

Gouvernement du Québec

O.C. 190-2025, 26 February 2025

Regulation to amend the Agricultural Operations Regulation

WHEREAS, under subparagraph 2 of the first paragraph of section 53.30 of the Environment Quality Act (chapter Q-2), the Government may, by regulation, regulate the recovery and reclamation of residual materials in all or part of the territory of Québec and the regulations may, in particular, prescribe or prohibit, in respect of one or more classes of residual materials, any mode of recovery or reclamation;

WHEREAS, under subparagraph 3 of the first paragraph of section 95.1 of the Act, 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 the first paragraph of section 30 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6), 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; the amounts may vary in particular according to the extent to which the standards have been violated;

WHEREAS, under the first paragraph of section 45 of the Act respecting certain measures enabling the enforcement of environmental and dam safety legislation, the Government may 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, and provide that, despite article 231 of the Code of Penal Procedure (chapter C-25.1), a contravention renders the offender liable to a term of imprisonment or to both the imprisonment and the fine;

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 24 July 2024 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 without amendment;

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

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

DAVID BAHAN

Clerk of the Conseil exécutif

Regulation to amend the Agricultural Operations Regulation

Environment Quality Act
(chapter Q-2, s. 53.30, 1st par., subpar. 2, and s. 95.1, 1st par., subpar. 3).

Act respecting certain measures enabling the enforcement of environmental and dam safety legislation (chapter M-11.6, s. 30, 1st par., and s. 45, 1st par.).

1. The Agricultural Operations Regulation (chapter Q-2, r. 26) is amended in section 29.1 by replacing “The spreading” in the portion before subparagraph 1 of the first paragraph by “In addition to the prohibitions provided for in sections 71 and 72 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*), the spreading”.

2. Section 29.2 is revoked.

3. Section 30 is amended by replacing the second paragraph by the following:

“The fertilizers must be spread in such manner that the fertilizers cannot reach the environments described in the first paragraph.”.

4. Section 31 is amended by inserting “under this Regulation or the agro-environmental reclamation plan under the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*),” after “plan” in the third paragraph.

5. The following is added after section 31:

“**31.1.** Fertilizing residual materials must be spread, if applicable, in accordance with the minimum distances provided for in sections 76 to 79 of the Fertilizing Residual Materials Management Code (*insert the reference to the Compilation of Québec Laws and Regulations*), and the spreading conditions set out in subdivision 4 of Division III of Chapter III of the Code.”

6. Section 43.4 is amended by replacing paragraphs 12, 12.1 and 12.2 by the following:

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

(12.1) 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;

(12.2) to comply with the spreading period or the spreading conditions set out in the second or third paragraph of section 31;”

7. Section 43.7 is amended by striking out paragraph 4.1.

8. Section 44.6 is amended by replacing “, 29.1 or 29.2” by “or 29.1”.

9. This Regulation comes into force on 1 November 2025, except sections 2, 7 and 8, which come into force on 1 November 2028.

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