



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 44

**An Act to amend the Act respecting
the Ministère de l'Environnement, the
Environment Quality Act and other
legislative provisions**

Introduction

**Introduced by
Mr. Thomas J. Mulcair
Minister of the Environment**

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EXPLANATORY NOTES

This bill amends the Act respecting the Ministère de l'Environnement to clarify the power of the Minister to release information.

In order to ensure ongoing supervision of the quality of the environment and, in the area of environmental protection, compliance with an international commitment or implementation of a Canadian intergovernmental agreement, this bill amends the Environment Quality Act so that it confers on the Minister of the Environment the power to make regulations determining the information that a person or a municipality is required to provide regarding an enterprise, a facility or an establishment that the person or municipality operates.

The bill amends section 31 of the Environment Quality Act to enable the Government to set fees covering the costs of measures implemented to control and monitor the holders of an authorization, approval, certificate, permit, attestation or permission. These fees may vary with the nature of a holder's activities, the characteristics of the holder's facilities and the number of offences of which the holder has been found guilty under a provision of the Environment Quality Act or a regulation under that Act, as well as the nature and seriousness of those offences.

The bill amends section 31.0.1 of the Environment Quality Act to make it applicable not only to depollution attestations, but to any attestation provided for in the Act or a regulation under the Act. It also amends section 31.0.1 to enable the Minister to establish the interest payable in case of non-payment.

Lastly, this bill amends the English text of certain sections of the Natural Heritage Conservation Act and the Environment Quality Act.

LEGISLATION AMENDED BY THIS BILL:

- Natural Heritage Conservation Act (R.S.Q., chapter C-61.01);
- Act respecting the Ministère de l’Environnement (R.S.Q., chapter M-15.2.1);
- Environment Quality Act (R.S.Q., chapter Q-2).

Bill 44

AN ACT TO AMEND THE ACT RESPECTING THE MINISTÈRE DE L'ENVIRONNEMENT, THE ENVIRONMENT QUALITY ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 24 of the Natural Heritage Conservation Act (R.S.Q., chapter C-61.01) is amended by replacing “within 30 days of the Minister’s decision” in the second paragraph by “within 30 days following the Minister’s decision on the application for authorization”.

2. Section 90 of the said Act is amended by striking out “by the Minister” in the second line of the first paragraph.

3. Section 12 of the Act respecting the Ministère de l’Environnement (R.S.Q., chapter M-15.2.1) is amended by replacing paragraph 5 by the following paragraph:

“(5) compile, analyze and communicate, in the manner he considers appropriate, the information available to him, in particular that obtained pursuant to section 2.2 of the Environment Quality Act (chapter Q-2);”.

4. The Environment Quality Act (R.S.Q., chapter Q-2) is amended by inserting the following section after section 2.1:

“2.2. In order to ensure ongoing supervision of the quality of the environment or to ensure, in the area of environmental protection, compliance with an international commitment made in accordance with the applicable legislative provisions or implementation of a Canadian intergovernmental agreement made in accordance with the applicable legislative provisions, the Minister may make regulations determining what information, other than personal information, a person or a municipality is required to provide regarding an enterprise, a facility or an establishment that the person or municipality operates, as well as how, when and how often this information must be provided.

A regulation made under the first paragraph may apply to all or part of Québec and may, in particular, relate to any information concerning the presence, emission, deposit, issuance or discharge into the environment of contaminants, including their origin, nature, composition, characteristics,

quantity, concentration and location or receiving environment, as well as to the parameters to be used to evaluate or measure the quantity or concentration of contaminants.

This information may vary with the category of the enterprise, facility or establishment, the nature of the contaminants, the quantity of contaminants emitted, deposited, issued or discharged, and the technical characteristics of the apparatus or processes involved.”

5. Section 31 of the said Act is amended

(1) by inserting the following subparagraph after subparagraph *s* of the first paragraph:

“(*t*) determine the fees payable by the holder of an authorization, approval, certificate, permit, attestation or permission to cover the costs of control and monitoring measures, particularly the costs of inspecting facilities and examining information or documents provided to the Minister, the conditions of payment and the interest payable in case of non-payment.”;

(2) by adding the following paragraph after the third paragraph:

“The fees determined under subparagraph *t* of the first paragraph may vary with the nature of the holder’s activities, the characteristics of the facility and the number of offences of which the holder has been found guilty by final judgment, during the period determined by the Government, under a provision of this Act or a regulation made under it, as well as the nature and seriousness of those offences.”

6. Section 31.0.1 of the said Act, enacted by section 3 of chapter 53 of the statutes of 2002, is amended

(1) by striking out “depollution” in the second line of subparagraph 1 of the first paragraph;

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

(3) by adding “as well as the interest payable in case of non-payment” at the end of the third paragraph.

7. Section 31.53 of the said Act is amended by replacing “land on the site of an industrial or commercial activity of a category designated by regulation of the Government” in the first and second lines of the first paragraph by “land where an industrial or commercial activity of a category designated by regulation of the Government has been carried on”.

- 8.** Section 53.31.3 of the said Act is amended by replacing “maximum percentage” in the first line of the third paragraph by “maximum amount”.
- 9.** This Act comes into force on (*insert the date of assent to this Act*).