

For soils buried at a place on the site of origin, the owner of the soils must weigh them before burial.

The devices used to weigh the soils must be used and maintained so as to provide reliable data and be calibrated at least once a year.

This section does not apply when the receiving site is a landfill site reserved for the exclusive use of an industrial, commercial or other establishment, if data on the quantity of soils buried there may be obtained otherwise.

9. The increase provided for in section 4 of the Regulation respecting the charges payable for the disposal of residual materials (chapter Q-2, r. 43) must be included in the calculation of the charges prescribed by this Regulation, except if that charge is payable for soils intended for a contaminated soil processing site or contaminated soil transfer station referred to in the second paragraph of section 6 of the Regulation respecting contaminated soil storage and contaminated soil transfer stations (chapter Q-2, r. 46).

The Minister must publish, on 1 January of each year, the results of the calculation by any means the Minister considers appropriate.

10. Charges payable under this Regulation must be paid in full within 30 days after the Minister notifies a notice of claim stating the amount owed.

The charges are payable in cash, by cheque or postal order made out to the Minister of Finance, or by electronic means.

CHAPTER III PENALTIES

11. A monetary administrative penalty of \$350 in the case of a natural person or \$1,500 in other cases may be imposed on any person who fails to send the information listed in the second paragraph of section 7 to the Minister, within the time and on the conditions set out in that paragraph.

12. A monetary administrative penalty of \$500 in the case of a natural person or \$2,500 in other cases may be imposed on any person who fails

(1) to pay the charges prescribed in section 5 or 6 or in the first paragraph of section 7 or to pay them on the conditions set out in section 10;

(2) to weigh soils as prescribed in the first and second paragraphs of section 8;

(3) to comply with the conditions for using or maintaining devices referred to in the third paragraph of section 8.

13. Every person who contravenes the second paragraph of section 7 commits an offence and is liable, in the case of a natural person, to a fine of \$2,000 to \$100,000 and, in other cases, to a fine of \$6,000 to \$600,000.

14. Every person who fails

(1) to pay the charges prescribed in section 5 or 6 or in the first paragraph of section 7 or to pay them on the conditions set out in section 10,

(2) to weigh soils as prescribed in the first and second paragraphs of section 8,

(3) to comply with the conditions for using or maintaining devices referred to in the third paragraph of section 8,

commits an offence and is liable, in the case of a natural person, to a fine of \$2,500 to \$250,000 and, in other cases, to a fine of \$7,500 to \$1,500,000.

CHAPTER IV FINAL

15. This Regulation comes into force on 1 January 2024.

105940

Gouvernement du Québec

O.C. 1460-2022, 3 August 2022

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (2022, chapter 8)

Agricultural Operations —Amendment

Regulation to amend the Agricultural Operations Regulation

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Environment Quality Act (chapter Q-2), the Government may make regulations to prohibit,

limit and control sources of contamination and the release into the environment of any class of contaminants for all or part of the territory of Québec;

WHEREAS, under subparagraph 7 of the first paragraph of section 95.1 of the Act, the Government may make regulations to define environmental protection and quality standards for all or part of the territory of Québec;

WHEREAS, under subparagraph 20 of the first paragraph of section 95.1 of the Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), the Government may make regulations to prescribe the records, reports, documents and information to be kept and preserved in particular by any person carrying on an activity governed by the Environment Quality Act or the regulations, prescribe the conditions governing their keeping, and determine their form and content and the conditions governing their preservation, in particular the period;

WHEREAS, under subparagraph 21 of the first paragraph of section 95.1 of the Environment Quality Act, as amended by section 108 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles, the Government may make regulations to prescribe the reports, documents and information that must be provided to the Minister of the Environment and the Fight Against Climate Change in particular by any person carrying on an activity governed by the Environment Quality Act or the regulations and determine the terms and conditions governing their sending;

WHEREAS, under the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, made by section 1 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), the Government may, in a regulation made in particular under the Environment Quality Act, specify that failure to comply with a provision of the regulation may give rise to a monetary administrative penalty and the regulation may set out the conditions for applying the penalty and determine the amounts or the methods for calculating them, which may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, as made, the Government may in particular determine the provisions of a regulation the Government has made in particular under the Environment Quality Act whose contravention constitutes an offence and renders the offender liable to a fine the minimum and maximum amounts of which are set by the Government;

WHEREAS the Government made the Agricultural Operations Regulation (chapter Q-2, r. 26);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Agricultural Operations Regulation was published in Part 2 of the *Gazette officielle du Québec* of 27 April 2022 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment and the Fight Against Climate Change:

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

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Agricultural Operations Regulation

Environment Quality Act
(chapter Q-2, ss. 95.1)

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation
(2022, chapter 8, s. 1 (ss. 30 and 45))

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 44.4 is replaced by the following:

“**44.4.** Every person who contravenes the second paragraph of section 4, the first paragraph of section 9, section 9.1, 9.3, 14 or 22, the first paragraph of section 50.3 or section 50.4 commits an offence and is liable, in the case of a natural person, to a fine of \$5,000 to \$500,000 or, despite article 231 of the Code of Penal Procedure (chapter C-25.1), to a maximum term of imprisonment of 18 months, or to both the fine and imprisonment, or, in other cases, to a fine of \$15,000 to \$3,000,000.”

9. 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.”

10. 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) where the Commission de protection du territoire agricole du Québec or the Government has made a decision referred to in subparagraph 5, the number of the decision;

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

(d) 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), and declared in accordance with that Regulation or exempted under section 345.1 of that Regulation;

(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 or a decision of the Commission de protection du territoire agricole du Québec or the Government confirming the loss of agricultural use.

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) or following the decision of the Commission de protection du territoire agricole du Québec or the Government, as the case may be.”

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

105941

Gouvernement du Québec

O.C. 1461-2022, 3 August 2022

Environment Quality Act
(chapter Q-2)

Act respecting certain measures enabling
the enforcement of environmental
and dam safety legislation
(2022, chapter 8)

Various regulatory amendments relating to the regulatory scheme applying to activities having various levels of environmental impact according to the authorization regime provided for by the Environment Quality Act

Various regulatory amendments relating to the regulatory scheme applying to activities having various levels of environmental impact according to the authorization regime provided for by the Environment Quality Act

WHEREAS, under subparagraph 10 of the first paragraph of section 22 of the Environment Quality Act (chapter Q-2), no one may, without first obtaining an authorization from the Minister, carry out a project involving in particular an activity determined by government regulation;

WHEREAS, under subparagraph 3 of the first paragraph of section 23 of the Act, a person that applies to the Minister of the Environment and the Fight Against Climate Change for an authorization must provide any

other information or documents determined by regulation, which information or documents may vary according to the class of activities and the territory in which they will be carried on;

WHEREAS, under subparagraph 3 of the second paragraph and the third paragraph of section 30 of the Act, as amended by section 89 of the Act mainly to reinforce the enforcement of environmental and dam safety legislation, to ensure the responsible management of pesticides and to implement certain measures of the 2030 Plan for a Green Economy concerning zero emission vehicles (2022, chapter 8), an amendment to an authorization is also required in the cases determined by government regulation and the amendment application must include the information and documents determined by government regulation;

WHEREAS, under the first and third paragraphs of section 31.0.6 of the Act, the Government may, by regulation, designate the activities referred to in section 22 or 30 of the Act that, subject to the conditions, restrictions and prohibitions determined in the regulation, are eligible for a declaration of compliance under subdivision 2 of Division II of Chapter IV of Title I of the Act and the provisions of the regulation may vary according to the class of activities, persons or municipalities, the territory concerned or the characteristics of a milieu;

WHEREAS, under the first paragraph of section 31.0.7 of the Act, declarations of compliance filed with the Minister must include the information and documents determined by regulation of the Government, in the manner and form specified in the regulation;

WHEREAS, under section 31.0.8 of the Act, a regulation made under section 31.0.6 of the Act may also require the filing, after certain classes of activities it specifies have been carried out, of a certificate of compliance with the applicable conditions, restrictions and prohibitions, signed by a professional or any other person qualified in the field concerned, in the manner and form specified in the regulation;

WHEREAS, under the first, second and fourth paragraphs of section 31.0.11 of the Act, the Government may, by regulation and subject to any conditions, restrictions and prohibitions specified in it, exempt certain activities referred to in section 22 of the Act from subdivision 1 of Division II of Chapter IV of Title I of the Act, exempt any part of the territory of Québec and any class in particular of persons or activities it specifies from that subdivision, and, if necessary, set out conditions, restrictions and prohibitions which may vary according to the type of activity, the territory concerned and the characteristics of a milieu, and such regulation made under section 31.0.11