

THAT the Regulation to amend the Regulation respecting crop insurance under the individual plan, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting crop insurance under the individual plan¹

Crop Insurance Act
(R.S.Q., c. A-30, ss. 47 and 74, par. *m*; 1998, c. 53, s. 8)

1. Section 3 of the French text of the Regulation respecting crop insurance under the individual plan is amended by striking out the words “et par le Plan B du groupe 6 “Pommes”” in the second paragraph.

2. Paragraph 3 of section 13 of the French text is amended by substituting the words “des Plans B et C” for the words “du Plan B” in the first and second paragraphs.

3. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

2751

Gouvernement du Québec

O.C. 247-99, 24 March 1999

Environment Quality Act
(R.S.Q., c. Q-2)

Reduction of pollution from agricultural sources — Amendments

Regulation to amend the Regulation respecting the reduction of pollution from agricultural sources

WHEREAS under paragraphs *a*, *c* to *f*, *h*, *h.1*, *h.2* and *l* of section 31, subparagraphs *c* and *k* of the first paragraph of section 70 and section 109.1 of the Environment Quality Act (R.S.Q., c. Q-2) confer to the Government the power to regulate the matters mentioned therein;

WHEREAS by Order in Council 742-97 dated 4 June 1997, the Government made the Regulation respecting the

reduction of pollution from agricultural sources, which was amended by the Regulation made by Order in Council 737-98 dated 3 June 1998;

WHEREAS it is expedient to amend the Regulation respecting the reduction of pollution from agricultural sources again;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed by section 8 of that Act if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the amendments referred to in the Regulation attached to this Order in Council must be in force within the shortest time possible because the next growing season begins in April 1999 and the spreading of fertilizers must be carried out on the basis of the new rules prescribed in those amendments, particularly as for the requirement of an agro-environmental fertilization plan and the authorized maximum quantities of phosphorus, whereas the application of the current statutory provisions governing those matters during that growing season would be severely detrimental to agricultural operators and to the development of agriculture;

— those amendments must also be in force without delay because the inherent changes brought about by the new methods for the management of beef cattle manure must be made as soon as possible to be operational before fall 1999;

IT IS ORDERED, therefore, upon the recommendation of the Minister of the Environment:

THAT the Regulation to amend the Regulation respecting the reduction of pollution from agricultural sources, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

¹ The Regulation respecting crop insurance under the individual plan was approved by Order in Council 1543-96 dated 11 December 1996 (1996, *G.O.* 2, 5443) and amended by Order in Council 170-99 dated 3 March 1999 (1999, *G.O.* 2, 301).

Regulation to amend the Regulation respecting the reduction of pollution from agricultural sources*

Environment Quality Act

(R.S.Q., c. Q-2, s. 31, pars. a, c, d, e, f, h, h.1, h.2 and l, s. 70, 1st par., subpars. c and k, s. 109.1)

1. Section 3 of the Regulation respecting the reduction of pollution from agricultural sources is amended by substituting the following for the definition of “yard”:

““yard” means an enclosure or part of an enclosure where livestock referred to in subparagraph 1 of the first paragraph of section 1 is kept, for purposes other than pasture; (*cour d'exercice*)”.

2. The following is substituted for section 11:

“**11.** The spreading of mineral fertilizers on parcels of an agricultural operation is permitted only within the limits allowing for a balance between the anticipated requirements in nutrients of the crops grown on those parcels and the nutrients supplied from the soil and fertilizers from all sources.

The anticipated requirements in nutrients shall be determined on the basis of the specifications contained in the document entitled Fertilization Recommendations published by the Conseil des productions végétales du Québec inc. (AGDEX 540, 2nd edition, 1996).”.

3. Section 12 is revoked.

4. Section 17 is amended

(1) by substituting the following for the introductory paragraph:

“**17.** The spreading limit of fertilizing substances determined by any agro-environmental fertilization plan is based, as provided in section 11, on a balance between the anticipated requirements in nutrients of the crops grown on parcels covered by the plan and the nutrients supplied by the soil and fertilizers from all sources. The nutrients supplied correspond to:”;

(2) by substituting the words “for less than five years. The sampling and analysis of the soil are carried out in the conditions and time prescribed in the Agro-environmental Fertilization Guide published by the Ministère

* The Regulation respecting the reduction of pollution from agricultural sources, made by Order in Council 742-97 dated 4 June 1997 (1997, *G.O.* 2, 2607), was last amended by the Regulation made by Order in Council 737-98 dated 3 June 1998 (1998, *G.O.* 2, 2208).

de l'Environnement” for the words “since the end of the previous growing season” in paragraph 1;

(3) by adding the words “and organic matter of the soil” at the end of paragraph 4;

(4) by adding a second paragraph as follows:

“The anticipated requirements in nutrients of crops grown on parcels covered by an agro-environmental fertilization plan shall be determined on the basis of the specifications contained in the document entitled Fertilization Recommendations published by the Conseil des productions végétales du Québec inc. (AGDEX 540, 2nd edition, 1996).”.

5. The following is inserted after section 17:

“**17.1.** Notwithstanding the provisions of sections 17.2 and 17.3 and of the obligation to minimize the risk of soil and water contamination provided for in the second paragraph of section 21, the spreading of livestock waste or farm compost on the parcels covered by an agro-environmental fertilization plan may be made, with regard to phosphorus, without taking into account the balance referred to in section 17, provided that the maximum annual quantity of phosphorus from fertilizing substances spread on those parcels is not greater than the limits given in the following cases:

(1) in the case of an agricultural operation which does not have at its disposal the required area of cropland on which to spread the total amount of livestock waste produced by its livestock and whose livestock facilities are located entirely or partially within the limits of the drainage basins of the Assomption, Chaudière and Yamaska rivers, the maximum annual quantity of phosphorus may not exceed, for the period from 1 October 2004 to 30 September 2009, the limits established in Schedule IV for the first phase and, as of 1 October 2009, the limits established by that Schedule for the second phase;

(2) in the case of an agricultural operation which does not have at its disposal the required area of cropland on which to spread the total amount of livestock waste produced by its livestock operations and whose livestock facilities are all located outside the limits of the drainage basins of the Assomption, Chaudière and Yamaska rivers, the maximum annual quantity of phosphorus may not exceed, for the period from 1 October 2005 to 30 September 2010, the limits established in Schedule IV for the first phase and, as of 1 October 2010, the limits established by that Schedule for the second phase;

(3) in the case of an agricultural operation not referred to in subparagraphs 1 and 2 and which comprises

one or more livestock facilities under liquid manure management or in which the total number of animals in all the livestock facilities corresponds to more than 75 livestock units, the maximum annual quantity of phosphorus may not exceed, for the period from 1 October 2006 to 30 September 2011, the limits established in Schedule IV for the first phase and, as of 1 October 2011, the limits established by that Schedule for the second phase;

(4) in the case of an agricultural operation not referred to in subparagraphs 1, 2 and 3 and which, considering the area of parcels to be fertilized with mineral fertilizers and the crops grown, must prepare in respect of those parcels an agro-environmental fertilization plan as prescribed by section 15, the maximum annual quantity of phosphorus may not exceed, for the period from 1 October 2007 to 30 September 2011, the limits established in Schedule IV for the first phase and, as of 1 October 2011, the limits established by that Schedule for the second phase; and

(5) in the case of an agricultural operation not referred to in subparagraphs 1, 2, 3 and 4 and in which the total number of animals in all the livestock facilities corresponds to 75 livestock units or less, the maximum annual quantity of phosphorus may not exceed, for the period from 1 October 2007 to 30 September 2011, the limits established in Schedule IV for the first phase and, as of 1 October 2011, the limits established by that Schedule for the second phase.

The required areas of cropland on which to spread livestock waste and to which subparagraphs 1 and 2 of the first paragraph refer are determined in accordance with the ratios fixed in Schedule III. In addition, only lands owned or leased by the agricultural operation and cultivated by it shall be considered for determining those areas.

17.2. In the case where the Minister authorizes, in respect of an agricultural operation referred to in subparagraphs 1, 2, 3, 4 or 5 of the first paragraph of section 17.1 under section 22 of the Environment Quality Act, the erection or the operation of a livestock facility, the changing of a building not used for breeding purposes into a livestock building, and where, within a radius of 150 m from the facility or building covered by the authorization, there is no other livestock facility and no storage that belong to the same agricultural operation, the limits established by Schedule IV in determining the maximum annual quantity of phosphorus are applicable to that agricultural operation on the following dates:

— from the date of issue of the ministerial authorization concerning the limits established for the first phase;

— for the limits established for the second phase, from the date on which the five-year period expires following the issue of the authorization, or from the date prescribed in subparagraphs 1, 2, 3, 4 or 5 of the first paragraph of section 17.1 for the application of the limits to that agricultural operation, whichever occurs first.

17.3. The quantity of phosphorus from fertilizers spread during an annual growing season on the parcels covered by an agro-environmental fertilization plan may exceed the annual maximum authorized by Schedule IV as long as the following conditions are complied with:

(1) the total quantity of phosphorus from fertilizers spread on those parcels during that growing season and the previous growing season does not exceed the total maximum quantity authorized under Schedule IV for the two seasons;

(2) the crops grown during the two seasons are different;

(3) the agro-environmental fertilization plan gives the reasons for exceeding the maximum.”

6. Section 18 is amended by substituting the words “The spreading limit of fertilizing substances determined by the agro-environmental fertilization plan” for the words “The spreading limit”.

7. Section 20 is amended

(1) by inserting the words “and in kilograms of nitrogen and phosphorus” after the words “cubic metres” in subparagraphs 4, 5, 6 and 7 of the first paragraph;

(2) by substituting the following for subparagraph 9 of the first paragraph:

“(9) the results of soil analyses of the parcels to be fertilized, in particular, their content in phosphorus, aluminium and organic matter and their percentage of phosphorus saturation, and the information required by the Agro-environmental Fertilization Guide published by the Ministère de l’Environnement in respect of the sampling carried out for the purposes of those analyses;”;

(3) by substituting the following for subparagraph 11 of the first paragraph:

“(11) for each parcel to be fertilized:

— the calculation, made for the period and according to the conditions prescribed in the guide referred to in subparagraph 9, of the anticipated evolution of the content and percentage of the soil’s saturation in phosphorus;

— the list of measures selected to monitor the content and percentage of the soil's saturation in phosphorus as prescribed by the guide mentioned above;

(11.1) the evaluation, for the period and according to the conditions prescribed in the guide referred to in subparagraph 9:

— of the quantity of phosphorus that will come from fertilizing substances other than livestock waste and farm compost produced by the agricultural operation and other than mineral fertilizers and which, considering the crops and fertilization and the spreading limits prescribed under this Regulation, may be received by that operation;

— of the quantity of phosphorus that will come from livestock waste and farm compost produced by the agricultural operation and which, considering the crops and fertilization, will exceed the spreading limits prescribed under this Regulation;”.

8. Section 26 is amended by substituting the following for the fourth dash in the second paragraph:

“ — the total area, expressed in hectares, of the parcels covered by the agro-environmental fertilization plan where the soil contains a percentage of phosphorus saturation equal to or greater than 10 % and a content in phosphorus between 150 and 500 kilograms per hectare, a content in phosphorus greater than 500 kilograms per hectare, that percentage and content being established according to the specifications in Schedule IV.”.

9. Section 77 is amended by adding the following after subparagraph 5 of the first paragraph:

“(6) the list of measures selected to eliminate or reduce the surplus, or to dispose thereof, where the evaluation made under subparagraph 11.1 of the first paragraph of section 20 indicates a surplus in phosphorus.”.

10. The introductory paragraph of section 84 is amended by striking out the words “the second paragraph of sections 91.1 and 91.2” and by substituting “, 93 and 93.3” for “and 93”.

11. The second paragraph of section 88 is amended

(1) by substituting “1999” for “1998” in subparagraph 1;

(2) by substituting “2000” for “1999” in subparagraph 2;

(3) by substituting “2001” for “2000” in subparagraph 3;

(4) by substituting “2003” for “2002” in subparagraph 4.

12. Section 90 is amended by substituting “2002” for “2001” in subparagraph 2 of the first paragraph.

13. The following is substituted for section 91:

“**91.** Any exemption granted to an agricultural operation under section 88, 89 or 90 shall cease to be applicable where the Minister authorizes in respect of that operation, under section 22 of the Environment Quality Act and after 7 April 1999, a project listed in section 70 that contains an increase in the number of livestock units greater than 50, or an alteration in the type of livestock or manure management.”.

14. The following is substituted for sections 91.1 and 91.2:

“**91.1.** Where an application for authorization for a project listed in section 70 pertains to an agricultural operation that, according to section 91, may continue to benefit from the exemption referred to in sections 88, 89 or 90, the certificate of authorization shall be issued, where applicable, on the basis of the land areas required in accordance with the ratios provided for in Schedule III.

In addition, the spreading of livestock waste shall be carried out, during the exemption period, without exceeding the maximum annual quantities provided for in that Schedule.”.

15. The following is substituted for the second paragraph of section 92:

“In addition, the maximum annual quantity of nitrogen from livestock waste or farm compost spread on that parcel shall not exceed the limits determined in accordance with the specifications prescribed in the document entitled Fertilization Recommendations published by the Conseil des productions végétales du Québec inc. (AGDEX 540, 2nd edition, 1996).”.

16. The following is inserted after section 93:

“**93.1.** Until 31 March 2003, any storage not referred to in section 44 storing only solid manure originating from beef cattle where livestock is housed in free stables and where the livestock waste is accumulated in a livestock facility by using absorbents in sufficient quantity to retain the liquid contained in the waste and the contaminated water added thereto shall be exempted from the application of the provisions of section 41 and of the first paragraph of section 42, provided however that the layout and operation of that storage, besides complying with the other provisions of this Regulation, comply

with the prescriptions of the Agro-environmentally Sound Beef Cattle Manure Management Practices Guide published by the Fédération des producteurs de bovins du Québec (Envirodoq EN981494).

In addition, any manure storage facility laid out in a cultivated field that receives only solid manure originating from beef cattle is exempt, until 31 March 2003, from the obligation to be permanently covered with a watertight material as prescribed by section 46, provided however that the storage of manure, besides complying with the other provisions of this Regulation, be carried out also in the conditions and during the periods prescribed in the guide mentioned above.

93.2. Manure liquid and contaminated water originating from a yard in which only beef cattle is raised do not need to be intercepted and channelled, until 31 March 2003, as prescribed by section 48, toward a storage that complies with the provisions of section 41 and of the first paragraph of section 42, where the following conditions are met:

(1) in the case of a yard where the concentration of the livestock exceeds five kilograms of live weight per square metre, the yard shall not be used more than 90 days per year;

(2) the number of beef cattle comprised by the livestock facility or all the facilities including that yard does not exceed the ceilings fixed in the guide referred to in section 93.1;

(3) besides complying with the other provisions of this Regulation, the layout and operation of that yard are carried out in accordance with the prescriptions of the aforementioned guide.

In addition, any yard that complies with the conditions mentioned in the first paragraph is exempt, until 31 March 2003, from the application of the provisions of subparagraph 2 of the first paragraph of section 28 regarding the extension of the protected zone in the case of a regulated ditch and a watercourse other than a river.

93.3. Any person who stores manure in a storage or in a storage facility referred to in section 93.1 shall take every measure to prevent the manure or any portion of the manure or contaminated water by those substances from being carried into a lake, watercourse, ditch, marsh, swamp, pond, spring, individual well, surface or underground water intake, or from entering the water table.

Such measures shall also be taken by any person operating a yard referred to in section 93.2.”.

17. Schedule II is revoked.

18. The Schedule attached to this Order in Council is substituted for Schedule IV.

19. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

SCHEDULE IV

(ss. 17.1, 17.2 and 17.3)

MAXIMUM ANNUAL QUANTITY OF PHOSPHORUS

The maximum annual quantity of total phosphorus from fertilizing substances spread on the parcels covered by an agro-environmental fertilization plan corresponds to the quantity obtained by adding to or subtracting from, as the case may be, the uptake in the harvested part of plants grown on those parcels, the quantities represented by the positive or negative values indicated in the table below:

Phases	Percentage of the soil's saturation in phosphorus ¹	Quantity of phosphorus to be added to or subtracted from the uptake in the harvested part of the crops ² (kg P ₂ O ₅ /ha)		
		Content of soil in phosphorus ³ (kg P/ha)		
		151 to 250	251 to 500	501 and more
Phase 1	less than 10 %		+20	0
	10 to 20 %	+40	+20	0
	more than 20 %	+40	0	0
Phase 2	10 % and less	+40	+20	-20
	more than 10 %	+20	0	-20

¹ The percentage of the soil's saturation in phosphorus is obtained by multiplying by 100 the ratio between the content of the soil and its phosphorus-binding capacity determined by its content in reactive aluminium according to the MEHLICH III method described in the Agro-environmental Fertilization Guide published by the Ministère de l'Environnement.

² The quantity of phosphorus uptake in the harvested part of crops shall be evaluated on the basis of the data mentioned in the Agro-environmental Fertilization Guide published by the Ministère de l'Environnement and the average yields per agricultural operation established by the Régie des assurances agricoles du Québec (RAAQ) under Division V of the Crop Insurance Act (R.S.Q., c. A-30). Without yields per agricultural operation established by the RAAQ, those yields must be established by using the method described in the aforementioned guide.

³ The content of the soil in phosphorus is measured in the first 20 cm of soil in the case of soil where the content in organic matter exceeds 30 %, and in the first 16.9 cm of soil in other cases, according to the MEHLICH III method described in the Agro-environmental Fertilization Guide published by the Ministère de l'Environnement.