under the circumstances, notify the owner or occupant of the premises at least 24 hours prior to the felling. Any notice left in the absence of the owner must be left in a conspicuous place visible to the owner or occupant.”

ENVIRONMENT QUALITY ACT

77. The preliminary provision of the Environment Quality Act (chapter Q-2) is amended by inserting “, in particular by favouring the use of energy with a small carbon footprint,” after “greenhouse gases” in the second paragraph.

78. Section 1 of the Act is amended by replacing “or a legal person other than a municipality” in the definition of “person” in the first paragraph by “, trust or a legal person”.

79. Section 21 of the Act is replaced by the following section:

“21. Anyone responsible for the accidental release into the environment of a contaminant referred to in section 20 or a hazardous material must, without delay, notify the Minister.

That person must also, without delay,

(1) stop the release;

(2) in the case of a release of a contaminant, recover, clean or treat in situ the matter contaminated by the release or, if that cannot be done, remove the contaminated matter from the area affected by the release and ship it to an authorized site; and

(3) in the case of a release of a hazardous material, deal with the matter contaminated by the release in accordance with sections 70.5.1 to 70.5.5.

The Government may, by regulation, prescribe the cases in which a person other than the person responsible must comply with the obligations specified in the second paragraph, on the terms and conditions it determines.”

80. Section 30 of the Act is replaced by the following section:

“30. The holder of an authorization must obtain from the Minister an amendment to the authorization before making any change in the holder’s project if the change could result in the following impacts on the authorized activities:

(1) the possibility of a release into the environment of a contaminant not covered by the initial authorization or an increase in a previously authorized release, whether the release or increase is actual or potential;

(2) an increase in the production of property or services beyond the authorized quantity;

(3) an authorization under section 22 becoming required for an activity for which no authorization was required at the time the initial project was presented;

(4) the possibility of an alteration in the quality of the environment; or

(5) an incompatibility with the authorization issued, in particular with one of its conditions, restrictions or prohibitions.

Such an amendment is also required in the following cases:

- (1) the holder intends to carry out a new activity for which an authorization is required under section 22;
- (2) the change concerns a residual materials elimination facility or a hazardous materials management activity; or
- (3) any other case determined by government regulation.

The amendment application must include the information and documents determined by government regulation.

The Minister may modify any condition, restriction or prohibition prescribed for an activity previously authorized in the context of the project, or impose further conditions, restrictions or prohibitions if this is necessary to take into account the impact of the change being sought and to protect the environment.

Before making a unilateral decision under the second paragraph, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant the latter at least 15 days to submit observations.”

81. Section 31.0.2 of the Act is amended

- (1) by striking out “or municipality” in the first paragraph;
- (2) by replacing “115.5 to 115.7” in the third paragraph by “31 to 33 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*)”.

82. The Act is amended by inserting the following section after section 31.0.10:

“31.0.10.1. The declarant of an activity that is eligible for a declaration of compliance must, at the Minister’s request, provide to the Minister all the information and documents necessary for the assessment of whether a contaminant release complies with the standards prescribed by government regulation and with the conditions, restrictions or prohibitions determined in a regulation made under section 31.0.6 that apply to the activity.”

83. Section 31.4 of the Act is amended

- (1) by inserting “within the time and on the conditions fixed by the Minister,” after “time,”;

(2) by adding the following paragraph at the end:

“If the project proponent fails to comply with the Minister’s requests within the time and on the conditions fixed by the Minister, the Minister may send an unfavourable recommendation to the Government.”

84. Section 31.5 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The Minister shall send his recommendation to the Government after analyzing the project, at the end of the environmental assessment. However, the Minister may send it before the end of the environmental assessment if the project proponent has failed to comply with the Minister’s requests under section 31.4.”;

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

“The Government or any committee of ministers to which the Minister authorized by the Government to act in its stead belongs may issue an authorization for a project, with or without amendment and subject to the conditions, restrictions and prohibitions it determines, or it may refuse to issue an authorization. The Government or committee may also decide that the procedure shall continue despite an unfavourable recommendation from the Minister before the end of the procedure.”

85. The Act is amended by inserting the following section after section 31.5:

“31.5.1. Before sending an unfavourable recommendation under the first paragraph of section 31.5, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the project proponent and grant the latter at least 15 days to submit observations.”

86. Section 31.7 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

“The holder of an authorization must obtain from the Government an amendment of the authorization before making a change to the project that could have, on the work, structures, works or any other activities of the authorized project, the following impacts:

(1) the possibility of a release into the environment of a contaminant not covered by the initial authorization or an increase in a previously authorized release, whether the release or increase is actual or potential;

(2) the possibility of an alteration in the quality of the environment; or

(3) an incompatibility with the authorization issued, in particular with one of its conditions, restrictions or prohibitions.

The first paragraph does not apply to changes subject to the environmental impact assessment and review procedure under section 31.1. In such a case, the holder of the authorization must follow the procedure provided for in this subdivision and obtain a new authorization from the Government.

The holder of an authorization must furnish all the information required to assess the impacts of the proposed changes on the environment. The holder must also study certain matters raised more thoroughly and undertake research as requested for that purpose.”

87. Section 53 of the Act is amended by inserting “and the offering for sale or for lease, the exhibition for sale or for lease purposes and the sale or lease of such motor vehicles and engines” after “their use” in paragraph *a* and by inserting “, the offering for sale or for lease, the exhibition for sale or for lease purposes and the sale or lease” after “use” in paragraph *b*.

88. Section 53.23 of the Act is replaced by the following sections:

“**53.23.** The management plan may be amended at any time by the council of the regional municipality.

“**53.23.1.** The management plan must be revised by the council of the regional municipality every seven years. The revision period begins on the date of the fifth anniversary of the coming into force of the management plan or on any earlier date if the council adopts a resolution to that effect. In such a case, a copy of the resolution of the council is sent as soon as possible to the Société québécoise de récupération et de recyclage.

“**53.23.2.** Sections 53.7 to 53.21 apply, with the necessary modifications, to the amendment and revision of the management plan.”

89. Section 70.5.1 of the Act is amended by adding the following paragraph at the end:

“In addition, the person responsible for the hazardous material released into the environment must write down the nature and quantity of the contaminated matter that was recovered and, if applicable, the contact information of the recipient of the removed matter. The person must keep the information for a minimum period of five years and furnish it to the Minister on request.”

90. Section 95.1 of the Act is amended, in the first paragraph,

(1) by replacing subparagraph 13 by the following subparagraphs:

“(13) to determine the terms governing authorization, approval, accreditation or certification applications and any application to amend, renew, maintain, suspend, revoke or cancel those applications and the conditions applicable to such applications;

“(13.1) to determine the terms governing the sending of a notice of transfer required under this Act and the applicable conditions;”;

(2) by striking out subparagraphs 17 and 19;

(3) in subparagraph 20,

(a) by inserting “, reports, documents and information” after “records”;

(b) by replacing “the period for which they must be preserved” by “the conditions governing their preservation, in particular the period”;

(4) by replacing “their form and content and the conditions governing their preservation and sending” in subparagraph 21 by “the terms and conditions governing their sending”;

(5) by inserting the following subparagraph after subparagraph 21:

“(21.1) to determine which information and documents required under a regulation made under this Act are public;”;

(6) by inserting the following subparagraph after subparagraph 25:

“(25.1) to prescribe the terms according to which and the format in which the data, samples and analyses must be collected, compiled and sent to the Minister and the terms according to which and the format in which the calculations, verifications and any other monitoring measure must be done and sent to the Minister;”;

(7) by striking out “municipality”, “municipalities”, “or municipality” and “or municipalities” wherever they appear.

91. Section 95.4 of the Act is repealed.

92. Section 114 of the Act is amended

(1) in the first paragraph,

(a) by striking out the first occurrence of “or municipality” in the introductory clause;

(b) by replacing the second occurrence of “or municipality” in the introductory clause by “and any owner, lessee or person in charge of a site concerned by the contravention”;

(c) by inserting the following subparagraph after subparagraph 4:

“(4.1) characterize and rehabilitate a land;”;

(2) by adding the following paragraphs at the end:

“Any person who, as owner or lessee or in any other capacity, has custody of land in respect of which an order has been issued must give free access to the land at any reasonable time to any person accessing it or carrying out work on it, subject, however, to that person restoring the site to its former state and compensating the owner or custodian of the land, as the case may be, for any damage sustained.

If the order provides for land use restrictions, section 31.47 applies, with the necessary modifications.”

93. The Act is amended by inserting the following section after section 114.1:

“114.2. The Minister may, in an order issued in respect of a person who has carried on an activity without first obtaining an authorization, approval, certificate, attestation, accreditation or certification required under this Act, require the payment of any compensation referred to in section 25 or in section 46.0.5 and any fees determined under section 95.3 that would have been payable but for that contravention.”

94. Section 115.2 of the Act is amended

(1) by striking out the second sentence in the first paragraph;

(2) by striking out “or municipality” in the second paragraph.

95. Section 115.4.5 of the Act is amended by inserting “, the protection of the health, safety, welfare and comfort of human beings as well as the protection of other living species and property” after “environmental quality”.

96. Division II of Chapter VI of Title I of the Act, comprising sections 115.5 to 115.12, is repealed.

97. Sections 115.13 to 115.22 of the Act are repealed.

98. Section 115.23 of the Act is amended

(1) in the first paragraph,

(a) by striking out “or municipality” in the introductory clause;

(b) by inserting the following subparagraph after subparagraph 2:

“(2.1) to write down information or keep a document;”;

(3) by replacing the second paragraph by the following paragraph:

“The penalty provided for in the first paragraph may also be imposed on any person who fails to make a characterization study available to the Minister, in accordance with the third paragraph of section 31.59 or the third paragraph of section 70.5.5.”

99. Section 115.24 of the Act is amended

(1) by replacing “or municipality that” in the introductory clause of the first paragraph by “who”;

(2) in the second paragraph,

(a) by replacing “or municipality that” in the introductory clause by “who”;

(b) by inserting “or the fourth paragraph of section 114” at the end of subparagraph 5;

(c) by replacing subparagraph 7 by the following subparagraph:

“(7) fails to keep in good working order and to use in an optimal manner an apparatus or equipment to abate the release of contaminants into the environment, in accordance with section 123.5.”

100. Section 115.25 of the Act is amended

(1) in the first paragraph,

(a) by replacing “or municipality that” in the introductory clause by “who”;

(b) by inserting “or hazardous material” after “contaminant” in subparagraph 1;

(c) by replacing “under” in subparagraph 1 by “under the first paragraph of”;

(d) by replacing “31.0.5.1, 31.1” in subparagraph 2 by “31.1, 31.51, 31.51.1, 31.54”;

(e) by replacing “referred to in section 30 or 31.7 with regard to an activity authorized by the Government or the Minister” in subparagraph 3 by “to the person’s project having one of the impacts provided for in section 30 or 31.7 on the authorized activities”;

(f) by replacing “section 31.0.12, 31.6, 31.7.1” in subparagraph 4 by “the second paragraph of section 31.0.5 or 31.0.12, sections 31.6 or 31.7.1”;

(g) by adding the following subparagraph at the end:

“(11) furnishes erroneous information or incomplete documents for the application of this Act or the regulations.”;

(2) in the second paragraph,

(a) by replacing “or municipality that” by “who”;

(b) by replacing “section 31.0.5,” by “the first paragraph of section 31.0.5 or section”.

101. Section 115.26 of the Act is amended, in the first paragraph,

(1) by replacing “or municipality that” in the introductory clause by “who”;

(2) by replacing subparagraph 3 by the following subparagraphs:

“(3) is responsible for the accidental release of a hazardous material or a contaminant into the environment and fails to stop the release as required under subparagraph 1 of the second paragraph of section 21;

“(3.1) is responsible for the accidental release of a contaminant into the environment and fails to recover, clean or treat in situ the matter contaminated by the release, or to remove the contaminated matter from the area affected by the release and ship it to an authorized site, as required under subparagraph 2 of the second paragraph of section 21;”;

(3) by inserting “and remove all contaminated matter that is not cleaned or treated in situ” after “recover them” in subparagraph *a* of subparagraph 9.

102. Section 115.27 of the Act is replaced by the following sections:

“115.27. The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.

“115.27.1. Despite section 29 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*), the amounts of the monetary administrative penalties prescribed by a regulation made under paragraph 2 of section 46.15 may exceed the maximum amounts prescribed in section 29.”

103. Section 115.29 of the Act is amended

- (1) by inserting “, 123.4” after “70.7” in paragraph 1;
- (2) by replacing paragraph 2 by the following paragraph:
“(2) fails to write down information or to keep a document;”.

104. Section 115.30 of the Act is amended

- (1) in paragraph 1,
 - (a) by inserting “, the fourth paragraph of section 114” after “70.5.4”;
 - (b) by inserting “or 123.5” after “123.1”;
- (2) by striking out paragraph 6.

105. Section 115.31 of the Act is amended

- (1) in the first paragraph,
 - (a) by replacing “the first paragraph of section 30, section 31.0.5.1,” in subparagraph 1 by “the first and second paragraphs of section 30, the second paragraph of section 31.0.5, section”;
 - (b) by striking out “55,” in subparagraph 1;
 - (c) by replacing “into the environment, as required under” in subparagraph 2 by “or a hazardous material into the environment, as required under the first paragraph of”;
 - (d) by replacing “section 31.0.5,” in subparagraph 4 by “the first paragraph of section 31.0.5, or section”;
 - (e) by replacing subparagraph 6 by the following subparagraph:
“(6) furnishes false or misleading information for the application of this Act and the regulations;”;
 - (f) by striking out subparagraph 8;
- (2) by striking out the second paragraph.

106. Section 115.32 of the Act is amended by replacing paragraph 2 by the following paragraphs:

“(2) being responsible for an accidental release of a contaminant or hazardous material, fails to stop the release, as required under subparagraph 1 of the second paragraph of section 21,

“(2.1) being responsible for an accidental release of a contaminant, fails to recover, clean or treat in situ the matter contaminated by the release, or to remove the contaminated matter from the area affected by the release and ship it to an authorized site, as required under subparagraph 2 of the second paragraph of section 21,”.

107. Sections 115.34 to 115.46 of the Act are replaced by the following section:

“115.34. The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to this division and to the penal provisions provided by regulation.

However, with respect to the prescription period provided for in paragraph 2 of section 57 of that Act, they also apply to

- (1) offences referred to in section 20 of this Act;
- (2) offences referred to in subparagraphs 2 and 3 of the second paragraph of section 21 of this Act or any other offence related to a hazardous material referred to in Division VII.1 of Chapter I of Title I of this Act;
- (3) offences related to the transmission of a characterization study referred to in sections 31.51 and 31.53 of this Act; and
- (4) offences referred to in section 66 of this Act.”

108. Sections 115.48 to 115.57 of the Act are replaced by the following section:

“115.48. The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to claims made by the Minister for the recovery of amounts owed to the Minister under this Act or the regulations.”

109. Sections 118.5.1 and 118.5.2 of the Act are repealed.

110. The Act is amended by inserting the following section after section 118.6:

“118.6.1. The Government may, by regulation, in the cases and on the conditions it determines, prescribe the conditions of operation applicable to the accredited or certified persons.”

III. Section 118.12 of the Act is amended

- (1) by striking out “municipality or” in the first paragraph;
- (2) by replacing subparagraph 5 of the second paragraph by the following subparagraph:

“(5) refuses to approve a rehabilitation plan submitted under Division IV of Chapter IV of Title I, approves the plan with amendments or refuses an amendment, requested under section 31.60, to such a plan;”.

II2. Section 118.13 of the Act is repealed.

II3. Section 118.14 of the Act is replaced by the following section:

“118.14. The Minister must, on making a decision under section 118.12, notify the decision to the person concerned and inform them of their right to contest the decision before the Administrative Tribunal of Québec.”

II4. Section 118.16 of the Act is amended by striking out the third paragraph.

II5. Sections 119 to 121.4 of the Act are replaced by the following sections:

“119. The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the inspections and investigations that are conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.

“120. If a municipality is required to apply all or part of a regulation made under this Act, the municipality’s inspectors, duly authorized by it, are invested with the powers set out in section 5 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) for the purposes of the regulation.

Sections 7 and 19 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply to municipal inspectors. The monetary administrative penalties and the offences referred to in sections 22 and 41, respectively, of that Act also apply with respect to municipal inspectors.”

116. Sections 123.4 and 123.5 of the Act are replaced by the following sections:

“123.4. Any person who carries on an activity referred to in section 22 without holding an authorization because such an authorization was not required at the time the activity started must, in order to continue carrying on the activity, provide the Minister, on the terms and conditions and within the time determined by the Minister, with any information or document needed to verify the compliance of the activity with the rules applicable to it.

“123.5. Any person who uses an apparatus or equipment to abate the release of contaminants into the environment must keep it in good working order and use it in an optimal manner.”

117. The Act is amended by striking out, with the necessary modifications, “municipality” and “municipalities” in the following provisions:

- (1) the first and fourth paragraphs of section 2.2;
- (2) the first paragraph of sections 23 and 23.1;
- (3) the first paragraph of sections 29 and 31.0.5.1, wherever they appear;
- (4) the second paragraph of section 31.0.6;
- (5) section 31.0.9;
- (6) the second paragraph of sections 31.0.10 and 31.0.11;
- (7) the first paragraph of section 31.3.1;
- (8) the second paragraph and subparagraph 2 of the fifth paragraph of section 31.3.5;
- (9) subparagraph *c* of the first paragraph of section 31.9;
- (10) the second paragraph of section 31.20;
- (11) section 31.43, wherever they appear;
- (12) section 31.48;
- (13) the first paragraph of section 31.49;
- (14) sections 31.50, 31.51.0.1 and 31.58, wherever they appear;
- (15) the first paragraph of sections 31.59 and 31.60;
- (16) sections 31.61 and 31.62, wherever they appear;

- (17) the second paragraph of section 31.68.3;
- (18) paragraph 1 of the third paragraph of section 31.76;
- (19) paragraph 7 of section 31.80;
- (20) paragraph 1 of the first paragraph of section 31.100;
- (21) the first paragraph of sections 46.1 and 46.8, wherever they appear;
- (22) subparagraph *a* of paragraph 3 of section 46.8.2;
- (23) the first paragraph of section 46.9;
- (24) sections 46.11 and 46.15, wherever they appear;
- (25) the last sentence of section 49;
- (26) sections 53.31 and 58;
- (27) the first paragraph of section 64.4;
- (28) the second paragraph of section 64.7;
- (29) section 64.13;
- (30) the second paragraph and the first sentence of the third paragraph of section 65, wherever they appear;
- (31) section 65.3;
- (32) the first paragraph of section 65.4;
- (33) sections 65.5 and 68.1;
- (34) the fourth paragraph of section 70.5.4;
- (35) section 70.7, wherever they appear;
- (36) the third paragraph of section 70.8;
- (37) the second sentence of the second paragraph of section 94;
- (38) section 114.1;
- (39) the first paragraph of section 114.3;
- (40) section 115.0.1, wherever they appear;
- (41) the third paragraph of section 115.1;

- (42) section 115.4.1;
- (43) the second paragraph of section 115.4.2;
- (44) the second sentence of the first paragraph of section 115.28;
- (45) the first paragraph of section 118.4;
- (46) paragraph *k* of section 118.5;
- (47) section 118.6, wherever they appear;
- (48) the second paragraph of section 118.7;
- (49) section 118.8, wherever they appear, and the first paragraph of section 118.11;
- (50) section 118.17;
- (51) the first paragraph of section 124.5;
- (52) section 199, wherever they appear.

WATERCOURSES ACT

118. Section 83.1 of the Watercourses Act (chapter R-13) is amended by inserting the following paragraph after the third paragraph:

“The Minister may also claim from any owner or operator the costs of making an order under this Act. If the order applies to more than one person or partnership, the debtors are solidarily liable.”

119. Section 84.1 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Minister may claim payment from any person or partnership of any amount owed to the Minister under this Act or the regulations.”

120. Section 84.6 of the Act is replaced by the following section:

“84.6. When the Minister of Revenue allocates, after a recovery certificate has been issued and in accordance with section 31 of the Tax Administration Act (chapter A-6.002), a refund owed to a person by reason of the application of a fiscal law to the payment of an amount owed by that person under this Act, the allocation interrupts the prescription provided for in the Civil Code as regards the recovery of that amount.”

DAM SAFETY ACT

121. The Dam Safety Act (chapter S-3.1.01) is amended by inserting the following sections after section 2:

“2.1. Every dam must be maintained in working order such that it is unlikely to compromise the safety of persons or property.

The Government may, by regulation, establish rules with regard to maintaining dams in such working order.

“2.2. Dams are classified according to whether they belong to the class of high-capacity dams, low-capacity dams or small dams.

The following dams are considered to be high-capacity dams:

(1) dams 1 metre or more in height having an impounding capacity greater than 1,000,000 m³; and

(2) dams 2.5 metres or more in height having an impounding capacity greater than 30,000 m³.

Dams 2 metres or more in height to which the second paragraph does not apply are considered to be low-capacity dams.

Dams 1 metre or more in height to which the second and third paragraphs do not apply are considered to be small dams.

If there are two or more dams on the rim of a single reservoir, all of them belong to the most restrictive class applicable to one of them.

“2.3. The classification provided for in section 2.2 is effected and reviewed by the Minister in accordance with the conditions determined by government regulation.

Before making a decision on the classification of a dam or the revision of that classification, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the owner of the dam and grant the owner at least 15 days to submit observations and documents in support of them.

The Minister’s decision may be contested by the owner before the Administrative Tribunal of Québec within 30 days of the decision’s notification.”

122. Section 4 of the Act is repealed.

123. Sections 7 to 10 of the Act are replaced by the following sections:

“7. Any modification to the plans and specifications must be prepared by an engineer and, if it requires that the other information or documents submitted in support of the application for authorization be updated, must be submitted to the Minister for approval before the work concerned by the modification is undertaken.

The following documents must be submitted in support of an application for approval:

- (1) the modified plans and specifications, as well as a consequent update of the information and documents concerned; and
- (2) a certificate of an engineer stating that the modified plans and specifications conform to the safety standards prescribed by government regulation.

The Government may, by regulation, determine the other information or documents that must be submitted with an application for approval.

“8. The Minister may require an applicant to submit any information, document, study or expert opinion the Minister considers necessary to the assessment of an application for authorization or an application for approval.

“9. On issuing an authorization or an approval, the Minister may fix the time within which the work concerned must be completed and prescribe any other condition.

“10. On completion of the work authorized under section 5, the owner must inform the Minister of the completion of the work and forward to the Minister a certificate of an engineer stating that the work has been carried out in conformity with the plans and specifications and, where applicable, with the conditions set out in the authorization and with the modifications approved under section 7. The certificate must also, where applicable, mention the other modifications made to the plans and specifications for which the Minister’s approval was not required in accordance with section 7.”

124. Section 12 of the Act is replaced by the following section:

“12. Every authorization granted under section 5 or approval granted under section 7 is transferable. However, the transferee is required to first send a notice of transfer to the Minister.

Within 30 days of receiving the notice, the Minister may notify to the transferor and transferee a notice of the Minister’s intention to oppose the transfer. If the Minister does not send such a notice within that time, the transfer is deemed to have been completed.

The Minister's notice of intention must grant the transferor and transferee at least 15 days to submit their observations.

Within 15 days of receiving the observations or of the expiry of the period for submitting them, the Minister shall notify the Minister's decision to the transferor and transferee.

Once the transfer of an authorization or an approval has been completed, the new holder has the same rights and obligations as the transferor."

125. Section 13 of the Act is amended by inserting " , and the Minister shall publish it on the Minister's department's website" at the end of the second paragraph.

126. Section 14 of the Act is amended by replacing the third paragraph by the following paragraph:

"Before making a decision on a dam's classification, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the owner of the dam and grant the owner at least 15 days to submit observations and documents in support of them."

127. Section 17 of the Act is amended

(1) by striking out " , in which case the owner must first be advised of the Minister's intention and given an opportunity to present observations" in the second paragraph;

(2) by striking out the third paragraph.

128. The Act is amended by inserting the following section after section 17:

"17.1. The Minister shall maintain a register of applications for the approval of outlines of remedial measures and of implementation schedules; the register must also mention any approvals granted.

The information contained in the register is public information, and the Minister shall publish it on the Minister's department's website."

129. Section 19 of the Act is amended

(1) by replacing "must remain available for inspection by the Minister" in the third paragraph by "must be kept at the Minister's disposal";

(2) by striking out the fifth paragraph.

130. Section 20 of the Act is amended by striking out the second paragraph.

131. The Act is amended by inserting the following section after section 22:

“22.1. In the cases and on the conditions it determines, the Government may, by regulation, exempt from any provision of this division any set of high-capacity dams that have the common characteristics that the Government determines.”

132. Section 23 of the Act is amended by striking out the third paragraph.

133. Section 25 of the Act is amended by striking out the second, third and fourth paragraphs.

134. Section 28 of the Act is repealed.

135. The Act is amended by inserting the following heading after the heading of Chapter IV:

“DIVISION I

“REGISTER OF DAMS”.

136. Section 31 of the Act is amended by striking out “1 metre or more in height” and “such” in the first paragraph.

137. Section 32 of the Act is replaced by the following:

“DIVISION II

“INSPECTION AND INVESTIGATION

“32. The provisions of Chapter II of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the inspections and investigations conducted and to the notices of execution that are notified for the purposes of this Act or the regulations.

“DIVISION III

“ORDERS”.

138. The Act is amended by inserting the following section after section 33:

“33.1. If a person does not comply with a provision of this Act or the regulations, with an authorization or approval granted or order issued under this Act or with a safety program approved under this Act, in particular by

doing work or erecting structures or works in contravention of those provisions, or of the authorization, approval, order or safety program, the Minister may, on the conditions the Minister determines, order the person to remedy the situation by doing one or more of the following:

- (1) put a stop to the project;
- (2) demolish all or part of the work, structures or works concerned;
- (3) restore all or part of the premises to the state they were in before the work or other activities began or the structures or works were erected, or to a state approaching their original state; or
- (4) take any other measure the Minister considers necessary to remedy the situation.”

139. The Act is amended by replacing section 35 by the following:

“34.1. Before making an order under section 33, 33.1 or 34, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person concerned and grant that person at least 15 days to submit observations and documents in support of them.

Despite the first paragraph, the Minister may issue an order without first notifying the prior notice if the order is made in urgent circumstances or to prevent serious or irreparable injury or damage to persons or property. In such a case, the person on whom the order is served may, within the time the Minister specifies, submit observations to the Minister for a review of the Minister’s decision.

“34.2. Any order issued by the Minister may be contested by the person concerned before the Administrative Tribunal of Québec, within 30 days of the order’s notification.

The proceeding brought before the Tribunal does not suspend the execution of the order unless, upon a motion heard and judged on an urgent basis, a member of the Tribunal orders otherwise by reason of urgency or of the risk of serious and irreparable injury or damage.

If the Tribunal issues such an order, the proceeding shall be heard and judged on an urgent basis.

“34.3. The Minister may delegate the power to make an order under section 34, except the power to order the demolition of a work, to any person the Minister designates. However, that person may not make an order unless of the opinion that the situation poses a risk of serious or irreparable injury or damage to persons or property.

The order is valid for a period of not more than 90 days.

Any order following such an order may be made only by the Minister.

Any order made under this section is deemed to have been made by the Minister for the purposes of this Act.

“34.4. The Minister may claim the direct and indirect costs of issuing an order from any person to whom the order applies.

If the order is contested before the Administrative Tribunal of Québec, the Minister’s claim is suspended until the Tribunal confirms all or part of the order.

“34.5. In the event of non-compliance with an order, the Minister may cause the order to be carried out or the appropriate remedial measures to be taken at the owner’s expense. The Minister may recover the cost, with interest and other costs, in particular by claiming the security or guarantee furnished by the owner who has failed to comply.

“34.6. The Minister shall maintain a register of orders made and of notices prior to such orders issued under this Act.

The information contained in the register is public information and the Minister shall publish the information on the Minister’s department’s website.

“DIVISION IV

“INTERVENTION WITH THE AUTHORIZATION OF THE COURT

“35. The Minister may, where a dam is likely to compromise the safety of persons or property and its owner is unknown, cannot be found or cannot be ascertained, apply to a judge of the Superior Court to authorize the Minister to take any measure the Minister considers appropriate, including the performance of remedial work, or the immediate removal of the dam, with the cost claimed, with interest and other costs, from the owner if the Minister ever comes to ascertain or find the owner. The judge may also authorize the Minister to transfer ownership of the dam to any other person or partnership.

“DIVISION V

“REFUSAL, SUSPENSION, MODIFICATION AND REVOCATION

“35.1. The Minister may refuse to grant an authorization or to give an approval required by this Act to any person who

(1) fails to comply with the obligations incumbent on the person under the Act or the regulations; or

(2) has made false or misleading statements to the Minister.

The Minister may also, for the same reasons, suspend or revoke an authorization or approval.

In the case of a safety program, the Minister may terminate it before its expiry if, in addition to the reasons referred to in the first paragraph, the owner no longer meets the conditions for approval of the program.

“35.2. The Minister may, on the Minister’s own initiative, modify, suspend or revoke an authorization or approval to ensure the safety of the dam concerned.

“35.3. Before unilaterally including conditions in an authorization or approval under sections 9, 17 or 23, or making a decision pursuant to sections 35.1 or 35.2, the Minister must notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the person and grant that person at least 15 days to submit observations and produce documents in support of them.

A decision referred to in section 35.2 may be made without first notifying the prior notice if it is made in urgent circumstances or to prevent serious or irreparable injury or damage to persons or property. In such a case, the applicant may, within the time the Minister specifies, submit observations to the Minister for a review of the Minister’s decision.

“35.4. Any decision referred to in section 35.3 as well as any opposition to the transfer of an authorization or an approval provided for in section 12 may, within 30 days of its notification, be contested by the person concerned before the Administrative Tribunal of Québec.

The proceeding brought before the Tribunal does not suspend the execution of the decision unless, upon a motion heard and judged on an urgent basis, a member of the Tribunal orders otherwise by reason of urgency or of the risk of serious and irreparable injury.

If the Tribunal issues such an order, the proceeding shall be heard and judged on an urgent basis.

“DIVISION VI

“MONETARY ADMINISTRATIVE PENALTIES

“35.5. A monetary administrative penalty of \$350 in the case of a natural person and \$1,500 in any other case may be imposed

(1) on any person who, in contravention of a provision of this Act, fails to submit a document, review or expert evaluation or to provide information or fails to do so in the prescribed time, if no other monetary administrative penalty is provided for such a failure by this Act or any of the regulations; and

(2) on any high-capacity dam owner who, in contravention of section 21, fails to establish the required register, fails to keep it current or fails to keep it at the disposal of the Minister.

“35.6. A monetary administrative penalty of \$500 in the case of a natural person and \$2,500 in any other case may be imposed on any high-capacity dam owner who,

(1) in contravention of section 19,

(a) fails to have an impounded water management plan prepared or updated by an engineer for the works or fails to keep it at the Minister’s disposal; or

(b) fails to prepare or update an emergency action plan for the works or fails to keep it at the disposal of the Minister; or

(2) in contravention of section 20, fails to comply with the conditions applicable to the monitoring of the works.

“35.7. A monetary administrative penalty of \$750 in the case of a natural person and \$3,500 in any other case may be imposed

(1) on anyone who, in contravention of section 7, fails to have the Minister approve any modification to the plans and specifications that requires an update of the other information or documents submitted in support of an application for authorization;

(2) on any high-capacity dam owner who,

(a) in contravention of section 10, fails to inform the Minister that the work is completed or fails to forward the required documents; or

(b) fails to comply with the conditions for the approval of the owner’s safety program; and

(3) on any holder of an authorization or of an approval, other than an approval relating to a safety program, who fails to comply with its conditions.

“35.8. A monetary administrative penalty of \$1,000 in the case of a natural person and \$5,000 in any other case may be imposed

(1) on any dam owner who, in contravention of the first paragraph of section 2.1, fails to maintain the dam in working order such that it is unlikely to compromise the safety of persons or property;

(2) on any promoter or owner of a dam who

(a) provides the Minister with erroneous information or an incomplete document for the purposes of this Act or the regulations;

(b) carries out a project referred to in section 5 without having obtained the authorization to do so or, in the cases provided for in section 11, without having obtained a new authorization;

(c) carries out a project under section 29 without having filed the required declaration with the Minister; and

(3) on any high-capacity dam owner who,

(a) in contravention of section 17, fails to forward to the Minister the safety review or fails to forward to the Minister an outline of the remedial measures the owner intends to take or the implementation schedule; or

(b) in any situation liable to compromise the safety of the dam,

i. fails to inform the Minister of the situation; or

ii. where there is a threat to persons or property, fails to inform the civil protection authorities.

“35.9. A monetary administrative penalty of \$2,000 in the case of a natural person and \$10,000 in any other case may be imposed

(1) on any high-capacity dam owner who, in any situation liable to compromise the safety of the dam, fails to immediately take the measures necessary to remedy the situation; and

(2) on anyone who

(a) carries out a project referred to in section 5 although the Minister refused to grant the authorization to do so or suspended or revoked such an authorization; or

(b) fails to comply with an order imposed under this Act or, in any manner whatsoever, prevents the carrying out of such an order.

“35.10. The provisions of Chapter III of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to the imposition of a monetary administrative penalty on a person who fails to comply with a provision of this Act or the regulations.”

140. Section 36 of the Act is amended, in the first paragraph,

(1) by inserting the following subparagraph after subparagraph 3:

“(3.1) prescribing, in the cases it determines, the use of forms made available by the Minister;”;

- (2) by replacing “9” in subparagraph 6 by “7”;
- (3) by striking out subparagraph 7.

141. Sections 38 to 45 of the Act are replaced by the following sections:

“38. The following are liable to a fine of not less than \$1,000 nor more than \$100,000 in the case of a natural person, and not less than \$3,000 nor more than \$600,000 in any other case:

- (1) anyone who, in contravention of a provision of this Act, fails to submit information, or a document, review or expert evaluation or fails to do so in the prescribed time, if no other penalty is provided for such an offence, and

- (2) any high-capacity dam owner who, in contravention of section 21, fails to establish the required register, fails to keep it current or fails to keep it at the disposal of the Minister.

“39. Any high-capacity dam owner who,

- (1) in contravention of section 19,

- (a) fails to have an impounded water management plan prepared or updated by an engineer for the dam or fails to keep it at the disposal of the Minister; or

- (b) fails to prepare or update an emergency action plan for the dam or fails to keep it at the disposal of the Minister; or

- (2) in contravention of section 20, fails to comply with the conditions applicable to the monitoring of the works;

is liable to a fine of not less than \$2,500 nor more than \$250,000 in the case of a natural person and not less than \$7,500 nor more than \$1,500,000 in any other case.

“40. The following are liable to a fine of not less than \$4,000 nor more than \$250,000 in the case of a natural person and not less than \$12,000 nor more than \$1,500,000 in any other case:

- (1) anyone who, in contravention of section 7, fails to have the Minister approve any modification to the plans and specifications that requires an update of the other information or documents submitted in support of an application for authorization;

- (2) any high-capacity dam owner who,

- (a) in contravention of section 10, fails to inform the Minister of the completion of the work or fails to forward the required documents to the Minister; or

(b) fails to comply with the conditions for the approval of the owner's safety program; and

(3) any holder of an authorization or of an approval, other than an approval relating to a safety program, who fails to comply with its conditions.

“41. The following are liable, in the case of a natural person, to a fine of not less than \$5,000 nor more than \$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, and in any other case to a fine of not less than \$15,000 nor more than \$3,000,000:

(1) any dam owner who, in contravention of the first paragraph of section 2.1, fails to maintain the dam in working order such that it is unlikely to compromise the safety of persons or property;

(2) anyone who

(a) carries out a project referred to in section 5 without having obtained the authorization to do so or, in the cases provided for in section 11, without having obtained a new authorization; or

(b) provides information that is false or misleading for the purposes of this Act or the regulations;

(3) any high-capacity dam owner who,

(a) in contravention of section 17, fails to forward to the Minister the safety review or fails to forward to the Minister an outline of the remedial measures the owner intends to take or the implementation schedule; or

(b) in any situation liable to compromise the safety of the dam,

i. fails to inform the Minister of the situation; or

ii. where there is a threat to persons or property, fails to inform the civil protection authorities; and

(4) any promoter or owner of a dam who carries out a project referred to in section 29 without having filed the required declaration with the Minister.

“42. The following are liable, in the case of a natural person, to a fine of not less than \$10,000 nor more than \$1,000,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of three years, or to both the fine and imprisonment, and in any other case to a fine of not less than \$30,000 nor more than \$6,000,000:

(1) any high-capacity dam owner who, in any situation liable to compromise the safety of the dam, fails to immediately take the measures necessary to remedy the situation; and

(2) anyone who

(a) carries out a project referred to in section 5 although the Minister refused to grant the authorization required to do so or suspended or revoked such an authorization; or

(b) fails to comply with an order imposed under this Act or, in any manner whatsoever, prevents the carrying out of such an order.

“43. The maximum penalties prescribed in section 42 apply to an offence described in sections 38 to 42 if the harm or damage caused by the offence to the safety of persons or property is sufficiently serious to justify heavier penalties.

“44. The provisions of Chapter V of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to this chapter and to the penal provisions provided by regulation.”

142. Section 46 of the Act is replaced by the following section:

“46. The provisions of Chapter VI of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*) apply to claims made by the Minister for the recovery of amounts owed to the Minister for the purposes of this Act or the regulations.”

TERMS AND CONDITIONS FOR THE SIGNING OF CERTAIN DOCUMENTS OF THE MINISTÈRE DU DÉVELOPPEMENT DURABLE, DE L'ENVIRONNEMENT ET DES PARCS

143. The Terms and conditions for the signing of certain documents of the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001, r. 1) are amended by inserting the following section after section 1:

“1.1. In addition to the persons contemplated in section 1 and under the same conditions, a member of the personnel of the Ministère du Développement durable, de l'Environnement et des Parcs or the holder of a position of the department to whom a power has been delegated under section 9.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001) may sign any document relating to the exercise of the power so delegated if the purpose of the document is to be binding on or attributed to the Minister.”

144. Section 2 of the Terms and conditions is amended by replacing “115.5 to 115.7 of that Act” in paragraph 4 by “31 to 35 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*)”.

145. Section 2.1 of the Terms and conditions is amended by replacing paragraph 6 by the following paragraph:

“(6) the exercise of the rights and powers provided for in section 13 and paragraph 2 of section 13.2 of the Act respecting the Ministère du Développement durable, de l’Environnement et des Parcs (chapter M-30.001);”.

146. Section 3 of the Terms and conditions is amended by replacing “9” in paragraph 1 by “7”.

147. Section 8 of the Terms and conditions is amended by replacing “as an inspector of plant life under section 28 of the Act respecting threatened or vulnerable species, to act as an inspector under section 79 of the Pesticides Act, to act under section 84 of the Watercourses Act, to act under sections 119, 119.1, 120 and 120.1 of the Environment Quality Act or to act as an inspector under section 66 of the Natural Heritage Conservation Act” in paragraph 1 by “under sections 4, 8 and 13 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*)”.

REGULATION RESPECTING THE REGULATORY SCHEME APPLYING TO ACTIVITIES ON THE BASIS OF THEIR ENVIRONMENTAL IMPACT

148. Section 3 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1) is amended by striking out the definition of “declaration of antecedents”.

149. Section 9 of the Regulation is replaced by the following section:

“**9.** Any layout, infrastructure, works or facility governed by this Regulation must be maintained in good condition and used in an optimal way according to the use for which it was designed.”

150. Section 27 of the Regulation is amended by replacing “subparagraphs 1 to 4 of the first paragraph” by “the first and second paragraphs”.

151. Section 28 of the Regulation is repealed.

152. Section 36 of the Regulation is amended

(1) by replacing “section 115.5, 115.6 or 115.7 of the Act” in subparagraph 2 of the first paragraph by “sections 31 to 33 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (*insert the year and chapter number of this Act and the number of the section of this Act that enacts the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation*)”;

(2) by replacing “section 115.5, 115.6 or 115.7 of the Act applies” in subparagraph 2 of the third paragraph by “sections 31 to 33 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation apply”.

153. Section 354 of the Regulation is amended by replacing paragraphs 2 and 3 by the following paragraph:

“(2) fails to maintain in good condition a layout, infrastructure, works, or any facility governed by this Regulation or fails to use it in an optimal way according to the use for which it was designed.”

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

154. Any power that can be delegated under section 9.1 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001), enacted by section 29 of this Act, and that was exercised before (*insert the date of coming into force of this Act*) by the Deputy Minister, a member of the personnel or a holder of a position within the department is presumed to be valid.

Only the Minister may rebut that presumption if, however, the Minister shows that a member of the personnel or a holder of a position within the department was not authorized to act on the Minister's behalf.

155. An authorization issued under section 69 of the Mining Act (chapter M-13.1) before the coming into force of section 37 of this Act is deemed to be an authorization issued under section 69 of the Mining Act, as replaced by section 37 of this Act, for the unexpired term of the authorization.

From the coming into force of section 37 of this Act, any pending authorization application is continued and decided in accordance with section 69 of the Mining Act, as replaced by section 37 of this Act.

156. The Government must, not later than 31 December 2024 and in accordance with section 53 of the Environment Quality Act (chapter Q-2), amended by section 87 of this Act, make a regulation providing for the prohibition, not later than 31 December 2035, of the offering for sale or for lease, of the exhibition for sale or for lease purposes, and of the sale or lease of certain classes of motor vehicles that emit pollutants.

157. Section 115.8 of the Environment Quality Act, repealed by section 96 of this Act, continues to apply to any application for the issue, amendment or renewal of an authorization referred to in the Environment Quality Act until a regulation made under subparagraph 13 of the first paragraph of section 95.1 of the Environment Quality Act providing a provision to the same effect is in force.

158. The owner of a dam who, not later than 31 December 2022, has failed to forward to the Minister a review assessing the safety of that dam in accordance with section 16 of the Dam Safety Act (chapter S-3.1.01) is required to submit such a safety review to the Minister, accompanied by the outline of the remedial measures the owner intends to take and their implementation schedule, despite any contrary provision of the Dam Safety Act or the Dam Safety Regulation (chapter S-3.1.01, r. 1), not later than 31 December 2022.

In the event of non-compliance with the first paragraph, sections 35.7 and 40 of the Dam Safety Act, enacted respectively by sections 139 and 141 of this Act, apply.

159. The owner of a dam for which an outline of the remedial measures is approved by the Minister under section 17 of the Dam Safety Act not later than (*insert the date of coming into force of this Act*) must make those remedial measures to that dam not later than 31 December 2022 if, on that date, the related implementation schedule has expired or will expire.

In the event of non-compliance with the first paragraph, sections 35.8 and 41 of the Dam Safety Act, enacted respectively by sections 139 and 141 of this Act, apply.

160. Until the coming into force of a regulation made under section 22.1 of the Dam Safety Act, enacted by section 131 of this Act, and despite any provision to the contrary, the owner of a high-capacity dam that is in a “low” or “very low” failure consequence category and is not on the rim of a reservoir of a dam that is in a failure consequence category equal to or greater than “moderate” within the meaning of the Dam Safety Regulation is not required to

(1) have a safety review carried out or forward to the Minister a safety review, referred to in section 16 of the Dam Safety Act, to assess the safety of the dam;

(2) forward to the Minister for approval an outline of the remedial measures the owner intends to make to the dam and the related implementation schedule referred to in section 17 of the Dam Safety Act;

(3) make to that dam the remedial measures approved by the Minister in accordance with section 17 of the Dam Safety Act; or

(4) prepare and keep current an impounded water management plan referred to in the first paragraph of section 19 of the Dam Safety Act.

161. Until the coming into force of the first regulation amending the Dam Safety Regulation made after (*insert the date of coming into force of this Act*) and subject to section 160 of this Act, sections 76 to 78 of that Regulation apply from (*insert the date of coming into force of this Act*),

(1) to any existing high-capacity dam in a failure consequence category that is equal to or greater than “moderate” within the meaning of that Regulation, but which was unknown to the Minister;

(2) to any dam that comes to be considered a high-capacity dam in a failure consequence category that is equal to or greater than “moderate” within the meaning of that Regulation and has never been the subject of a safety review; and

(3) to any high-capacity dam that, following review, has been placed in a failure consequence category equal to or greater than “moderate” within the meaning of that Regulation and has never been the subject of a safety review.

However, the time limit referred to in the first paragraph of section 78 of that Regulation is computed from, as the case may be, the Minister’s knowledge of the dam, the dam’s category change or the review of the dam failure consequence category instead of from the coming into force of the Dam Safety Act.

162. This Act comes into force on (*insert the date that is 30 days after the date of assent to this Act*), except

(1) sections 37 to 40, which come into force on the date of coming into force of the first regulation that amends, after (*insert the date of coming into force of this Act*), the Regulation respecting mineral substances other than petroleum, natural gas and brine (chapter M-13.1, r. 2);

(2) subparagraphs *a* and *b* of paragraph 1 of section 47, sections 53 to 55 and section 60, which come into force on the date of coming into force of the first regulation that amends, after (*insert the date of coming into force of this Act*), the Regulation respecting permits and certificates for the sale and use of pesticides (chapter P-9.3, r. 2).