



chapter Q-2, r. 33

Regulation respecting environmental standards for heavy vehicles

Environment Quality Act
(chapter Q-2, ss. 31, 53, 115.27, 115.34, 118.6 and 124.0.1)

CHAPTER I SCOPE AND INTERPRETATION

1. The purpose of this Regulation is to set environmental standards for heavy vehicles. The standards apply to the pollution control devices and systems on heavy vehicles and to the testing of heavy vehicle emissions.

For the purposes of this Regulation, roadside testing to assess compliance with the standards is to be conducted on public highways within the meaning of section 4 of the Highway Safety Code (chapter C-24.2).

O.C. 1244-2005, s. 1.

2. This Regulation applies to vehicles referred to in subparagraphs a and b of subparagraph 3 of the first paragraph of section 2 of the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3), except

(1) vehicles referred to in paragraph 1 of section 1 of the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles (chapter P-30.3, r. 1);

(2) vehicles totally exempt from the application of that Act under section 2 of the Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles.

O.C. 1244-2005, s. 2; O.C. 158-2011, s. 1.

3. This Regulation does not apply to heavy vehicles when they are participating in an automobile contest, show or race on a track or other location closed to all other automobile traffic.

O.C. 1244-2005, s. 3.

4. Owners of heavy vehicles to which this Regulation applies are persons or municipalities whose name appears on the registration certificate of the vehicle and the persons or municipalities holding, in respect of the vehicle, a right within the meaning of section 2 of the Highway Safety Code (chapter C-24.2).

O.C. 1244-2005, s. 4; O.C. 158-2011, s. 2.

5. A laboratory accredited by the Minister of Sustainable Development, Environment and Parks under section 118.6 of the Environment Quality Act (chapter Q-2) includes an establishment accredited to assess the compliance of heavy vehicles with the environmental standards prescribed by this Regulation.

O.C. 1244-2005, s. 5.

CHAPTER II POLLUTION CONTROL DEVICES AND SYSTEMS

6. Every heavy vehicle being operated in the part of the territory of Québec situated south of the 55th parallel and every heavy vehicle sold, leased, placed at the disposal of a person for valuable consideration or offered in any way

to be sold, leased or placed at the disposal of a person for valuable consideration must be equipped with a pollution control device or system in working order that reduces the emission of hydrocarbons, carbon monoxide, nitrogen oxide or particles into the atmosphere.

This section does not apply to heavy vehicles that, with regard to the contaminants referred to in the first paragraph, comply with the emission standards prescribed by the regulations under the Motor Vehicle Safety Act (S.C. 1993, c. 16) or the Canadian Environmental Protection Act (S.C. 1999, c. 33) without being equipped with a pollution control device or system.

O.C. 1244-2005, s. 6.

7. No owner of a heavy vehicle may allow a heavy vehicle pollution control device or system to be removed or modified and no person may remove or modify such a device or system, except to replace a defective device or system.

O.C. 1244-2005, s. 7.

8. A replacement pollution control device or system installed on a heavy vehicle must conform to the device or system used as a replacement device or system by the vehicle manufacturer. The identification code of the manufacturer of the replacement system or device must be indicated on the device or system.

O.C. 1244-2005, s. 8.

9. Sections 6 to 8 do not apply to heavy vehicles modified to operate solely on propane gas or natural gas.

O.C. 1244-2005, s. 9.

CHAPTER III HEAVY VEHICLE EMISSIONS

DIVISION I GENERAL

10. Heavy vehicles being operated in the part of the territory of Québec situated south of the 55th parallel must comply with the emission standards set out in this Chapter that apply to a vehicle powered by diesel, gasoline or gas.

O.C. 1244-2005, s. 10.

10.1. Roadside measurement of air emissions from heavy vehicles is performed by highway controllers of the Société de l'assurance automobile du Québec pursuant to an agreement under sections 519.64 to 519.66 of the Highway Safety Code (chapter C-24.2).

In accordance with the agreement, the Société designates controllers authorized to use the opacimeters and analyzers referred to in sections 13 and 15.

O.C. 158-2011, s. 3.

11. The owner of a non-compliant heavy vehicle is required within 30 days after receiving a repair notice from the Minister to repair the vehicle or have it repaired and to obtain an attestation from an accredited establishment certifying that the heavy vehicle complies with the emission standards.

The owner must keep the attestation for 2 years and, on the Minister's request, produce it to the Minister.

O.C. 1244-2005, s. 11; O.C. 158-2011, s. 4.

DIVISION II EMISSIONS FROM DIESEL-POWERED HEAVY VEHICLES

12. No air emission from a diesel-powered heavy vehicle may exceed the opacity percentages listed in the following table, based on the vehicle model year:

Model year	Opacity (%)
Until 30 April 2011	
1991 and newer	40
1990 and older	55
As of 1 May 2011	
1991 and newer	30
1990 and older	40

O.C. 1244-2005, s. 12; O.C. 158-2011, s. 5.

13. The opacity of emissions from diesel-powered heavy vehicles is measured

(1) by the roadside, using one of the following opacimeters:

- Red Mountain Engineering's Smoke Check 1667;
- Thermal-Lube's EXL Diesel Emission Detector; or
- Thermal-Lube's EXL Combo Opacimeter 5-Gas Analyzer;

(2) in an accredited establishment, using an opacimeter, in accordance with the Society of Automotive Engineers recommended practice J1667 Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicles.

O.C. 1244-2005, s. 13; O.C. 158-2011, s. 6.

DIVISION III

EMISSIONS FROM GASOLINE OR GAS-POWERED HEAVY VEHICLES

14. No gasoline, natural gas or propane gas-powered heavy vehicle may emit hydrocarbons (HC) and carbon monoxide (CO) into the atmosphere in excess of the values listed in the following table, based on the vehicle model year:

Model year	HC (ppm)	CO (%) (s/min)	Visible emissions
≥1998	200	1	5
1988-97	220	1.2	5
1980-87	300	3	5

1975-79	400	4	5
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1970-74	800	6.5	5
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≤1969	1,000	8	5
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In addition, the sum of carbon dioxide (CO₂) and carbon monoxide (CO) concentrations must not be less than 6%.

O.C. 1244-2005, s. 14.

15. Hydrocarbon, carbon dioxide and carbon monoxide concentration in gasoline or gas-powered vehicle emissions is measured using a 4-gas or 5-gas analyzer in accordance with the Preconditioned Two Speed Idle Test Procedure [USEPA Publication EPA-AA-TSS-I/M-90-3 January 1991 – Recommended I/M Short Test Procedures for the 1990's: Six Alternatives], published by the United States Environmental Protection Agency.

O.C. 1244-2005, s. 15.

CHAPTER IV ACCREDITED ESTABLISHMENTS

16. The measurement of air emissions from heavy vehicles for which a repair notice has been notified by the Minister under section 11 is performed in an establishment accredited by the Minister under section 118.6 of the Environment Quality Act (chapter Q-2).

If the test results meet the requirements set out in Chapter III, the establishment issues an attestation to the owner of the heavy vehicle certifying that the heavy vehicle is in compliance with environmental standards at the time of the emission measurement.

The attestation must indicate, in addition to its number,

- (1) the licence plate number;
- (2) the name of the driver;
- (3) the name of the person who performed the emission measurement, the person's number, if any, the address or location of the measurement and the date and time of the measurement;
- (4) the emission measurement result and the signature of the person who performed the measurement;
- (5) the environmental standards that apply to the vehicle; and
- (6) that the vehicle complies with the standards on the date and at the time of the emission measurement.

The establishment must send a copy of the attestation to the Minister using media-based information technology not later than the working day that follows the working day on which the attestation is issued.

O.C. 1244-2005, s. 16; O.C. 158-2011, s. 7.

CHAPTER V PENAL SANCTIONS

O.C. 1244-2005, c. V; O.C. 678-2013, s. 1.

17. Every person who contravenes section 10 commits an offence and is liable, in the case of a natural person, to a

fine of \$200 to \$2,000 or, in other cases, to a fine of \$400 to \$4,000.

O.C. 1244-2005, s. 17; O.C. 678-2013, s. 2.

18. Every person who contravenes section 11 commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$50,000 or, in other cases, to a fine of \$2,000 to \$100,000.

O.C. 1244-2005, s. 18; O.C. 678-2013, s. 2.

19. Every person who contravenes the first paragraph of section 6 or section 7 or 8 commits an offence and is liable, in the case of a natural person, to a fine of \$1,000 to \$100,000 or, in other cases, to a fine of \$3,000 to \$600,000.

O.C. 1244-2005, s. 19; O.C. 678-2013, s. 2.

20. Every person who offers for sale, sells or otherwise places at the disposal of a person a heavy vehicle that does not comply with this Regulation without having obtained and kept the attestation prescribed by section 11, or who, after the 30-day period set by that section and without having obtained and kept the attestation prescribed by that section, uses or allows the use of the vehicle commits an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 or, in other cases, to a fine of \$4,000 to \$200,000.

O.C. 1244-2005, s. 20; O.C. 678-2013, s. 2.

21. (Revoked).

O.C. 1244-2005, s. 21; O.C. 678-2013, s. 3.

21.1. (Revoked).

O.C. 158-2011, s. 8; O.C. 678-2013, s. 3 (See Information Note of 1 September 2013).

22. (Revoked).

O.C. 1244-2005, s. 22; O.C. 678-2013, s. 3.

23. (Omitted).

O.C. 1244-2005, s. 23.

REFERENCES

O.C. 1244-2005, 2005 G.O. 2, 5524

O.C. 158-2011, 2011 G.O. 2, 811

O.C. 678-2013, 2013 G.O. 2, 1802