

22. Section 28 is amended

- (1) by striking out paragraph 1;
- (2) by adding the following:

“(5) to provide the attestation of category containing the information provided for in section 25.1.”.

23. Section 29 is amended

- (1) by replacing paragraph 3 by the following:

“(3) fails to condition the residual materials in accordance with the maximum particle size provided for in section 18;”;

- (2) by striking out paragraph 4.

24. Section 31 is amended by replacing “the second paragraph of section 7 or any of sections 9 to 13” at the end by “any of sections 9 to 13 or section 25.1”.

25. Section 32 is amended by replacing “to 24” by “to 18, 20 to 24”.

26. Schedule II is amended

- (1) by striking out “granular” in subparagraph 6 of the first paragraph;

- (2) by striking out the word “granular” in “cooked granular materials” wherever it appears;

- (3) by striking out the word “granular” in “other residual granular materials” wherever it appears.

27. This Regulation comes into force on (*insert the date occurring 90 days after the date of publication of this Regulation*).

105683

Draft Regulation

Environment Quality Act
(chapter Q-2)

**Agricultural operations
—Amendment**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Agricultural Operations Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Agricultural Operations Regulation (chapter Q-2, r. 26) to make it possible for operators of raising sites for certain animal species to use a nutrient balance method to establish the raising site’s annual phosphorus (P_2O_5) production, and to set out the conditions applicable to the use of that method.

Despite a prohibition from cultivating crops in the territory of a municipality listed in Schedules II, III and V, the draft Regulation provides for the possibility of cultivating new areas in those territories, on certain conditions.

Lastly, the draft Regulation specifies the possibility of moving a cultivated parcel on certain conditions, in particular between owners during an expropriation.

The amendments reduce the administrative burden on enterprises.

Further information on the draft Regulation may be obtained by contacting Maude Durand, team leader, Bureau de stratégie législative et réglementaire, Ministère de l’Environnement et de la Lutte contre les changements climatiques, 900, boulevard René-Lévesque Est, bureau 800, Québec (Québec) G1R 2B5; telephone: 418 521-3861, extension 4466; email: question.bslr@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Maude Durand at the above contact information.

BENOIT CHARETTE
*Minister of the Environment and the Fight Against
Climate Change*

**Regulation to amend the Agricultural
Operations Regulation**

Environment Quality Act
(chapter Q-2, ss. 95.1, 115.27, 115.34 and 124.1)

1. The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended by inserting the following after section 28.3:

“**28.4.** The operator of a site referred to in section 28.1 may use a nutrient balance method to establish the raising site’s annual phosphorus (P_2O_5) production. For that purpose, the operator must give a written mandate to an agrologist to collect the data required to establish a nutrient balance method, make the calculations pertaining to the nutrient balance method and prepare the annual report on the nutrient balance method. The mandate must be given not later than 1 April of the year preceding the year in which the nutrient balance method will be used.

A nutrient balance method may be used if the following conditions are met:

- (1) only the following types of animals are concerned:
 - (a) pullets - eggs for consumption;
 - (b) laying hens - eggs for consumption;
 - (c) suidae other than wild boar;

- (2) a characterization referred to in section 28.1 must have been made for the raising site, in accordance with the first paragraph of section 28.3.

The annual phosphorus (P_2O_5) production calculated using the method referred to in this section is established in an annual report, dated and signed by the agrologist, which the operator must obtain not later than 1 April following the period covered by the data collection, and which must contain the following information:

- (1) the period covered by the use of a nutrient balance method;

- (2) the quantity of each type of food and ingredient used for each type of animal referred to in the nutrient balance method during the period covered by the annual report;

- (3) the total phosphorus content of each lot of food or ingredients received or produced and supplied to each type of animal during the period covered by the annual report; that content must be established by a laboratory, or have been established by the manufacturer or supplier of the food or ingredients;

- (4) for the period covered by the annual report, the number and average weight of all animals, according to type, that entered, left, died and were in inventory, the average weight gain of animals and, where applicable, the number of eggs produced and their average weight;

- (5) an estimate of the phosphorus (P_2O_5) content of animal waste produced for each type of animal covered by the annual report.

Despite the fourth paragraph of section 28.3, where the method referred to in the first paragraph is used, the time elapsed between 2 non-consecutive characterizations for the animals referred to in the annual report may not exceed 10 years. In such a case, despite the sixth paragraph of section 28.1, the documents referred to in that paragraph must be kept for a minimum of 10 years from the date of signature.

The annual report and the data used to prepare it must be kept by the operator for a minimum of 5 years from the date of signature of the report. They must be provided to the Minister upon request within the time indicated by the Minister.”

2. Section 43.2 is amended

- (1) by adding “or, as the case may be, the fourth paragraph of section 28.4” at the end of paragraph 5;

- (2) by inserting the following after paragraph 6:

“(6.1) to keep the annual report and the data used to prepare it during the period referred to or to provide them to the Minister upon request in accordance with the fifth paragraph of section 28.4;”.

3. Section 43.3 is amended

- (1) by inserting “or, as the case may be, the fourth paragraph of section 28.4” after “28.2” in paragraph 7;

- (2) by inserting the following after paragraph 7:

“(7.1) to obtain an annual report dated and signed by an agrologist containing the information on the nutrient balance method, in accordance with the third paragraph of section 28.4;”.

4. Section 43.4 is amended by inserting the following after paragraph 12:

“(12.1) to give a written mandate to an agrologist, within the time provided for, where a nutrient balance method is used, in accordance with the first paragraph of section 28.4;

(12.2) to comply with the conditions set out for the use of the nutrient balance method, in accordance with the second paragraph of section 28.4;”.

5. Section 44.1 is amended

- (1) by inserting “, the fifth paragraph of section 28.4” after “28.2” in the first paragraph;

- (2) by replacing the second paragraph by the following:

“Every person who

- (1) fails to attach to the plan, at the end of the growing season, the fertilization report actually carried out provided for in section 25,

(2) fails to keep the annual report and the documents referred to in the fourth paragraph of section 28.4 for the period provided for therein,

also commits an offence and is liable to the same fines.

6. Section 44.2 is amended

(1) by replacing “the first paragraph of section 29 or the sixth paragraph of section 35” in the first paragraph by “the third paragraph of section 28.4, the first paragraph of section 29 and the sixth paragraph of section 35”;

(2) by replacing the second paragraph by the following:

“Every person who

(1) fails to ensure the follow-up of the recommendations contained in the agro-environmental plan at the end of the crop season in accordance with section 25,

(2) fails to comply with the characterization frequency provided for in the fourth paragraph of section 28.4,

also commits an offence and is liable to the same fines.

7. Section 44.3 is amended by inserting “the first or second paragraph of section 28.4,” after “28.2.”

8. Section 50.3 is amended by adding the following after subparagraph 3 of the second paragraph:

“(4) in an area previously occupied by a ditch, a farm road, a building or a man-made rock pile, in a raising site or spreading site situated in the territory of a municipality listed in Schedule II, III or V, provided that the crops are cultivated outside the littoral zone of a lake or watercourse and a 3 m strip from it.”

9. Section 50.4 is replaced by the following:

“**50.4.** The owner of a raising site or a spreading site referred to in subparagraph 1, 2 or 2.1 of the second paragraph of section 50.3 may move a cultivated parcel on the following conditions:

(1) a written notice to that effect, given on the form available on the website of the Ministère du Développement durable, de l’Environnement et des Parcs, is transmitted electronically to the Minister at least 30 days before the beginning of work, other than tree-clearing work, containing the following elements:

(a) the area and the location, using a georeferenced plan, of the parcel that will no longer be used for crop cultivation, as well as those of the parcel that will be cultivated after the move, including in particular the numbers of the lots on which each parcel is situated and the name of the cadastre in which they are situated;

(b) the signature of the owner or owners of the parcels concerned by the move;

(c) a declaration by the agrologist certifying that crop cultivation on the new parcel will comply with the location standards applicable under a regulation made under the Environment Quality Act (chapter Q-2);

(2) the new parcel that will be cultivated after the move is situated outside the littoral zone of a lake or watercourse and a 3 m strip from it;

(3) where the new parcel that will be cultivated after the move is situated in a wetland, crop cultivation on that new parcel is authorized under subparagraph 4 of the first paragraph of section 22 of the Environment Quality Act, eligible for a declaration of compliance under section 343.1 of the Regulation respecting the regulatory scheme applying to activities on the basis of their environmental impact (chapter Q-2, r. 17.1), as inserted by section 30 of the Regulation to amend mainly the Regulation respecting compensation for adverse effects on wetlands and bodies of water and other regulatory provisions, made by Order in Council 1369-2021 dated 27 October 2021, and declared in accordance with that Regulation or exempted under section 345.1 of that Regulation, as renumbered by section 25 of the Regulation to amend mainly the Regulation respecting compensation for adverse effects on wetlands and bodies of water and other regulatory provisions, made by Order in Council 1369-2021 dated 27 October 2021;

(4) the new parcel that will be cultivated after the move is situated in the same municipality as the parcel that will no longer be used for crop cultivation, in a municipality bordering that municipality or in any other municipality situated within 50 km of the boundaries of the parcel that will no longer be used;

(5) the owner of the parcel that will no longer be used for crop cultivation is also the owner of the new parcel that will be cultivated after the move, except where the parcel that will no longer be used for cultivation is subject to an expropriation.

For the purposes of subparagraph 5 of the first paragraph, the move must take place within 24 months after ownership of the property is transferred in accordance with one of the situations provided for in section 53 of the Expropriation Act (chapter E-24).”

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

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