

Regulations and other acts

Gouvernement du Québec

O.C. 687-2001, 6 June 2001

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*, *d* and *e* of section 31 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may, by regulation,

— classify contaminants and sources of contamination;

— prohibit, limit and control sources of contamination as well as the emission, deposit, issuance or discharge into the environment of any class of contaminants throughout all or part of the territory of Québec;

— determine for any class of contaminants or sources of contamination a maximum permissible quantity or concentration of emission, deposit, issuance or discharge into the environment throughout all or part of the territory of Québec;

— define standards for the protection and quality of the environment or any of its parts throughout all or part of the territory of Québec;

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 provided for in 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 the same 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 the same 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 reasons justifies the absence of prior publication and the immediate coming into force of the Regulation to amend the Regulation respecting the reduction of pollution from agricultural sources:

— the need to limit the growing number of applications related to projects involving an increase in livestock in municipalities where the level of surplus manure already constitutes a risk to the environment and the need to put into effect as soon as possible new rules concerning manure management for existing livestock;

— the need to allow the use of storage methods different from those provided for in the Regulation as of this 2001 spring growing season that has already begun;

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.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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*, and *e*)

1. Section 17.1 of the Regulation respecting the reduction of pollution from agricultural sources is amended by substituting “, 17.3 and 93.5” for “and 17.3”.

2. The following is substituted for section 32:

* 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 1004-2000 dated 24 August 2000 (2000, *G.O.* 2, 4481). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

“32. For the purposes of this Regulation, the expression “limited activity zone” means any municipality referred to in Schedule VI.1. It also means any municipality that is in one of the following situations after amalgamation with another municipality or after an increase in the number of animals on its territory :

(1) in the case of a municipality where at least 50% of the territory is located outside the limits of the drainage basin of Rivière l’Assomption, Rivière Chaudière or Rivière Yamaska, the quantity of phosphorus produced in the manure of livestock on the territory of the municipality exceeds the quantity removed in the harvested part of the crops grown on that territory ;

(2) in the case of other municipalities, the quantity of phosphorus produced in the manure of livestock on the territory of the municipality exceeds by 20 kg of P₂O₅ per hectare the quantity removed in the harvested part of the crops grown on that territory ;

A municipality that would be in one of the situations referred to in subparagraph 1 or subparagraph 2 of the first paragraph is considered a limited activity zone if a project involving an increase in the number of animals on its territory were authorized.”.

3. Section 33 is amended by substituting “municipality covered by Schedule VI or Schedule VII or in a municipality where there is a lack or land areas for spreading the livestock waste produced therein taking into account the ratios fixed in Schedule III” for “limited activity zone” and by substituting “between 3 July 1997 and 14 June 2001” for “after 3 July 1997”.

4. The following is inserted after section 33 :

“33.1. As of 14 June 2001, the following is prohibited in a limited activity zone :

- (1) any new group of facilities ;
- (2) any new livestock facility ;
- (3) any increase in the number of livestock units in a livestock facility or in a group of facilities beyond the current number in accordance with the Environment Quality Act.

Where a new livestock facility is built less than 150 m from a livestock facility or a storage already established in accordance with the Act on 14 June 2001, the number of livestock units shall not exceed the current number in a group of facilities authorized on that date.

Notwithstanding the foregoing, the prohibitions under the first or second paragraph are lifted if the live-

stock waste from the group of facilities or the livestock waste from the livestock facility that is not included in a group of facilities undergoes a full treatment authorized by the Minister pursuant to the Act and if the treatment product is used elsewhere than in an agricultural operation located in a limited activity zone.”.

5. The following is substituted for the third and fourth paragraphs of section 55 :

“In a municipality included in a limited activity zone, the operator or owner of parcels may enter into or renew an agreement for spreading liquid manure on those parcels only with a manure management organization or only if the liquid manure originates from the same municipality.”.

6. Section 84 is amended by substituting “, 33 and 33.1” for “and 33” and by substituting “, 93.3 and 93.5” for “and 93.3”.

7. Section 92.1 is amended

(1) by substituting “on 31 March 2002” for “the expiry of the period during which the agricultural operation including that livestock facility or storage is exempt under section 88 or 90” in the first paragraph ;

(2) by substituting “on 31 March 2002” for “the expiry of the period during which the agricultural operation of origin of the liquid manure is exempt under section 88 or 90” in the third paragraph.

8. Section 93.1.2 is amended by substituting “31 March 2002” for “1 October 2000”.

9. Section 93.2.1 is amended by substituting “31 March 2002” for “1 October 2000”.

10. The following is inserted after section 93.3 :

“93.4. The application for authorization related to a storage or a livestock facility referred to in section 93.1.2 or the application for authorization related to a yard referred to in section 93.2.1 shall be accompanied by a report prescribing the layouts to be made and the management conditions to be complied with in order to prevent water contamination in accordance with the provisions of section 93.

The report shall be established on the basis of the results of scientific research attested by the person who signs it. In the absence of such results, the report shall describe the method used to monitor the quality of the water. Monitoring reports shall be sent to the Minister of the Environment every three months.

The report shall be prepared and signed by

— an agrologist who is a member of the Ordre des agronomes du Québec;

— an engineer who is a member of the Ordre des ingénieurs du Québec; or

— a professional technologist who is a member of the Ordre des technologues professionnels du Québec, provided that he acts under the supervision of an agrologist.

93.5. Notwithstanding the first paragraph of section 33.1, an operation existing on 14 June 2001 is authorized to increase the number of livestock units of a group of facilities beyond the current number in accordance with the Act if the following conditions are met:

(1) manures from the agricultural operation that cannot be spread on lands belonging to that operation, in accordance with phase 2 of the phosphate-enriched fertilization standard established in Schedule IV, shall undergo a full treatment authorized by the Minister pursuant to the Act;

(2) the treatment product shall be used elsewhere than in an agricultural operation located in a limited activity zone.”.

11. Schedule VI is amended by striking out the reference to section 32 before the heading of the Schedule.

12. Schedule VI.1 appearing in the Schedule is inserted after Schedule VI.

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

SCHEDULE

(s. 12)

ESTABLISHMENT OF SCHEDULE VI.1

“SCHEDULE VI.1

(s. 32)

LIST OF MUNICIPALITIES BY REGIONAL COUNTY MUNICIPALITY

MRC

Acton

Municipality

Acton Vale (V)
Béthanie (M)
Roxton (CT)
Roxton Falls (VL)
Saint-Nazaire-d' Acton (P)
Saint-Théodore-d' Acton (P)
Sainte-Christine (P)
Upton (M)

Beauce-Sartigan

Aubert-Gallion (M)
La Guadeloupe (VL)
Saint-Benoît-Labre (M)
Saint-Éphrem-de-Beauce (M)
Saint-Georges-Est (P)
Saint-Honoré-de-Shenley (M)
Saint-Martin (P)
Saint-Philibert (M)
Saint-René (P)
Saint-Simon-les-Mines (M)

Bellechasse

Honfleur (M)
Saint-Anselme (M)
Saint-Charles-de-Bellechasse (M)
Saint-Gervais (M)
Saint-Lazare-de-Bellechasse (M)
Saint-Léon-de-Standon (P)
Saint-Malachie (P)
Saint-Nazaire-de-Dorchester (P)
Saint-Raphaël (M)
Sainte-Claire (M)

Brome-Missisquoi

Brigham (M)
Brome (VL)
Farnham (V)
Lac-Brome (V)

Charlevoix

Les Éboulements (M)
Saint-Hilarion (P)
Saint-Urbain (P)

Charlevoix-Est

La Malbaie (V)
Saint-Aimé-des-Lacs (M)
Saint-Irénée (P)

Communauté urbaine de Québec

Québec (V)
Saint-Émile (V)
Val-Bélair (V)

D'Autray

Saint-Didace (P)
Saint-Gabriel-de-Brandon (P)

Desjardins

Saint-Henri (M)

Drummond

Saint-Edmond-de-Grantham (P)
Saint-Eugène (M)
Saint-Germain-de-Grantham (M)
Saint-Nicéphore (V)
Wickham (M)

Francheville

Pointe-du-Lac (M)
Saint-Étienne-des-Grès (P)
Trois-Rivières (V)

| | | | |
|--------------------------|-----------------------------------|----------------------------|-------------------------------------|
| Joliette | | Le Haut-Richelieu | |
| | Crabtree (M) | | Mont-Saint-Grégoire (M) |
| | Saint-Ambroise-de-Kildare (P) | | Sainte-Brigide-d'Iberville (M) |
| | Sainte-Mélanie (M) | L'Érable | |
| | Saint-Paul (M) | | Laurierville (M) |
| | Saint-Pierre (VL) | | Lyster (M) |
| La Haute-Yamaska | | Les Chutes-de-la-Chaudière | |
| | Bromont (V) | | Saint-Étienne-de-Lauzon (M) |
| | Granby (CT) | | Saint-Lambert-de-Lauzon (P) |
| | Granby (V) | Les Etchemins | |
| | Roxton Pond (M) | | Saint-Benjamin (M) |
| | Saint-Alphonse (P) | | Sainte-Germaine-du-Lac-Etchemin (P) |
| | Sainte-Cécile-de-Milton (CT) | Les Maskoutains | |
| | Saint-Joachim-de-Shefford (P) | | La Présentation (P) |
| | Shefford (CT) | | Saint-Barnabé-Sud (M) |
| | Warden (VL) | | Saint-Bernard-de-Michaudville (M) |
| La Jacques-Cartier | Saint-Gabriel-de-Valcartier (M) | | Saint-Dominique (M) |
| | Shannon (M) | | Saint-Hugues (M) |
| L'Amiante | | | Saint-Hyacinthe (V) |
| | Adstock (M) | | Saint-Hyacinthe-le-Confesseur (P) |
| | Robertsonville (VL) | | Saint-Jude (M) |
| | Sacré-Coeur-de-Jésus (P) | | Saint-Liboire (M) |
| | Sainte-Clotilde-de-Beauce (M) | | Saint-Louis (P) |
| | Saint-Pierre-de-Broughton (M) | | Saint-Pie (P) |
| La Nouvelle-Beauce | | | Saint-Pie (V) |
| | Frampton (M) | | Saint-Simon (P) |
| | Saint-Bernard (M) | | Saint-Valérien-de-Milton (CT) |
| | Saint-Elzéar (M) | | Sainte-Hélène-de-Bagot (M) |
| | Saint-Isidore (M) | | Sainte-Rosalie (P) |
| | Sainte-Hénédine (P) | Le Val-Saint-François | |
| | Sainte-Marguerite (P) | | Bonsecours (M) |
| | Sainte-Marie (V) | | Maricourt (M) |
| | Saints-Anges (P) | | Sainte-Anne-de-la-Rochelle (M) |
| | Scott (M) | | Valcourt (CT) |
| | Vallée-Jonction (M) | | |
| La Rivière-du-Nord | | Lotbinière | |
| | Bellefeuille (V) | | Dosquet (M) |
| | Prévost (V) | | Saint-Agapit (M) |
| | Saint-Hippolyte (P) | | Saint-Apollinaire (M) |
| | Sainte-Sophie (M) | | Saint-Flavien (M) |
| L'Assomption | | | Saint-Gilles (P) |
| | L'Épiphanie (P) | | Saint-Narcisse-de-Beaurivage (P) |
| La Vallée-du-Richelieu | | | Saint-Patrice-de-Beaurivage (M) |
| | Saint-Jean-Baptiste (P) | | Saint-Sylvestre (M) |
| Le Bas-Richelieu | | Maskinongé | |
| | Massueville (VL) | | Louiseville (V) |
| Le Centre-de-la-Mauricie | | | Saint-Paulin (M) |
| | Saint-Boniface-de-Shawinigan (VL) | | Sainte-Angèle-de-Prémont (M) |
| | Saint-Élie (P) | Matawinie | Yamachiche (M) |
| Le Granit | | | |
| | Lac-Drolet (M) | | Saint-Alphonse-Rodriguez (M) |
| | Nantes (M) | | Saint-Damien (P) |
| | Saint-Augustin-de-Woburn (P) | | Saint-Félix-de-Valois (M) |
| | Sainte-Cécile-de-Whitton (M) | | Saint-Jean-de-Matha (M) |
| | Val-Racine (P) | | Sainte-Béatrix (M) |

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| Memphrémagog | Stukely-Sud (VL) |
| Montcalm | Saint-Alexis (P) Saint-Calixte (M) Saint-Esprit (M) Saint-Liguori (P) Saint-Lin-Laurentides (V) Saint-Roch-de-l'Achigan (P) Saint-Roch-Ouest (M) Sainte-Julienne (M) Sainte-Marie-Salomé (P) |
| Montmagny | Saint-François-de-la-Rivière- du-Sud (M) |
| Robert-Cliche | Beauceville (V) Saint-Frédéric (P) Saint-Joseph-de-Beauce (V) Saint-Joseph-des-Érables (M) Saint-Jules (P) Saint-Odilon-de-Cranbourne (P) Saint-Séverin (P) Saint-Victor (M) Tring-Jonction (VL) |
| Rouville | Ange-Gardien (M) Saint-Césaire (V) Saint-Paul-d'Abbotsford (P)". |