



Report Date: February 08, 2017

File: 108390

Report Number: 047694

Curtis Feedlot
5058 Parkinson Road, Armstrong, BC V0E 1B4

Dear Curtis Feedlot

Re: An Investigation Referral, Agricultural Waste Control Regulation 108390, 5058 Parkinson Road, Armstrong, Effluent

Please be advised that this inspection report will be published on the provincial government website in 7 days.

On September 30, 2016, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, Curtis Feedlot located at 5058 Parkinson Road, Armstrong with Pollution Abatement Order #108390 under the *Environmental Management Act*.

For your information, this inspection record is being referred to the Conservation Officer Service for investigation.

Inspection Details:

Requirement Description:	<p>1: Within 45 days of the issuance of this order, must submit to the Director for approval, terms of reference and a work plan, prepared by a 'Qualified Professional', for completing a comprehensive monitoring program and an Environmental Impact Assessment ("EIA") for nitrates and other nitrogen compounds in the soil and groundwater on the Lands identified in this order.</p> <p>The EIA must, at a minimum, assess the impact the following operations have on nitrates and other nitrogen compounds entering surface or groundwater:</p> <ul style="list-style-type: none"> a) all fields located on the Lands where agricultural wastes including manure are generated or permanently or temporarily stored; b) all storage facilities located on the Lands; c) all seasonal and confined feeding areas on the Lands; and d) all drainage management structures on the Lands. <p>The Environmental Impact Assessment must be completed no later than August 1, 2016 and the monitoring program must be designed to inform the Environmental Impact Assessment.</p>
Details/Findings:	As of September 30, 2016, no terms of reference or work plan had been received from the regulated party.
Compliance:	Out
Actions to be taken:	Submit the terms of reference and work plan for an EIA to the Director immediately.
Requirement Description:	<p>2: Immediately upon approval of the terms of reference and work plan by the Director, cause a Qualified Professional to implement the comprehensive monitoring program and complete the comprehensive EIA according to the work plan and terms approved by the Director, but subject to any further directions or amendments to the work plan or terms of reference made by the Director.</p>
Details/Findings:	As no TOR or work plan have been received by the Director, no approval has been provided and therefore this requirement does not apply at this time.
Compliance:	Not Applicable

Ministry of Environment

Compliance
Environmental
Protection Division

Mailing Address:
102 Industrial PI
Penticton BC V2A 7C8

Telephone: 250 490 8200
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Actions to be taken:	Submit the terms of reference and work plan for an EIA to the Director immediately.
Requirement Description:	3: Submit the Environmental Impact Assessment together with the results of the comprehensive monitoring program to the Director by August 1, 2016.
Details/Findings:	As of September 30, 2016, no Environmental Impact Assessment had been received from the regulated party.
Compliance:	Out
Actions to be taken:	Submit the Environmental Impact Assessment to the Director immediately.
Requirement Description:	4: Retain a Qualified Professional to prepare an Action Plan detailing measures to be taken to abate the environmental impacts identified in the EIA and submit the Action Plan to the Director by August 15, 2016 for approval. The Action Plan must include, but is not limited to: i) description of proposed manure storage measures that ensure sufficient storage, ensure proper construction of permanent and temporary storage facilities with appropriate setbacks, and ensure minimal impact to the environment; ii) description of proposed drainage management measures to effectively control runoff to ensure that solids, leachate, contaminated runoff and drift from sprayed materials do not enter watercourses, penetrate to groundwater or leave the property; iii) determination of Agronomically Correct rates of application of agricultural waste during agricultural operations on the Lands, and a plan for ensuring application of agricultural wastes does not exceed Agronomically Correct rates; iv) description of proposed remedial measures to ensure manure applications do not extend beyond property boundary, in a watercourse, and near industrial and drinking water wells; v) description of a proposed ongoing soil, surface and groundwater monitoring program for nitrate and E.coli for the purposes of monitoring the effects of Action Plan; vi) a map identifying all fields (owned, leased, licenced or otherwise part of the Lands) utilized for farm operations, identifying the locations of manure storage facilities, feeding areas, drinking water well(s), industrial well(s), surface water intakes, and any other notable work(s) and identify all setbacks (i.e. minimum distances) between such facilities or areas and wells or relevant water works; and vii) a timeline for implementation of the Action Plan.
Details/Findings:	As of September 30, 2016, no Action Plan had been received from the regulated party.
Compliance:	Out
Actions to be taken:	Submit the Action Plan to the Director immediately.
Requirement Description:	5: Upon approval by the Director, implement the Action Plan referred to in section 4 in accordance with any amendments to the Action Plan required by the Director, or any further directions of the Director.
Details/Findings:	As no Action Plan had been received by the Director, no approval has been provided and therefore this requirement does not apply at this time.
Compliance:	Not Applicable
Actions to be taken:	Submit the Action Plan to the Director immediately.
Requirement Description:	7: Publicly post the Action Plan required by this order by August 15, 2016 and publicly post the annual summary required by this order by November 30, 2016, including physically posting the Action Plan and Annual Summary at the Hullcar Community Hall. Any updates to the Action Plan and future Annual Summaries must be posted at Hullcar Community Hall annually for the next two years, by November 30 of each year.

Details/Findings:	As of September 30, 2016, no Action Plan had been received from the regulated party.
Compliance:	Out
Actions to be taken:	Submit the Action Plan to the Director immediately.

On May 12, 2016, George E Curtis and Kevin F Curtis were issued a Pollution Abatement Order (PAO108390) for their feedlot operation located at 5058 Parkinson Rd. in Armstrong, BC. The Abatement Order was issued as a result of nitrogen concentrations in the local aquifer exceeding the Canadian drinking water guidelines. The Regulated party initiated an appeal to PAO108390. The appeal was heard on November 23 and 24 in Vernon, BC. The Hearing Panel is yet to deliver their Decision. A Stay of the order was not requested of the Environmental Appeal Board and therefore the requirements of PAO108390 are still in effect until determined otherwise. On August 19, 2016 the Steele Springs Water District source was tested. The results showed Nitrate levels at 10.9mg/L, exceeding the Canadian Drinking Water standard of 10mg/L.

On September 14, 2016, the Ministry of Environment (MoE) invited the Regulated party to take part in a Post Harvest Nitrate Study being conducted by the Ministry of Agriculture. The Director advised the Regulated Party that if they chose to participate in the Ministry of Agriculture Post Harvest Nitrate Study, that this would meet the soil analysis requirement for the EIA. The Regulated party confirmed their willingness to be part of the study via email received by MoE staff on September 19, 2016.

On January 24, 2017, Environmental Protection Officer Devan Oldfield, Compliance Section, completed a desktop review of the requirements listed in PAO108390. After a desktop inspection against the requirements of PAO108390, I have determined that George E Curtis and Kevin F Curtis are out of compliance with requirements 1, 3, 4 and 7. This matter has been referred to the Conservation Officer Service for investigation.

Immediately submit the terms of reference and work plan for an Environmental Impact Assessment as required by the PAO.

Compliance History:
2016-07-22 - IR28755 - Warning

If you have any questions regarding this notice, please contact the undersigned.

Yours truly,

Devan Oldfield
Environmental Protection Officer

cc:

Attachments:

Deliver via:			
Email:	<input checked="" type="checkbox"/>	Fax:	<input type="checkbox"/>
Registered Mail:	<input type="checkbox"/>	Hand Delivery:	<input type="checkbox"/>
		Mail:	<input type="checkbox"/>

Ministry of EnvironmentCompliance
Environmental
Protection DivisionMailing Address:
102 Industrial Pl
Penticton BC V2A 7C8Telephone: 250 490 8200
Facsimile: 250 490 2231
Website: www.gov.bc.ca/env**DISCLAIMER:**

Please note that sections of the permit, regulation or code of practice referenced in this inspection record are for guidance and are not the official version. Please refer to the original permit, regulation or code of practice.

To see the most up to date version of the regulations and codes of practices please visit

<http://www.bclaws.ca>

If you require a copy of the original permit, please contact the inspector noted on this inspection record or visit:

<http://www2.gov.bc.ca/gov/topic.page?id=DF89089126D042FD96DF5D8C1D8B1E41&title=Publically%20Viewable%20Authorizations>

It is also important to note that this inspection record does not necessarily reflect each requirement or condition of the authorization therefore compliance is noted only for the requirements or conditions listed in the inspection record.