



CHAPTER 64

An Act to amend the Environment Quality Act

[Assented to 22 December 1978]

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

1972, c. 49,
ss. 6a-6h,
added.

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

Establish-
ment.

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

Composi-
tion.

“**6b.** The Bureau is composed of not over five members including a president and a vice-president appointed, for a term not exceeding five years and renewable, 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, and their other conditions of employment.

Additional
members.

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.

Function.

“**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 and of its analysis thereof.

Public
hearing.

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

- Exception. However, the Bureau shall not inquire within the scope of the assessment and review procedure provided for in Divisions II and III of Chapter II.
- Notice of inquiry. 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.
- Simultaneous hearings. “6d. The Bureau may hold several public hearings simultaneously.
- Procedure. Public hearings shall be conducted by one or more members of the Bureau, as may be determined by the president.
- Immunity. “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).
- By-laws and rules. “6f. The Bureau shall adopt by-laws for its internal management and rules of procedure relating to the conduct of public hearings.
- Coming into force. 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*.
- Public report. “6g. Every report of an inquiry by the Bureau shall be made public by the Minister within sixty days of receipt.
- Provisions applicable. “6h. Sections 15, 16, 17 and 19 apply to the Bureau, *mutatis mutandis*.”
- 1972, c. 49, ss. 7 and 8, replaced. **2.** Sections 7 and 8 of the said act are replaced by the following sections:
- Council established. “7. An advisory body, hereinafter called the “Council”, is established under the name of “Conseil consultatif de l’environnement”.
- Advisory body. “8. The Council shall advise the Minister on any question he submits to it respecting the matters contemplated by this act.
- Opinion. It may also, on its own initiative or at the request of groups or persons, formulate an opinion on any policy pertaining to the environment.
- Assessment statements. It may, for such purposes, prepare the required assessment statements.”
- 1972, c. 49, s. 9, am. **3.** Section 9 of the said act is amended by replacing the second paragraph by the following paragraph:

Opinions and statements published. “The Council may make public any opinion formulated under the second paragraph of section 8 and any assessment statement pertaining thereto, sixty days after transmitting it to the Minister.”

1972, c. 49, ss. 19a-19g, added. **4.** The said act is amended by adding, after section 19, the following:

“DIVISION IIIA

“THE RIGHT TO A HEALTHY ENVIRONMENT AND
TO THE PROTECTION OF LIVING SPECIES

Environmental rights. “**19a.** Every person has a right to a healthy environment and to its protection, and to the protection of the living species inhabiting it, to the extent provided for by this act and the regulations, orders, approvals and authorizations issued under any section of this act.

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

Natural person. “**19c.** The application for an injunction 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.

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

Security. “**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.

Service. “**19e.** Every action or motion made pursuant to this division must be served on the Procureur général.

Priority. “**19f.** Every application for an injunction made under this division shall be heard and decided by preference.

Provisions not applicable. “**19g.** Sections 19b to 19f do not apply in the case of a project duly authorized under this act, except with regard to any act contrary to the provisions of the certificate of authorization or of any applicable regulation.”

1972, c. 49, s. 22, am. **5.** Section 22 of the said act is amended by replacing the third paragraph by the following paragraph:

Require-
ments.

“The Director may also require from the applicant any supplementary information, research or assessment statement he may consider necessary to understand the impact the project will have on the environment and to decide on its acceptability, unless the project has already been the subject of a certificate of authorization issued under section 31e, 31f, 189 or 224, of an authorization issued under section 202 or 238 or of a certificate of exemption from the assessment and review procedure issued under section 189 or 224.”

1972, c. 49,
s. 25, am.

6. Section 25 of the said act is amended by inserting, at the end, the following paragraphs:

Notice
transmit-
ted and
published.

“The Director shall transmit a copy of the prior notice to any person who has submitted to him a sworn complaint in respect of the object of such notice. Notice of the contemplated order shall be published in a daily newspaper circulated in the region in which the contemplated source of contamination is located.

Notice to
secretary-
treasurer.

The Director shall also transmit a copy of the prior notice to the secretary-treasurer or clerk of the municipality where the contemplated source of contamination is located. The latter shall place the prior notice at the disposal of the public for the period of fifteen days provided for in the second paragraph.”

1972, c. 49,
s. 27a,
added.

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

Reland-
scaping.

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

Prior
notice.

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

1972, c. 49,
s. 29, am.

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

Municipal
loan.

“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.”

1972, c. 49,
s. 31, am.

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

“(j) provide, in the case of certain contaminants or sources of contamination, a delay within which the Director is to be informed of the accidental presence in the environment of a contam-

inant contemplated in section 20, and prescribe that registers be kept for such purposes and for the purposes of section 21;

(*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.”

1972, c. 49,
Div. IVA,
added. **10.** The said act is amended by inserting, after section 31, the following:

“DIVISION IVA

“ENVIRONMENTAL IMPACT ASSESSMENT AND REVIEW
OF CERTAIN PROJECTS

Authori-
zation
certificate. **“31 a.** No person may undertake any construction, work, activity or operation, or carry out work according to a plan or programme, in the cases provided for by regulation of the Lieutenant-Governor in Council without following the environmental impact assessment and review procedure and obtaining an authorization certificate from the Lieutenant-Governor in Council.

Impact
assessment
statement. **“31 b.** 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 proponent of the project the nature, the scope and the extent of the environmental impact assessment statement that he must prepare.

Public
consultation. **“31 c.** After receiving the environmental impact assessment statement, the Minister shall make it public and indicate to the proponent of the project to initiate the stage of public information and consultation provided for by regulation of the Lieutenant-Governor in Council.

Public
hearing. Any person, group or a 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.

Report. Unless he considers such application to be frivolous, the Minister shall direct the Bureau to hold a public hearing and report its findings and its analysis thereof to him.

Informa-
tion to
Minister.

“**31d.** The Minister may, at any time, request the proponent of the project to furnish any information, to study certain matters more thoroughly or to undertake certain research which he considers necessary to fully evaluate the impact of the proposed project on the environment.

Decision.

“**31e.** Where the environmental impact assessment statement 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.

Trans-
mission.

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

Exemp-
tions.

“**31f.** The Lieutenant-Governor in Council or any committee of ministers contemplated in section 31e may exempt, wholly or partly, from the environmental impact assessment and review procedure provided for in this division, any project the physical realization of which is to begin not later than one year after the coming into force of the regulation of the Lieutenant-Governor in Council making that project subject to the said procedure.

Notice.

Not later than fifteen days before making such decision, the Lieutenant-Governor in Council shall publish a notice of his intention in the *Gazette officielle du Québec*.

Publica-
tion.

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

Urgent
projects.

However, the Lieutenant-Governor in Council or a committee of ministers contemplated in section 31e may, without notice, exempt a project from the environmental impact assessment and review procedure, where the realization of the project is required in order to repair or prevent the damage caused by an actual or apprehended disaster.

Condi-
tions.

Where he exempts a project from the environmental impact assessment and review procedure under this section, the Lieutenant-Governor in Council or the committee of ministers contemplated in section 31e shall issue a certificate of authorization for the said project and add thereto the conditions he deems necessary for the protection of the environment.

Decision
void.

The decision made under the first three paragraphs and the certificate of authorization pertaining thereto ceases to have effect

if the physical realization of the project is not begun within the delay provided in the first paragraph.

Director
bound.

“**31g.** Every decision rendered under section 31e or 31f is binding on the Director, where he subsequently exercises the powers provided in section 22, 32 or 54.

Confiden-
tiality.

“**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 of time provided for by regulation of the Lieutenant-Governor in Council during which the Minister may be required to hold a public hearing.

Regula-
tions.

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

(a) determine the classes of construction, works, plans, programmes, operations, works or activities to which section 31a applies;

(b) determine the parameters of an environmental impact assessment statement with regard, namely, to the impact of a project on nature, on the biophysical milieu, the underwater milieu, human communities, the balance of ecosystems, archaeological and historical sites and cultural property;

(c) prescribe the terms and conditions of the information and of the public consultation pertaining to any application for an authorization certificate or for an environmental impact assessment statement for all or some of the classes of projects contemplated in section 22 or in section 31a, including the publication of notices in newspapers by the applicant, the form and content 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 assessment statements are to be transmitted;

(e) define types of impact assessment statements and the terms and conditions of the presentation of impact assessment statements.”

1972, c. 49,
s. 32, am.

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

Permit.

“**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.

Municipality. “**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.

Additional requirement. “**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.

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

Authorization. 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.

Transfer of permits. “**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.

Temporary operation. “**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.

Conditions. “**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.

Authorization to dispose of systems. “**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.

Revocation of permits. “**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.

Revoca-
tion.

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.

Rates.

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

Rate-
payers.

The rates contemplated in this section are those imposed on persons whose immoveable is served by the waterworks and sewer systems.”

1972, c. 49,
s. 33
replaced.

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

Vacation
resorts
require-
ments.

“33. No one may set up or operate any amusement grounds, camping ground, trailer park, mobile home park, holiday camp or public beach, or undertake the sale of lots of a housing development defined by regulation of the Lieutenant-Governor in Council, 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 32*b*, 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.”

1972, c. 49,
s. 34, am.

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

Orders.

“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.

Rates
fixed by
the Com-
mission.

Failing agreement, the Commission municipale shall fix the rates of sale of water or of sewer service between municipalities or between a municipality and a person contemplated in section 32*a*, or where a person sells water or provides water treatment to a municipality.”

1972, c. 49,
s. 36, am.

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

Inter-
municipal
agree-
ments.

“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.

1972, c. 49,
s. 38,
repealed.

15. Section 38 of the said act is repealed.

1972, c. 49,
s. 39,
replaced. **16.** Section 39 of the said act is replaced by the following section:

No tax collected. **“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.”

1972, c. 49,
ss. 40-42,
replaced. **17.** Sections 40, 41 and 42 of the said act are replaced by the following sections:

Loan authorized. **“40.** A municipality obliged to make expenditures pursuant to the second paragraph of section 34 or under section 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.

Acquisition. **“41.** Every municipality may, with the authorization of the Minister, acquire, by mutual agreement or by expropriation, the sources of water supply and other immoveables or real rights located outside its territory and required for the installation of a waterworks or sewer system or a water treatment plant or for the installation or protection of a water-supply intake.

Expropriation. **“42.** Where the holder of a permit contemplated in section 32*a* cannot acquire by agreement a source of water supply or an immoveable or other real rights required for his waterworks or sewer system, he may, with the authorization of the Minister, expropriate such source and the immoveables or other real rights required.”

1972, c. 49,
s. 45*c*, am. **18.** Section 45*c* of the said act, enacted by section 2 of chapter 55 of the statutes of 1977, is amended by adding the following paragraph:

Costs of analysis paid to Minister. **“The Minister may make an agreement with a laboratory contemplated in the first paragraph, so as to be himself entitled to collect, directly from the operators contemplated in section 45*a*, the cost of analyses and incidental expenses ordered by the Lieutenant-Governor in Council.”**

1972, c. 49,
s. 46 **19.** 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:

“(m) prohibit or regulate the bulk distribution of water intended for human consumption;

“(n) establish procedures and methods for the application of sections 32a to 32h and define the meaning of the expression “housing development” mentioned in section 33;

“(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 32a or 32b 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.”

1972, c. 49,
s. 50,
replaced.

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

“**50.** No one may offer for sale, exhibit for sale or sell an engine or motor vehicle

(a) the operation of which has the effect of emitting pollutants into the atmosphere; or

(b) 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.”

1972, c. 49,
s. 51,
replaced.

21. 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 a motor vehicle

(a) the operation of which has the effect of emitting pollutants into the atmosphere; or

(b) 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.”

1972, c. 49,
s. 53, am.

22. Section 53 of the said act is amended:

(a) by replacing the first two lines by the following:

Regulations.

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."

1972, c. 49,
s. 61,
replaced.

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

Joint
operation.

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 provide 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."

1972, c. 49,
s. 63,
replaced.

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

Loan.

63. A municipality obliged to make expenditures pursuant to 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."

1972, c. 49,
ss. 64a-
64d, added.

25. The said act is amended by inserting, after section 64, the following sections:

Fixing of
rates.

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.

Authorized
rates.

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

Change of
costs.

Every change of costs as a result of such rates shall be paid by or credited to the municipality or person producing the waste.

Separate
rates.

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 for elimination of waste.

Posting
up of rates.

“64b. The operator of a site for the elimination of waste who, pursuant to a regulation of the Lieutenant-Governor in Council, must receive waste, shall post up his rates, or those fixed by the Director, in view of the public.

New rates
fixed.

“64c. Where a dump is compelled to close down pursuant to a regulation made under section 70, a person who carried waste thereto under a contract with a municipality may, at any time, apply to the Director to fix the rates imposed by the operator of the waste elimination site where he intends to deposit the waste thenceforth.

Increase
charged to
municipal-
ity.

The municipality shall directly assume every rate increase resulting from the decision of the Director.

Closing
down pro-
vided for
by regula-
tion.

However, the Director shall not fix any rate by virtue of this section where a contract contemplated in the first paragraph stipulated that the waste would be deposited in a dump the closing down of which was provided for by a regulation of the Lieutenant-Governor in Council made under paragraph *e* of section 70 and in force on the date of the making of the contract.

Hearing.

“64d. The Director shall, before fixing rates under section 64a or 64c, inform and hear the operator of the waste elimination site, the municipalities likely to be concerned by such decision, and the persons carrying waste to the contemplated elimination site.”

1972, c. 49,
s. 66,
replaced.

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

Authorized
waste
sites.

“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.”

1972, c. 49,
s. 84,
replaced.

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

Powers.

“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.”

1972, c. 49,
s. 86,
replaced.

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

Municipal
duties.

“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 ordering that such regulation or certain sections of that regulation shall be 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.”

1972, c. 49,
s. 87, am. **29.** Section 87 of the said act is amended by replacing paragraphs *c* and *d* by the following paragraphs:

“(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 area or other characteristics of the land do 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;

“(d) to prescribe for each class of immoveables or installations contemplated in paragraphs *a* and *c*, the issuance of a permit by the Director or by any municipality or class of municipalities;”.

1972, c. 49,
s. 94, am. **30.** Section 94 of the said act is amended by striking out the third paragraph.

1972, c. 49,
s. 96, am. **31.** Section 96 of the said act is amended by adding, at the end, the following paragraph:

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

1972, c. 49,
ss. 98a,
98b, added. **32.** The said act is amended by adding, after section 98, the following sections:

Notice. “**98a.** The appellant shall, within fifteen days after his petition for appeal has been served, publish a notice in two consecutive issues of a daily newspaper circulated in the region contemplated by the decision appealed from.

Publica-
tion. Proof of the publication of such notice shall be furnished to the Commission municipale du Québec.

Petition
trans-
mitted. “**98b.** The Director shall transmit copy of the petition for appeal to every person or municipality who has transmitted to

him written representations pertaining to the decision appealed from.”

1972, c. 49,
s. 100, am. **33.** Section 100 of the said act is amended by adding, at the end, the following paragraph:

Interven-
tion. “Any person, group or municipality may intervene before the Commission municipale.”

1972, c. 49,
s. 104, am. **34.** Section 104 of the said act is amended by replacing the first four lines of the first paragraph by the following:

Powers. “**104.** The Minister may”.

1972, c. 49,
ss. 106,
107,
replaced. **35.** Sections 106 and 107 of the said act are replaced by the following sections:

Offences
and
penalties. “**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*, 123*a*, 189 or 224 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.

Penalties. These penalties are applicable, in the same manner, to any person who does not comply with the conditions imposed under section 31*e*, 31*f*, 199, 202, 236 or 238.

Corpora-
tion. A corporation guilty of an offence contemplated in this section is liable to a minimum fine three times higher and to a maximum fine six times higher than those provided in this section.

Refusal to
file declara-
tion or
infor-
mation. “**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, or to comply with an order of the Director or of the Minister, or who does something without first obtaining approval, authorization, permission or a permit from the Director, 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.

Corporation. 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.

Provisions applicable. **“107a.** 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.”

1972, c. 49, s. 108, replaced. **36.** Section 108 of the said act is replaced by the following sections:

Offence and penalty. **“108.** Whoever contravenes section 66 commits an offence and is liable, on summary proceeding, to a fine of not less than twenty-five dollars nor more than two hundred dollars.

Notice of summons. **“108a.** A functionary or an employee of the environment protection services, duly authorized by the Minister, or a peace officer may, on ascertaining the existence of an offence contemplated in section 108, fill out a notice of summons and hand over a copy thereof to the contravener. The original of the notice shall be remitted to the environment protection services.

Payment of fine. The person designated in a notice of summons may avoid the filing of a complaint against him by paying the minimum fine provided for in section 108 and costs of two dollars. The payment of such fine and the receipt issued by the environment protection services free the contravener of any other penalty in connection with that offence.

Civil liability. Such payment cannot be invoked as an admission of civil liability.

Presumption. After such payment, the person designated in the notice of summons is considered to have been found guilty of the offence.

Filing of a complaint. If the person designated in the notice of summons refuses or neglects to pay the fine and costs indicated in the second paragraph within a delay of fifteen days following the date of the notice, a complaint may be filed against him according to law.

Summons. This section does not prevent the filing of a complaint and the issuance of a summons according to law, without the issuance of a notice of summons."

1972, c. 49,
s. 109a,
109b,
added.

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

Summary proceeding.

"**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 or of a class of orders or an offence respecting a contaminant contemplated by a 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 not more than 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.

Penalties. 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.

Party to the offence.

"**109b.** 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."

1972, c. 49,
s. 110, am.

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

Separate offence.

"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 31a is also guilty of a separate offence, day by day, to the extent that the said certificate is required. The penalties contemplated in section 106 apply to these offences."

1972, c. 49,
ss. 110a,
110b,
added.

39. The said act is amended by inserting, after section 110, the following sections:

False
representations.

“110a. In the case where false representations have been made to the Director, the Minister or a functionary contemplated in section 119 or 120, the prescription contemplated in section 13a of the Summary Convictions Act (Revised Statutes, 1964, chapter 35) runs from the time the falsehood of the representations is brought to the attention of one of these persons.”

Subsequent
offence.

“110b. If it is established that a complaint bears on a subsequent offence and if the complaint does not mention it, the judge who hears the case shall order its amendment accordingly and render a judgment on the complaint thus amended.”

1972, c. 49,
ss. 114a,
114b,
added.

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

Emergency
measures.

“114a. Where he considers that there is urgency, the Minister may order any person or municipality being the owner of certain contaminants or having had the custody or control thereof, to collect or to remove any contaminant dumped, emitted, issued or discharged into the water or onto the soil, accidentally or contrary to the provisions of this act or the regulations of the Lieutenant-Governor in Council, and to take the measures required to clean the water and the soil so that these contaminants cease to be spread or to propagate in the environment.

Quarry and
sand pit.

“114b. The Director may issue an order in accordance with section 27a to any person who has undertaken the operation of a quarry or sand pit on or since 21 December 1972 without the certificate of authorization required under section 22.”

1972, c. 49,
s. 115a,
added.

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

Powers
of the
Minister.

“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.

Debt
owing to
the Gov-
ernment.

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.”

1972, c. 49,
s. 116,
replaced. **42.** Section 116 of the said act is replaced by the following section:

Payment
of fines. **“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.”

1972, c. 49,
ss. 116a-
116d,
added. **43.** The said act is amended by inserting, after section 116, the following sections:

Certificate
of
analysis. **“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 services 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.

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

Exception.
Depollution
pro-
gramme. **“116b.** No proceedings may be instituted and no judgment may be pronounced for an offence contemplated in the second paragraph *in fine* of section 20 against the person responsible for a source of contamination, if such person has submitted a depollution programme which has been approved by the Director and if he faithfully complies with its requirements and schedule of implementation.

Notice. **“116c.** If the person responsible for the source of contamination requests the approval of a depollution programme contemplated in section 116b, he shall publish a notice in two consecutive issues of a daily newspaper circulated in the region where the source of contamination is situated.

Publica-
tion. Proof of the publication of such notice shall be furnished to the Director.

Request
trans-
mitted. The Director shall also transmit the request for approval to the secretary-treasurer or clerk of the municipality where the source of contamination is situated. The latter shall place such file at the disposal of the public for a period of fifteen days.

Representa-
tions
to the
Director. **“116d.** Every person, group or municipality may submit representations to the Director until the expiry of the period of

fifteen days contemplated in section 116c and the period of fifteen days following the publication of the second notice published under section 116c; these periods may be wholly or partly simultaneous.

Approval. The Director shall not issue his approval before the end of these periods.”

1972, c. 49,
ss. 118a-
118e,
added.

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

Service. **“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.

Order registered against immovable.

“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.

Exemptions.

“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*.

Availability of information.

“118d. Every person has the right to obtain from the environment protection services copy of any available information concerning the quantity, quality or concentration of contaminants emitted, issued, discharged or deposited by a source of contamination.

Register. **“118e.** The Minister shall keep a register of:

- (a) all applications for authorization certificates and permits submitted under sections 22, 31a, 31f, 48, 54 and 55;
- (b) all certificates of authorization and permits issued under the said sections;
- (c) all environmental impact assessment statements submitted under section 31c;
- (d) all orders and notices prior to the issue of an order rendered under this act;
- (e) all depollution programmes approved under section 116b; and

(f) all appeals brought under Division XI and all decisions rendered under section 103.

Access. Such register may be consulted by any person.”

1972, c. 49,
s. 119,
replaced. **45.** Section 119 of the said act is replaced by the following section:

Right of entry. **“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.”

1972, c. 49,
s. 120,
replaced. **46.** Section 120 of the said act is replaced by the following section:

Power to require information. **“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.”

1972, c. 49,
ss. 120a-
120e,
added. **47.** The said act is amended by inserting, after section 120, the following sections:

Seizure. **“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.

Release of seized property. **“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.

Confiscation. **“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.

Prohibition. **“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.

Form and
content of
tag.

“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.”

1972, c. 49,
s. 121,
replaced.

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

Obstruc-
tion.

“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.”

1972, c. 49,
ss. 123a-
123c,
added.

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

Prior
require-
ments.

“123a. Where an authorization issued by virtue of this act contemplates the execution of certain works to which, under the terms of the authorization, are attached certain steps or 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.

Commit-
ments
honoured.

Every person having submitted certain information or certain representations so as to obtain a certificate of authorization according to section 22 or 31a shall honour his commitments if the certificate of authorization has been issued, in particular with regard to the siting of the project. However, this paragraph does not compel anyone to comply with standards or requirements stricter than those enacted by regulation of the Lieutenant-Governor in Council, unless they have been imposed subsequently by order or they have been entered on a certificate of authorization. In such case, the Director shall mention the right of appeal of the person or municipality contemplated, in accordance with section 97.

This section applies to all authorizations issued under this act on or since 21 December 1972.”

Decision executory. “**123b.** Every decision of the Director or of the Commission municipale du Québec in respect of water tax or water rates rendered on or after 21 December 1972 is executory notwithstanding any appeal brought under Division XI or other contestation before any court of justice.

Provision applicable. 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.

Powers of the Director. “**123c.** The Director shall exercise the powers vested in the director of the Provincial Bureau of Health under any general law or special act. In the same manner, the Director shall exercise the powers vested in the director of sanitary engineering or in the Ministre des affaires sociales or Ministère des affaires sociales under the Provincial Health Regulations made under the Public Health Act (Revised statutes, 1964, chapter 161).”

1972, c. 49, s. 124*b*, added. **50.** The said act is amended by inserting, after section 124*a*, the following section:

Municipal by-law. “**124b.** A municipal by-law approved under the fourth paragraph of section 124 may be used for the application of section 19*a*.”

1972, c. 49, s. 164, replaced. **51.** Section 164 of the said act is replaced by the following section:

Members of the Water Board. “**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.”

1972, c. 49, s. 248, replaced. **52.** Section 248 of the said act, enacted by chapter 94 of the statutes of 1978, is replaced by the following section:

Provisions not applicable. “**248.** Division IVA of Chapter I and the regulations for the application thereof do not apply in the territories contemplated in sections 168 and 203, except in respect of the regulations for the application of section 22 and the regulations generally applicable to the Bureau d’audiences publiques sur l’environnement made under paragraphs *c* and *d* of section 31*i*.”

1973, c. 12, s. 2, am. **53.** Section 2 of the Government and Public Employees Retirement Plan (1973, chapter 12), amended by section 1 of chapter 9 of the statutes of 1974, by section 47 of chapter 41 of the statutes of 1975, by section 9 of chapter 51 of the statutes of 1976,

by section 1 of chapter 21 and section 232 of chapter 68 of the statutes of 1977 and by section 105 of chapter 7, section 31 of chapter 38, section 25 of chapter 18 and by section 31 of chapter 24 of the statutes of 1978, is again amended by adding, after paragraph 14 of the first paragraph, the following paragraph:

“(15) to the members of the Bureau d’audiences publiques sur l’environnement who are appointed under the first paragraph of section 6*b* of the Environment Quality Act (1972, chapter 49).”

1974, c. 51,
s. 4,
repealed.

54. Section 4 of the Act respecting protection of the environment (1974, chapter 51) is repealed.

Coming
into force.

55. This act comes into force on the day of its sanction, except section 18, which will come into force on the date fixed by proclamation of the Government.