

THIRD SESSION  
THIRTY-FIRST LEGISLATURE

# ASSEMBLÉE NATIONALE DU QUÉBEC

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## Bill 69

**An Act to amend the Environment Quality Act**

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First reading .....  
Second reading .....  
Third reading .....

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M. MARCEL LÉGER  
Ministre délégué à l'environnement

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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## EXPLANATORY NOTES

*The main objects of the amendments to the Environment Quality Act are:*

*(a) to recognize every person's right to a proper quality of the environment and to the protection of the living species inhabiting it, and to provide a civil recourse of injunction in order to ensure the respect of that right;*

*(b) to create a Bureau d'audiences publiques sur l'environnement entrusted with holding public hearings where a project is subject to an environmental impact study, and in any other case where the Minister requires it;*

*(c) to remodel the administrative procedures pertaining to the preparation of environmental impact studies, and to the issue of certificates of authorization in the case of projects subject to that procedure;*

*(d) to enable the ordering of the relandscaping of existing quarries and sand pits;*

*(e) to govern the rates charged by the operator of a site for the elimination of waste in a territory where the number of sites of this kind is limited by regulation;*

*(f) to confer upon any person or municipality the right to intervene in an appeal before the Commission municipale du Québec respecting matters contemplated by this act;*

*(g) to increase the penalties applicable in the case of offences against the act or the regulations;*

*(h) to enable the Minister to intervene to clean up or collect contaminants discharged into the environment;*

*(i) to allow any person to institute penal proceedings in the case of an offence against this act or the regulations;*

*(j) to complement certain powers of inspection and of making orders, and other administrative provisions designed to ensure the application of the Environment Quality Act.*

## Bill 69

### An Act to amend the Environment Quality Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

**1.** The Environment Quality Act (1972, chapter 49) is amended by inserting, after section 6, the following:

#### “DIVISION IIA

##### “THE BUREAU D'AUDIENCES PUBLIQUES SUR L'ENVIRONNEMENT

**“6a.** A body hereinafter called the “Bureau” is established under the name of “Bureau d'audiences publiques sur l'environnement”.

**“6b.** The Bureau is composed of not over five members including a president and a vice-president appointed by the Lieutenant-Governor in Council who shall fix, as the case may be, the salary or the additional salary, allowances and indemnities to which they are entitled.

However, where required for the carrying out of the affairs of the Bureau, the Lieutenant-Governor in Council may appoint additional members for the time and with the remuneration determined by him.

**“6c.** The function of the Bureau is to inquire into any question relating to the quality of the environment submitted to it by the Minister and to make to him a report of its findings.

It must hold public hearings whenever required to do so by the Minister.

Except within the scope of the application of section 31c, the Minister publishes in the *Gazette officielle du Québec* a notice of every mandate to inquire entrusted by him to the Bureau.

**“6d.** The Bureau may hold several public hearings simultaneously.

Public hearings shall be conducted by one or more members of the Bureau, as may be determined by the president.

**“6e.** For the purposes of the inquiries entrusted to them, the members of the Bureau have the powers and immunity of commissioners appointed under the Public Inquiry Commission Act (Revised Statutes, 1964, chapter 11).

**“6f.** The Bureau shall adopt by-laws for its internal management and rules of procedure relating to the conduct of public hearings.

These rules come into force after their approval by the Lieutenant-Governor in Council, on their date of publication in the *Gazette officielle du Québec*.

**“6g.** Every report of an inquiry by the Bureau shall be made public by the Minister within sixty days of receipt.

**“6h.** Sections 15, 16, 17 and 19 apply to the Bureau, *mutatis mutandis*.”

**2.** Sections 7 and 8 of the said act are replaced by the following sections:

**“7.** An advisory body, hereinafter called the “Council”, is established under the name of “Conseil consultatif de l’environnement”.

**“8.** The council shall advise the Minister on any question he submits to it respecting the matters contemplated by this act.

It may also, on its own initiative, formulate an opinion on any question pertaining to the quality of the environment.

It may, at the request of the Minister, receive and hear the petitions and suggestions of individuals and groups on any question contemplated by this act.”

**3.** Section 9 of the said act is amended by replacing the second paragraph by the following paragraph:

“The Minister must make public the opinions of the Council”.

**4.** The said act is amended by adding, after section 19, the following:

### “DIVISION IIIA

#### “THE RIGHT TO A PROPER QUALITY OF THE ENVIRONMENT AND TO THE PROTECTION OF LIVING SPECIES

**“19a.** Every person has a right to a proper quality of the environment and to the protection of the living species inhabiting it, to the extent provided for by this act and the regulations.

**“19b.** A judge of the Superior Court may, on a motion, grant an injunction to prohibit any act or operation which interferes or might interfere with the exercise of a right conferred by section 19a.

**“19c.** The motion contemplated in section 19b may be made by any natural person domiciled in Québec frequenting a place or the immediate vicinity of a place in respect of which a contravention is alleged.

It may also be made by the Attorney-General and by any municipality where the contravention is being or about to be committed.

**“19d.** In the case where an interlocutory injunction is applied for, the security contemplated in article 755 of the Code of Civil Procedure shall not exceed \$500.

**«19e.** Every motion made pursuant to this division must be served on the Attorney-General.

**“19f.** Sections 19b to 19e do not apply in the case of a project authorized under sections 31a to 31i or in respect of which the procedure contemplated in these sections has begun except with regard to any act or any operation contrary to the provisions of the certificate of authorization contemplated in section 31e.”

**5.** Section 22 of the said act is amended by replacing the third paragraph by the following paragraph:

“The Director may also require from the applicant any supplementary information, research or study he may consider necessary to understand the consequences the project will have on the environment.”

**6.** The said act is amended by inserting, after section 27, the following section:

**“27a.** The Director may order the operator of any quarry or sand pit already in operation, to prepare and implement a relandscaping programme, according to the conditions indicated by him.

That order must be preceded by the prior notice provided for in section 25.”

**7.** Section 29 of the said act is amended by replacing the second paragraph by the following paragraph:

“When, to comply with an order of the Minister, a municipality is obliged to make expenditures, it may contract a loan requiring no other approvals than those of the Ministre des affaires municipales and the Commission municipale du Québec.”

**8.** Section 31 of the said act is amended by adding, at the end, the following paragraphs:

“(j) specify the periods within which and the terms and conditions according to which the person responsible for the accidental presence of a contaminant contemplated in section 20 in the environment must notify the Director and prescribe the registers which must be kept for that purpose;

(k) prescribe, for one or more classes of projects, the valid term of any certificate of authorization, approval, authorization or certificate issued under one or another of the sections of this act;

(l) regulate or prohibit the use of any contaminant and the presence of any contaminant in products sold, distributed or utilized in Québec;

(m) determine the terms and conditions according to which every application for a permit, certificate, authorization, approval or permission provided for under this act, must be made.”

**9.** The said act is amended by inserting, after section 31, the following:

#### “DIVISION IV A

##### “ENVIRONMENTAL IMPACT ASSESSMENT OF CERTAIN PROJECTS

**“31a.** No person may undertake the realization of a construction, industry, plan, programme, project or an activity forming part of a class determined by regulation of the Lieutenant-Governor in Council without making an environmental impact study and obtaining an authorization certificate from the Lieutenant-Governor in Council.

**“31b.** Every person wishing to undertake the realization of any of the projects contemplated in section 31a must file a written notice with the Minister describing the general nature of his project; the Minister, in turn, shall indicate to the promoter of the project

the nature and the extent of the environmental impact study that he must prepare. He shall also indicate to him if that environmental impact study has to be a preliminary study or a detailed one, or both.

**“31c.** After receiving the preliminary or the detailed environmental impact study, as the case may be, the Minister shall indicate to the promoter of the project to initiate the public consultation provided for by regulation of the Lieutenant-Governor in Council.

Any person or municipality may, within the delay prescribed by regulation of the Lieutenant-Governor in Council, apply to the Minister for the holding of a public hearing in connection with such a project.

Unless he considers such application to be frivolous, the Minister shall direct the Bureau d’audiences publiques sur l’environnement to hold a public hearing and report its findings to him.

**“31d.** The Minister may request the promoter of the project to furnish any information and undertake any research he may consider necessary to fully evaluate the consequences of the proposed project on the environment.

**“31e.** Where the environmental impact study is considered satisfactory by the Minister, it is submitted together with the application for authorization to the Lieutenant-Governor in Council. The latter may issue or refuse a certificate of authorization for the realization of the project with or without amendments, and on such conditions as he may determine. That decision may be made by any committee of ministers of which the Minister is a member and to which the Lieutenant-Governor in Council has delegated that power.

The decision shall be transmitted to the promoter of the project and to the persons having made representations.

**“31f.** The Lieutenant-Governor in Council may remove, wholly or in part, the obligation to prepare an environmental impact study with regard to certain constructions, industries, plans, programmes, projects or activities contemplated in section 31a if the planning, design or approach towards realization thereof is begun at the coming into force of this section.

Notice of such decision shall be published in the *Gazette officielle du Québec*.

**“31g.** Every decision rendered under section 31e is binding on the Director.

**“31h.** The Minister may withdraw from a public consultation any information or data concerning industrial processes and prolong, in the case of a given project, the minimum period allowed for the consultation of the public provided for by regulation of the Lieutenant-Governor in Council.

**“31i.** The Lieutenant-Governor in Council may make regulations to:

(a) determine the classes of constructions, industries, plans, programmes, projects or activities to which section 31a applies;

(b) determine the minimum content of an environmental impact study on a project and define the meaning of the expressions “preliminary impact study” and “detailed impact study”;

(c) prescribe the terms and conditions of the public consultation pertaining to any application for an authorization certificate or for an environmental impact study on a project for all or some of the classes of activities contemplated in section 22 or in section 31a, including the publication of notices in newspapers by the applicant, the contents of such notices and the delay within which persons and municipalities may make representations and apply for a public hearing to be held and the time allowed to the Bureau to hold a public hearing and make a report;

(d) prescribe the mode of advertising the public hearings of the Bureau and indicate the persons to whom reports of hearings and environmental impact studies are to be transmitted.”

**10.** Section 32 of the said act is amended by replacing the third, fourth and fifth paragraphs by the following:

**“32a.** No one may operate a waterworks and sewer system unless he has obtained a permit of operation from the Director. This permit and any authorization under this division may be issued in a corporate name.

**“32b.** A permit of operation is also required in the case of any municipality operating a waterworks or sewer system outside its territory for the benefit of users residing outside its territory.

**“32c.** In addition to the requirements prescribed by any regulation of the Lieutenant-Governor in Council, any person applying for the permits contemplated in section 32a or 32b must submit, in support of his application, a certificate of the clerk or secretary-treasurer of the municipality in which the waterworks and sewer system is situated, attesting that the municipality does



not object to the issuing of the permit for the sector served by such system.

If the municipality objects to the issuing of the permit, the Director must make an investigation and hear those interested before making his decision.

This section applies *mutatis mutandis* in the case of a person applying for an authorization under section 32 and in the case where such authorization is applied for by a municipality in relation to work to be carried out outside its territory to serve users.

**“32d.** In case of assignment of a waterworks and sewer system, the Director may transfer to the acquirer the permit of operation of the assignor.

**“32e.** The Minister may order a municipality to operate temporarily the waterworks and sewer system of a person, in accordance with the conditions fixed by him, where he considers it necessary to ensure an adequate service to the users.

**“32f.** When he authorizes a municipality to carry out work respecting a waterworks or sewer system in a sector served by a system operated by the holder of a permit, the Director may impose such conditions as he may deem appropriate, including acquisition by agreement or by expropriation of the existing works.

**“32g.** No one may cease to operate, alienate or lease a waterworks and sewer system or dispose of it otherwise than by succession without obtaining the authorization of the Director for that purpose.

**“32h.** The Director may revoke a permit of operation where a waterworks and sewer system is not operated in conformity with the standards prescribed by regulation of the Lieutenant-Governor in Council.

The Director shall revoke the permit of operation in the cases of assignment of a waterworks and sewer system to a municipality and in the case where the permit holder ceases to operate the waterworks and sewer system.

**“32i.** In the cases of waterworks and sewer systems contemplated in section 32a or 32b, the operator shall not, notwithstanding any particular agreement, impose rates or change them without previously obtaining the authorization of the Director.”

**11.** Section 33 of the said act is replaced by the following section:

**“33.** No one may set up or operate any amusement grounds, camping ground, trailer park, holiday camp or public beach unless it is served by a waterworks system and sewer system authorized by the Director in accordance with section 32 or he holds a permit issued under section 32*a*, or unless the Director in accordance with the terms and conditions determined by regulation of the Lieutenant-Governor in Council, has authorized another mode of water supply and of disposal of waste water.”

**12.** Section 34 of the said act is amended by replacing the second paragraph by the following paragraphs:

“The Minister may, as regards a municipality, issue those orders he deems necessary in matters respecting the supplying of drinking water and the management of waste water, in particular with respect to the matters referred to in the first paragraph.

Failing agreement, the Commission municipale fixes the rates where a municipality buys or sells water or provides sewer service to another municipality or to a person who operates a waterworks or sewer system under a permit, or where a person sells water or provides water treatment to a municipality.”

**13.** Section 36 of the said act is amended by adding the following paragraph:

“The approval of the Minister is not required in the case of an agreement between municipalities, dealing mainly with the sale of water or with rates for the disposal or treatment of waste water.

**14.** Section 38 of the said act is repealed.

**15.** Section 39 of the said act is replaced by the following section:

**“39.** Where an authorization of rates has not been made in accordance with section 32*i*, where an operator’s permit has been revoked under section 32*h* or if the permit has not been issued in accordance with section 32*a* or 32*b*, no tax, duty, or dues established for the purposes of the waterworks and sewer system shall be collected from the ratepayers or beneficiaries of the said system.”

**16.** Section 40 of the said act is replaced by the following section:

**“40.** A municipality obliged to do work under section 34 or 35 is authorized to contract a loan by by-law requiring no other approvals than those of the Ministre des affaires municipales and the Commission municipale du Québec.”

**17.** Section 46 of the said act is amended:

(a) by replacing paragraph *e* by the following paragraph:

“(e) determine the methods for sampling, preserving and analysing water samples for the purposes of the application of a regulation adopted under this section;”;

(b) by adding, at the end, the following paragraphs:

“(n) establish procedures and methods for the application of sections 32*a* to 32*h*;

“(o) establish the duties, rights and obligations of users and of the operator relating to the running and operation of a waterworks or sewer system contemplated in section 32*a* or 32*b* and prohibit any act detrimental to the running and operation thereof;

“(p) exempt certain categories of projects, apparatus or equipment from the application of section 32.”

**18.** Section 50 of the said act is replaced by the following section:

“**50.** No one may offer for sale, exhibit or sell an engine or motor vehicle the operation of which has the effect of emitting pollutants into the atmosphere or in respect of which a regulation of the Lieutenant-Governor in Council requires the installation of an apparatus to reduce or eliminate the emission of contaminants into the atmosphere, unless the engine or motor vehicle is provided with such apparatus.”

**19.** Section 51 of the said act is replaced by the following section:

“**51.** No one may use or permit the use of either an engine or motor vehicle forming part of a class the use of which requires, under a regulation of the Lieutenant-Governor in Council, the installation of an apparatus to reduce or eliminate the emission of contaminants into the atmosphere, unless the engine or motor vehicle is provided with such apparatus, or an engine or motor vehicle whose operation has the effect of emitting pollutants into the atmosphere.”

**20.** Section 53 of the said act is amended:

(a) by replacing the preamble by the following paragraph:

“**53.** The Lieutenant-Governor in Council may make regulations applicable to the whole or to any part of the territory of Québec, to;”;

(b) by adding, at the end, the following paragraph:

“(g) exempt any category of monitoring station contemplated in the second paragraph of section 47, taking into consideration, among other criteria, the length of time these stations have been in operation or their purpose.”

**21.** Section 61 of the said act is amended by replacing the first paragraph by the following paragraph:

“**61.** When it is established, after inquiry, that there is an obvious advantage in it, the Minister may, failing agreement among the municipalities concerned, order that a system of waste management or part of it be operated jointly by two or more municipalities, or that a municipality ensure in another municipality or part of it, all or part of the services included in a waste management system, or order any other measure he deems appropriate.”

**22.** Section 63 of the said act is replaced by the following section:

“**63.** A municipality obliged to do work under section 60 or 61 may contract a loan which requires no other approvals than those of the Ministre des affaires municipales and the Commission municipale du Québec.”

**23.** The said act is amended by inserting, after section 64, the following section:

“**64a.** In the case where a regulation was made under paragraph *e* of section 70 for a part of the Québec territory, a municipality or a person may apply to the Director to fix the rates exacted by the operator of any site for elimination of waste situated in the territory contemplated by that regulation.

In the case where the Director has ordered those rates, the operator shall not collect from the applicant rates other than those that have been fixed.

Every contract between a municipality and a person for the removal, transportation or elimination of waste in a territory contemplated in the first paragraph must indicate separately the rate of elimination of waste.”

**24.** Section 66 of the said act is replaced by the following section:

“**66.** No one may deposit waste in a place other than a site for elimination or storage of waste or a waste treatment plant

approved by the Director under section 54 or 55, except in the cases provided for by regulation of the Lieutenant-Governor in Council.”

**25.** Section 84 of the said act is replaced by the following section:

**“84.** The functionaries contemplated in sections 119 and 120 may, everywhere in Québec, exercise the powers conferred upon municipalities or their officers in sections 76, 78 and 80. Following the intervention of such a functionary, the Director may present a motion in accordance with section 81 or 82.”

**26.** Section 86 of the said act is replaced by the following section:

**“86.** Without restricting the powers of the Minister and of the Director in this respect, it is the duty of the municipalities to carry out and have carried out any regulation of the Lieutenant-Governor in Council made under this act enacting that such regulation or certain sections of that regulation are applied by all the municipalities, by a certain category of municipalities or by one or several municipalities, unless a municipal by-law dealing with the matters contemplated in the regulations aforementioned has been approved in conformity with section 124. No building, repair or enlargement permit may be issued by a municipality if the building, repair or enlargement project does not fully comply with such regulations.”

**27.** Section 87 of the said act is amended by replacing paragraph *c* by the following paragraph:

**“(c)** to regulate, as regards all or any part of the territory of Québec, construction, use of materials, location, relocation and maintenance in respect of septic facilities and private or public toilets, private sewers, drains and cesspools and other installations intended to receive or eliminate waste water, to prohibit the construction of certain classes of immoveables if the land area does not permit compliance with the standards established or if the building is not served by certain classes of disposal and treatment of waste water systems and to prohibit equipment that does not comply;”.

**28.** Section 96 of the said act is amended by adding, at the end, the following paragraph:

**“However, no appeal lies from an order made under section 59.”**

**29.** Section 100 of the said act is amended by adding, at the end, the following paragraph:

“Any person or any municipality may then intervene before the Commission municipale.”

**30.** Section 104 of the said act is amended by replacing the preamble of the first paragraph by the following:

**“104.** The Minister may:”.

**31.** Sections 106 and 107 of the said act are replaced by the following sections:

**“106.** A natural person who contravenes one or the other of sections 20, 21, 22, 25, 26, 27, 28, 29, 31*a*, 49, 68, 72, 73, 91, 114*a* and 123*a* of this act is guilty of an offence and is liable, upon summary proceeding, to a fine:

(*a*) of not less than two hundred dollars nor more than five thousand dollars for the first offence; and

(*b*) of not less than four hundred dollars nor more than ten thousand dollars for any subsequent offence.

A corporation guilty of an offence contemplated in the preceding paragraph is liable to a minimum fine three times higher and to a maximum fine six times higher than those provided in the preceding paragraph.”

**“107.** A natural person who refuses or neglects, contrary to the provisions of this act or the regulations made hereunder, to file a declaration or guarantee, give information or reports, submit plans, request an approval, an authorization or a permit from the Director or to comply with any of his orders or an order of the Minister, commits an offence and is liable, upon summary proceeding, in the cases other than those contemplated in section 106, to a fine:

(*a*) of not less than one hundred dollars nor more than three thousand dollars for the first offence; and

(*b*) of not less than two hundred dollars nor more than five thousand dollars for every subsequent offence.

A corporation guilty of an offence contemplated in the preceding paragraph is liable to a minimum fine three times higher and to a maximum fine six times higher than those provided for in the preceding paragraph.

**“107*a*.** The penalties contemplated in section 107 also apply to the persons who refuse or neglect to comply with an order

issued under the Water Board Act (Revised Statutes, 1964, chapter 183), the Public Health Act (Revised Statutes, 1964, chapter 161) or the Water Purification Board Act (Revised Statutes, 1941, chapter 44A) dealing with one or the other of the matters contemplated in this act. These orders are still in force, even in the case of those that have been issued by the Water Purification Board and that have not been approved by the Lieutenant-Governor in Council, unless they have been repealed or amended since by another order issued under this act."

**32.** Section 108 of the said act is replaced by the following:

**"108.** Whoever contravenes section 66 commits an offence and is liable, on summary proceeding, to a fine not exceeding two hundred dollars."

**33.** The said act is amended by inserting, after section 109, the following sections:

**"109a.** Notwithstanding sections 106 to 109, every regulation of the Lieutenant-Governor in Council made under this act may prescribe that an offence against the provisions of the said regulation make the offender liable, on summary proceeding:

(a) in the case of a natural person, to a minimum fine of not more than five thousand dollars and to a maximum fine of ten thousand dollars in the case of the first offence, and to a minimum fine of not more than ten thousand dollars and to a maximum fine of not more than twenty-five thousand dollars in the case of a subsequent offence, or, in all those cases, to imprisonment for not more than six months or to both the imprisonment and fine;

(b) in the case of a corporation, to a minimum fine of not more than ten thousand dollars and to a maximum fine of not more than fifty thousand dollars in the case of the first offence and to a minimum fine of not more than twenty-five thousand dollars and to a maximum fine of not more than one hundred thousand dollars in the case of any subsequent offence.

The penalties contemplated in subparagraphs *a* and *b* of the first paragraph may be prescribed in a manner allowing them to vary according to the degree of the infringement of the standards.

**"109b.** In determining the amount of the fine, the court takes account in particular, in the following order:

(a) of any physical, psychological or aesthetic injury suffered by human beings, the fauna, the flora and biological life as a result of the offence;

(b) of any danger to human health created by the offence;

(*c*) of any temporary or permanent alteration of the quality of the environment caused by the offence;

(*d*) of the revenues that the offender has derived from the commission of the offence;

(*e*) of the annual income of the offender.

**“109c.** A person who does or omits to do something in order to assist a person in committing an offence against this act or who counsels, encourages or incites a person to commit an offence, also commits the offence and is liable to the same penalty.”

**34.** Section 110 of the said act is amended by adding the following paragraph:

“The person who continues, day after day, the use of a structure or industrial process, the operation of an industry, the carrying on of an activity or the production of any goods or services without holding the certificate of authorization required by section 22 or by section 31*a* is also guilty of an offence, to the extent that the said certificate is required. The penalties contemplated in section 106 apply to these offences.”

**35.** The said act is amended by inserting, after section 110, the following section:

**“110*a*.** In the case where false representations have been made to the Director, the Minister or a functionary contemplated in section 119 or 120, prescription runs from the time the falsehood of the declaration is brought to the attention of one of these persons.”

**36.** The said act is amended by adding, after section 114, the following sections:

**“114*a*.** Where he considers that there is urgency, the Minister may order any person or municipality to pick up or to remove any contaminant dumped, emitted, issued or discharged in the water or on the soil, accidentally or contrary to the provisions of this act or the regulations of the Lieutenant-Governor in Council and to take measures required to clean the water and the soil so that these contaminants cease to be spread or to propagate in the environment.

**“114*b*.** The Director may issue an order in accordance with section 27*a* to any person who has undertaken the operation of a quarry or sand pit without the certificate of authorization required under section 22.”



**37.** The said act is amended by inserting, after section 115, the following section:

**“115a.** The Minister may take all such measures as he may indicate to clean, collect or contain contaminants that are or that are likely to be emitted, deposited, discharged or ejected into the environment where he considers such measures necessary to avert or diminish the risk of damage to public or private property, human beings, wildlife, vegetation or the general environment.

The Minister may claim the direct and indirect costs related to such measures, in the same manner as any debt owing to the Government, from any person or municipality responsible for the emission, deposit, discharge or issuance of the contaminants, whether or not the latter has been prosecuted for infringement of this act. Liability is joint and several where several persons are responsible.”

**38.** Section 116 of the said act is replaced by the following section:

**“116.** All fines levied under this act are paid into the consolidated revenue fund. However, the fines belong to the municipality in any proceedings instituted by a municipality.”

**39.** The said act is amended by inserting, after section 116, the following section:

**“116a.** In all civil or penal proceedings instituted pursuant to this act and in any appeal brought in accordance with Division XI, a certificate of the analysis of a contaminant or other substance signed by a person having acted at the request of the environment protection branch is admissible as proof *prima facie* of the facts declared in it and of the authority of the signatory without further proof of his appointment or signature.

The cost of this analysis, as established by the Minister, is included in the costs of the proceedings in the case of a general or civil suit.”

**40.** The said act is amended by adding, after section 118, the following sections:

**“118a.** Every notice or decision that must be served in pursuance of section 25, 97 or 103 may be validly served by registered mail or bailiff.

**“118b.** Every order made regarding the owner of an immoveable may be registered against the immoveable. It may then

be invoked against any acquirer whose title is registered subsequently, and the obligations imposed on the former owner by the order are binding on the subsequent acquirer.

**“118c.** The Lieutenant-Governor in Council, on such conditions as he may determine, may exempt the territory or part of the territory of a municipality from the effect of certain sections of this act, to the extent that the municipality has formally agreed with the Minister on the control of sources of contamination of the environment, and the issuance of contaminants in the territory of that municipality. This exemption takes effect upon publication in the *Gazette officielle du Québec*.”

**41.** Section 119 of the said act is replaced by the following section:

**“119.** Every functionary authorized for that purpose by the Minister or the Director may at any reasonable time enter on land, a building other than a dwelling house, a vehicle or a boat, to collect samples, instal measuring apparatus, make analyses, examine records or examine the premises for the enforcement of this act and the regulations hereunder.”

**42.** Section 120 of the said act is replaced by the following section:

**“120.** The Minister, the Director and the functionaries authorized by them for that purpose may require, of any person doing, having done or having indicated his intention of doing anything contemplated by this act or the regulations hereunder, all the information necessary for the exercise of their duties, and order the posting of any notice necessary for the protection of the public in respect of any matter governed by this act or the regulations hereunder.”

**43.** The said act is amended by inserting, after section 120, the following sections:

**“120a.** A functionary authorized by the Minister for that purpose may seize a product where he has reason to believe it contains contaminants to a degree higher than the norm prescribed by regulation of the Lieutenant-Governor in Council.

**“120b.** A functionary contemplated in section 120a may release seized property immediately upon confirmation by laboratory analysis that the seized product conforms to the regulations of the Lieutenant-Governor in Council. Release must be given if the seized product has not been confiscated within thirty days of seizure.

**“120c.** The Minister may confiscate a product where laboratory analysis confirms its contaminant content exceeds the norm prescribed by regulation of the Lieutenant-Governor in Council.

**“120d.** No person, without the authorization of the Minister, may sell, use or offer for sale a seized or confiscated product or allow the product, its container or the seizure or confiscation tag to be removed.

**“120e.** The Lieutenant-Governor in Council may make regulations prescribing the form and content of any seizure, confiscation or release tag, and prescribing how these documents may be used.”

**44.** Section 121 of the said act is replaced by the following section:

**“121.** No person may hinder a functionary carrying out duties contemplated in sections 119, 120 and 120a or mislead him by concealment or false declarations or neglect to obey any order he may give under this act, or remove or deface a notice he has ordered posted, or allow it to become defaced. Such a functionary must, if required, present a certificate of his office, signed by the Minister or the Director.”

**45.** The said act is amended by adding, after section 123, the following sections:

**“123a.** Where an authorization, permit, certificate of authorization or a certificate issued by the Director or the Lieutenant-Governor in Council by virtue of this act contemplates the execution of certain works whereby, under the very terms of that authorization, permit, certificate of authorization or authorization, the applicant must take certain steps or instal equipment designed to avoid, limit or prevent the emission, discharge, deposit or issuance of contaminants into the environment, to begin or continue the utilization or operation of the works so constructed is prohibited before the steps and equipment designed to avoid, limit or prevent the emission, discharge, deposit or issuance are implemented or put into operation, as the case may be.

Every person having submitted certain information or having professed to be in a position to meet certain standards, so as to obtain a certificate of authorization, must honour his commitments if a certificate of authorization has been issued to him, even if he had presented himself as able to meet severer standards than those prescribed by regulation of the Lieutenant-Governor in Council.

This section applies to every certificate of authorization, certificate, authorization or permit issued since the coming into force of this act in accordance with section 166.

**“123b.** Subject to section 99, every decision of the Director or of the Commission municipale du Québec in respect of water tax or water rates rendered on or after 1 January 1973 is executory notwithstanding any appeal or other contestation before any court of justice.

This section applies also to any decision of the Commission municipale du Québec rendered under article 628 of the Charter of the City of Montreal.”

**46.** Section 164 of the said act is replaced by the following section:

**“164.** The members of the Water Board become by mere operation of this act members of the Commission Municipale du Québec, as if appointed under section 3 of the Municipal Commission Act (Revised Statutes, 1964, chapter 170).

This section has effect as from 21 December 1972.”

**47.** This act comes into force on the day of its sanction.