

Regulations and other acts

Gouvernement du Québec

O.C. 1330-2002, 20 November 2002

Environment Quality Act
(R.S.Q., c. Q-2; 2001, c. 59)

Agricultural Operations and Groundwater Catchment

— Amendments

Regulation to amend the Agricultural Operations Regulation and the Groundwater Catchment Regulation

WHEREAS, under the first paragraph of section 2 of the Act to impose restrictions on pig farming (2002, c. 18), assented to on 8 June 2002, the Government had to make, no later than 15 June 2002, a regulation to replace the Regulation respecting the reduction of pollution from agricultural sources made by Order in Council 742-97 dated 4 June 1997;

WHEREAS, under paragraphs *a*, *c*, *d* to *h*, *j*, *k* and *m* of section 31, subparagraphs 1 to 5 of the first paragraph of section 53.30, paragraphs 1, 2, 3, 5 and 8 of section 70 and sections 109.1 and 124.1 of the Environment Quality Act (R.S.Q., c. Q-2; 2001, c. 59, s. 1), the Government made the Agricultural Operations Regulation by Order in Council 695-2002 dated 12 June 2002;

WHEREAS, under paragraphs *b*, *c*, *e*, *g*, *h.1*, *h.2*, *k* and *m* of section 31, paragraphs *a*, *b*, *d*, *p*, *q*, *r* and *s* of section 46, section 86, paragraph *a* of section 87 and sections 109.1 and 124.1 of the Environment Quality Act, the Government made the Groundwater Catchment Regulation by Order in Council 696-2002 dated 12 June 2002;

WHEREAS, due to the correlation between the provisions of the Agricultural Operations Regulation and certain provisions of the Groundwater Catchment Regulation, both regulations came into force on the same date;

WHEREAS it is expedient to clarify certain provisions of the Agricultural Operations Regulation in order to avoid any interpretation difficulties and allow for a better application of the Regulation;

WHEREAS it is expedient to amend the Groundwater Catchment Regulation in order to, on the one hand, strengthen the standards on the spreading of certain fertilizing waste substances near groundwater catchment

sites considering the potential presence of human-induced pathogenic viruses, and on the other hand, to avoid inequity in the collection of duties and to better specify, in relation to certain offences, who may be subject to penal proceedings;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation may be made without having been published as provided for in section 8 of that Act where 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 need to clarify as soon as possible certain provisions of the Agricultural Operations Regulation in order to clear up any ambiguities with respect to their application;

— the need to adequately protect public health by strengthening as soon as possible the standards prescribed by the Groundwater Catchment Regulation relating to the spreading of certain fertilizing waste substances near groundwater catchment sites considering the potential presence of human-induced pathogenic viruses;

— the need to specify as soon as possible, in the Groundwater Catchment Regulation, the offender in respect of certain offences created by the Regulation, and the need to fix a common coming into force with respect to the collection of duties;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Municipal Affairs and Greater Montréal, the Environment and Water and Minister of the Environment:

THAT the Regulation to amend the Agricultural Operations Regulation and the Groundwater Catchment Regulation, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Agricultural Operations Regulation¹ and the Groundwater Catchment Regulation²

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, par. c., ss. 109.1 and 124.1)

1. Section 22 of the Agricultural Operations Regulation is amended by adding the following subparagraph to the second paragraph and after subparagraph 2:

“(3) operators of raising sites with solid manure management whose annual phosphorus (P₂O₅) production is 1 600 kg or less and who have cultivated parcels whose cumulative area is that referred to in subparagraph 2.”.

2. Section 35 is amended by substituting the words “subparagraphs 1 and 3” for the words “subparagraph 1” in the first paragraph.

3. Section 46 is amended as follows:

(1) by substituting the words “is permitted” for the words “may be authorized” in subparagraph 1 of the first paragraph;

(2) by substituting the words “is prohibited” for the words “may not be authorized” in subparagraph 2 of the first paragraph;

(3) by substituting the words “is prohibited” for the words “may not be authorized” in the part preceding clause *a* of subparagraph 3 of the first paragraph; and

(4) by substituting the words “is permitted only” for the words “may only be authorized” in the second paragraph.

4. Section 47 is amended as follows:

(1) by substituting “is permitted” for the words “may be authorized” in paragraph 1; and

(2) by substituting the words “is prohibited” for the words “may not be authorized” in paragraph 2.

5. Section 48 is amended by substituting the words “is permitted” for the words “may be authorized”.

6. The following section is inserted after section 48:

“**48.1.** Subject to the other provisions of this Regulation, the purpose of this Division is not to restrain the operating rights conferred by an authorization certificate issued before 15 June 2002.”.

7. Section 26 of the Groundwater Catchment Regulation is amended as follows:

(1) by adding the following sentence at the end of the first paragraph: “The distance is increased to 100 m for sludge that comes from municipal wastewater treatment works or from any other treatment or collection works of a sanitary wastewater system, or for substances containing such sludge, and where that sludge or those substances are not certified to comply with the CAN/BNQ 0413-200 or CAN/BNQ 0413-400 standards.”;

(2) by substituting the words “the fertilizing waste substances certified to comply with the CAN/BNQ 0413-200, CAN/BNQ 0413-400 or NQ 0419-090 standards” for the words “the fertilizing waste substances that comply with the CAN/BNQ 0413-200 standards” in the second paragraph;

(3) by inserting the following paragraph after the second paragraph:

“The spreading of sludge from municipal wastewater treatment works or from any other treatment or collection works of a sanitary wastewater system, or substances containing such sludge, is prohibited within the virological protection area of a groundwater catchment site where such water is considered vulnerable or where the DRASTIC vulnerability index is equal to or greater than 100 over any portion of that area. The spreading prohibition does not apply to sludge or substances containing sludge certified to comply with the CAN/BNQ 0413-200 or CAN/BNQ 0413-400 standards.”; and

(4) by substituting the words “the fertilizing waste substances certified to comply with the CAN/BNQ 0413-200, CAN/BNQ 0413-400 or NQ 0419-090 standards” for the words “the fertilizing waste substances that comply with the CAN/BNQ 0413-200 standards” and by substituting “by this section” for “in the previous paragraphs” in the last paragraph.

¹ The Agricultural Operations Regulation, made by Order in Council 695-2002 dated 12 June 2002 (2002, *G.O.* 2, 2643), has not been amended since it was made.

² The Groundwater Catchment Regulation, made by Order in Council 696-2002 dated 12 June 2002 (2002, *G.O.* 2, 2657), has not been amended since it was made.

8. Section 30 is amended as follows :

(1) by inserting the words “where such water is considered vulnerable or” after the word “site” in subparagraph 2; and

(2) by adding the following second paragraph :

“Storage in a cultivated field, directly on the ground, of sludge from municipal wastewater treatment works or from any other treatment or collection works of a sanitary wastewater system, or substances containing such sludge, is prohibited within the virological protection area of a groundwater catchment site where such water is considered vulnerable or where the DRASTIC vulnerability index is equal to or greater than 100 over any portion of that area. The storage prohibition does not apply to sludge or substances containing sludge certified to comply with the CAN/BNQ 0413-200 or CAN/BNQ 0413-400 standards.”.

9. Section 51 is amended by substituting the words “Any person” for the words “Any owner of a catchment work or catchment site”.

10. Section 56 is amended by adding the following third paragraph :

“For the purposes of section 26 and until 15 June 2006, the virological protection area considered vulnerable of a groundwater catchment site the average daily flow of which is greater than 75 m³ shall correspond to the area defined by a 300-m radius around the catchment site.”.

11. Section 57 is amended by adding the following third paragraph :

“For the purposes of section 30 and until 15 June 2006, the virological protection area considered vulnerable of a groundwater catchment site shall correspond to the area defined by a 300-m radius around the catchment site.”.

12. Section 58 is amended by substituting “41” for “40” after the words “referred to in section”.

13. Section 65 is amended by substituting the words “sections 31 to 38 that apply to the territories referred to in section 41 as of” for the words “their application to the territories referred to in section 41 for which they come into force on” in paragraph 2.

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

Gouvernement du Québec

O.C. 1339-2002, 20 November 2002

An Act respecting the Ministère des Finances
(R.S.Q., c. M-24.01)

**Signing of certain documents
— Amendments**

Regulation to amend the Regulation respecting the signing of certain documents of the Ministère des Finances

WHEREAS, under the second paragraph of section 11 of the Act respecting the Ministère des Finances (R.S.Q., c. M-24.01), subject to the provisions of the Act or any other Act, a deed, document or writing is binding on the Minister or may be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only to the extent determined by the Government ;

WHEREAS, under section 55 of the Act, any regulation made under section 8 of the Financial Administration Act (R.S.Q., c. A-6) as it read on 14 November 2000 shall retain its effects as if it had been adopted under section 11 of the Act respecting the Ministère des Finances ;

WHEREAS, by Order in Council 1109-2002 dated 25 September 2002, the Minister and the Ministère des Finances have been designated under the names Minister of Finance, the Economy and Research and Ministère des Finances, de l'Économie et de la Recherche ;

WHEREAS, by Order in Council 1116-2002 dated 25 September 2002, an Associate Deputy Minister to Finance was appointed to the Ministère des Finances, de l'Économie et de la Recherche ;

WHEREAS the Regulation respecting the signing of certain documents of the Ministère des Finances, made by Order in Council 1243-97 dated 24 September 1997, under section 8 of the Financial Administration Act, does not authorize the Associate Deputy Minister to Finance to sign the documents emanating from his sector of responsibility ;

WHEREAS it is expedient to amend the Regulation respecting the signing of certain documents of the Ministère des Finances, in order to authorize the Associate Deputy Minister to Finance to sign the documents of the Ministère des Finances, de l'Économie et de la Recherche relating to his sector of responsibility ;