

Regulation to amend the Agricultural Operations Regulation**Environment Quality Act**

(chapter Q-2, ss. 53.30, 70, 95.1, 115.27 and 115.34; 2017, chapter 4)

1. The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended by replacing section 2 by the following:

“2. This Regulation applies to certain agricultural activities, the raising facilities, the storage facilities for livestock waste, the spreading and treatment of livestock waste, and to the use of fertilizers.

This Regulation does not apply to the raising of canidae and felidae, except for fox farming, silviculture and seedling production for reforestation, and aquaculture sites, commercial fishing ponds, zoos, parks and zoological gardens.”.

2. Section 3 is amended

(1) by inserting the following definitions in alphabetical order:

““agricultural activities” means the raising of livestock, tilling of soil to cultivate crops, plant and mushroom cultivation, storage, drying and washing of crops harvested at more than 50% by the operator of a raising site or the operator of a spreading site, and the manufacture of food on a raising site to feed the livestock on the raising site; (*activités agricoles*)

“farm product” means any product resulting from an agricultural activity; (*produit de ferme*)”;

(2) by replacing the definitions of “livestock waste”, “solid manure management” and “parcel” by the following:

““livestock waste” means animal urine and fecal matter and includes bedding used as absorbents, water that came into contact with livestock waste and wastewater from farm dairies stored in a storage facility. Livestock waste also includes farm products, peat moss-based growing substrates, silage leachate, greenhouse nutrient feedwater, crop residues and mineral fertilizers where those substances are stored with livestock waste produced on the raising site in a proportion of no more than 5% of the total volume of the storage facility; (*déjections animales*)

“parcel” means a portion of land forming a single block, planted with the same crop and requiring the same fertilization, belonging to the same owner; (*parcelle*)

“solid livestock waste management” means a method of removing livestock waste in a solid state, with the liquids having been absorbed by the solid matter through the use of bedding in sufficient quantity or through other means to increase the dryness of the waste to a value greater than 15% at the outlet of a livestock building; (*gestion sur déjection animale solide*).

3. Section 4 is amended by replacing the second paragraph by the following:

“Except for fording watercourses, it is prohibited to allow livestock to access a pond, peatbog, lake or watercourse within a distance of 3 m, or at a distance established by municipal by-law if it is greater than 3 m.

The relative distance from a lake or watercourse is measured from the high-water mark and, where there is a slope, that distance must include a width of at least 1 m at the top of the slope. The relative distance from a pond or a peatbog is measured from the limit of the pond or peatbog.”.

4. Section 6 is replaced by the following:

“6. It is prohibited to erect, lay out or expand a raising or storage facility less than 15 m from wetlands and bodies of water within the meaning of section 46.0.2 of the Environment Quality Act (chapter Q-2), other than floodplains and shores.

The erection or reconstruction of a raising facility or a storage facility is also prohibited in a 20-year and 100-year floodplain, except, in the latter case, if the infrastructures are flood-proofed.

The relative distance from a lake and watercourse is measured from the high-water mark and, where there is a slope, that distance must include a width of at least 1 m at the top of the slope. The relative distance from a pond, marsh, swamp and peatbog is measured from the limit of the latter.”.

5. The title of Division II of Chapter III is replaced by “STORAGE OF FERTILIZERS”.

6. The following is inserted after section 8:

“8.1. Wastewater from toilets laid out in a raising facility may be stored in a watertight storage facility of the raising site if the volume of wastewater is equal to or lower than 0.1% on a dry basis of the volume of livestock waste produced annually on the raising site.”.

7. The following is inserted after section 9.3:

“9.4. The operator of a raising or spreading site may store piles on ground of farm products, crop residues and peat moss-based growing substrates on the following conditions:

- (1) the volume of the pile may not exceed 150 m³ per raising or spreading site;
- (2) the dryness of the pile is at least 15%;
- (3) contaminated water from the pile must not enter the surface water;
- (4) runoff must not reach the pile;
- (5) the pile must be located more than 30 m from wetlands and bodies of water; and
- (6) the pile must be completely removed and spread on cultivated parcels within 12 months of the first input forming the pile.

The operator of a raising or spreading site must keep a storage register for each pile and record in the register the location of the pile, the date of the first input forming the pile and the date the pile is completely removed.

The operator of a raising or spreading site must be in possession of a copy of that register and keep it for a minimum of 5 years from the date on which the pile is completely removed. The operator must provide the copy to the Minister upon request within the time indicated by the Minister.”.

8. Section 22 is amended by adding the following at the end of the second paragraph:

(4) operators of spreading sites or raising sites where crop cultivation referred to in the third paragraph of section 50.3 takes place.”.

9. Section 29.1 is amended by adding the following subparagraph at the end of the first paragraph:

“(3) human waste.”.

10. Section 30 is replaced by the following:

“**30.** The spreading of fertilizers is prohibited

(1) less than 3 m from wetlands and bodies of water, other than floodplains, or at the distance established by municipal by-law if it is greater than 3 m;

(2) less than 1 m from ditches along public or private roads, common ditches and drainage ditches, as defined in subparagraphs 2 to 4 of the first paragraph of section 103 of the Municipal Powers Act (chapter C-47.1) and, where there is a slope, that distance must include a width of at least 1 m at the top of the slope.

The spreading of fertilizers must be spread in such manner that there is no runoff from the fertilizers into the areas described in the first paragraph.

The relative distance from a lake and watercourse is measured from the high-water mark and, where there is a slope, that distance must include a width of at least 1 m at the top of the slope. The relative distance from a pond, marsh, swamp and peatbog is measured from the limit of the latter.

For the purposes of this section, floodplains do not include shores”.

11. Section 32 is amended by replacing the fourth paragraph by the following:

“Livestock waste from solid livestock waste management from cattle raising referred to in the third paragraph may also be spread by means of equipment provided for in the second and third paragraphs, provided that the waste’s dryness is equal to or lower than 15% before spreading, by being exposed to natural precipitations, by adding water until the dryness is reached, or by a combination of both methods.”.

12. The following is inserted after section 34:

“**34.1.** The operator of a raising or spreading site who carries out composting on a raising or spreading site must keep a storage register for each compost pile and record in the register the location of the pile, the date of the first input forming the pile and the date the pile is completely removed.

The operator of a raising or spreading site must be in possession of a copy of that register and keep it for a minimum of 5 years from the date on which the pile is completely removed. The operator must provide the copy to the Minister upon request within the time indicated by the Minister.”.

13. Chapter IV is revoked.

14. Section 43.1 is amended

(1) by inserting “, the second and third paragraphs of section 9.4 or section 34.1” in paragraph 3 after “section 9.2”;

(2) by striking out paragraphs 14 and 15.

15. Section 43.4 is amended by adding the following paragraph at the end:

“(18) to comply with the volume of wastewater from toilets that may be stored in a storage facility, in accordance with section 8.1.”.

16. Section 43.5 is amended

(1) by replacing “watercourses and bodies of water and their riparian strip in accordance with” in paragraph 1 by “a pond, peatbog, lake or watercourse at the distance established in”;

(2) by inserting the following after paragraph 4:

“(4.1) to comply with the conditions provided for in the first paragraph of section 9.4 to store piles on ground of farm products, crop residues and peat moss-based growing substrates;”;

(3) by striking out paragraphs 7, 8 and 10.

17. Section 43.6 is amended by replacing “in a watercourse, lake, swamp, natural marsh or pond and the 15 m area on each side or around those areas” in paragraph 1 by “at less than 15 m from wetlands and bodies of water or of erecting or reconstructing a raising facility or a storage facility in a 20-year and 100-year floodplain”.

18. Section 44 is amended

(1) by inserting “the second and third paragraphs of section 9.4,” after “section 9.2,”;

(2) by replacing “33 or 34” by “33, 34 or 34.1”;

(3) by replacing “section 35.2 or 36, the fifth paragraph of section 39 or the third paragraph of section 40” by “section 35.2 or 36”.

19. Section 44.4 is amended by replacing paragraph 1 by the following:

“(1) contravenes the second paragraph of section 4, the first paragraph of section 9, section 9.1 or 9.3, the first paragraph of section 9.4, section 14 or 22 or the first paragraph of section 50.3;”.

20. Section 44.6 is amended

(1) by inserting “8.1,” after “5,”;

(2) by replacing “third paragraph of section 30” by “second paragraph of section 30”.

21. Section 50.01 is amended by striking out “, 39”.

22. Section 50.3 is amended by adding the following paragraph at the end:

“This section does not apply to crop cultivation authorized under section 22 of the Environment Quality Act (chapter Q-2) where it is done in the following manner:

(1) it does not involve the stripping of the soil in the case of large crops (corn, cereals or soy);

(2) it is done at 15 m or more from wetlands and bodies of water within the meaning of section 46.0.2 of the Environment Quality Act, other than floodplains and shores;

(3) it is done in accordance with an agro-environmental fertilization plan required under section 22, the plan being restricted to the maximum annual deposits provided for in the charts in Schedule I for each cultivated parcel;

(4) it is done as part of biological production certified by a recognized certification body, production in the process of being pre-certified as biological by such a body or as part of production not using synthetic pesticides;

(5) it is done in a sub-watershed where the water quality at the outlet of the watercourse does not exceed 0.03mg/l of phosphorus content.”.

23. Section 50.4 is revoked.

24. Schedule VI is amended by inserting “Female fox and its offspring” and “0.962” in the columns “Category” and “Factor” of the Type of animal “Fur animals” after “Adult mink — male” “0.502”.

25. Schedule VII is amended by inserting “Female fox and its offspring” and “0.802” in the columns “Category” and “Factor” of the Type of animal “Fur animals” after “Adult mink — male” “0.418”.

26. The Regulation is amended by replacing “manure” wherever it appears by “livestock waste”.

27. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.