



Report Date: July 30, 2018

File: 108368

Report Number: 074033

Rhoda Friesen
5021 Parkinson Road
Spallumcheen BC V0E 1B4

Dear Rhoda Friesen

Re: Warning Letter, Unauthorized Discharge, 5021 Parkinson Road, Armstrong BC, Effluent

On November 16, 2017, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, located at 5021 Parkinson Road, Armstrong BC. The inspection determined that Rhoda Friesen is out of compliance with the *Environmental Management Act*, Part 2 Prohibitions and Authorizations, Section 6(3) waste disposal. This Warning Letter lists the compliance verification information below.

By discharging waste under Pollution Abatement Order without a valid authorization Rhoda Friesen commits an offence under the *Environmental Management Act (EMA)*. Section 120(3) of *EMA* states as follows:

120(3) A person who contravenes any of the following commits an offence and is liable on conviction to a fine not exceeding \$1 000 000 or imprisonment for not more than 6 months, or both: (a) section 6 (2), (3) or (4) [waste disposal];...

It should also be noted that, as an alternative to prosecution of the offence referenced above, the Ministry may initiate action to impose an administrative penalty against Rhoda Friesen. The *Administrative Penalties Regulation (EMA)* (B.C. Reg. 133/2014) (APR) was brought into force in 2014. The APR describes the prescribed provisions of the *EMA* as well as that of specified regulations under which administrative penalties can be assigned. Section 12(1) of the APR states as follows:

12(1) A person who contravenes section 6 (2), (3) or (4), 7, 8, 9 (1) or (4), 11, 25 (2), 40 (1), (2), (3), (6) or (7), 48 (8), (10) or (15), 55 (1), 72 (1) or (2) or 76.2 of the Act is liable to an administrative penalty not exceeding \$75 000.

I request that Rhoda Friesen immediately implement the necessary changes or modifications to correct the non-compliance(s) listed above with the *Environmental Management Act*. Further, I request that Rhoda Friesen notify this office in writing, by email or letter within 30 days of this letter, advising what corrective measures have been taken, and what else is being done, to prevent similar non-compliances in the future.

Please submit your response to the Ministry's Compliance Mailbox at EnvironmentalCompliance@gov.bc.ca.

As a result of this Warning, this authorization will be prioritized for follow-up inspection. The corrective measures will be reviewed by an Officer as part of the next inspection.

Finally, if you fail to take the necessary actions to restore compliance, you may be subject to escalating enforcement action. This Warning Letter and the alleged violations and circumstances to which it refers, will form part of the compliance history of Rhoda Friesen and will be taken into account in the event of future violations.

Rhoda Friesen failed to comply with the *Environmental Management Act*, section 6(3) as outlined below.

Inspection Details:

**Ministry of Environment
and Climate Change
Strategy**

Compliance
Environmental
Protection Division

Mailing Address:
1259 Dalhousie Dr
Kamloops BC V2C 5Z5

Telephone: 250 371 6200
Facsimile: 250 371 6234
Website: www.gov.bc.ca/env

Requirement Description:	<p>1: Retain a Qualified Professional to prepare a report (the "Farm Book") for the 2016 calendar year which includes at a minimum the following information : i) a list of all fields that are or are reasonably anticipated to form part of the Lands (including proposed leased or licenced fields) and utilized for farm operations or outdoor animal feeding areas during 2016; ii) the storage capacity needed to store all manure produced by agricultural operations on the Lands during 2016 until it can be applied to the Lands in accordance with the rates and timing of application determined under section 11 of this order and the length of time the manure needs to be stored; iii) types and quantities of manure and/or inorganic fertilizer used and planned to be used on the Lands in 2016 and a description of how it is/ will be utilized, including amounts of different types applied or planned to be applied during different stages for which there are specific use patterns; iv) all manure management systems utilized and planned to be utilized during 2016 for farm operations on the Lands including descriptions of temporary and permanent manure storage facilities/ field storage areas; v) dates and rates of manure spreading completed during and planned for 2016 (may include work sheets used to calculate agronomically-correct manure and other nutrient sources application rates); vi) crops (to be) planted in 2016; vii) drainage management measures undertaken or planned to be undertaken in 2016; and, viii) a map of the Lands and nearby surrounding lands as of July 31, 2016, identifying all fields (owned or leased) utilized for farm operations including outdoor animal feeding areas; identifying the locations of manure storage facilities/ field storage areas, animal feeding areas, drinking water well(s), industrial well(s), surface water intakes, and any other relevant water work(s); and, identifying all setbacks (i.e. minimum distances) between such facilities or areas and wells or relevant water works. The 2016 Farm Book must be provided to the Director under the Environmental Management Act (the "Director") by July 31, 2016. Subsequent updates to the 2016 Farm Book indicating any changes to the above required information must be provided to the Director by October 30, 2016 and January 30, 2017.</p>
Details/Findings:	<p>Inspection Summary</p> <p>On November 16, 2017, Ministry of Environment and Climate Change Strategy (ENV) Senior Environmental Protection Officer Colin Meldrum (Officer Meldrum) conducted an on-site inspection of the Friesen Farm (Friesen), located on Hullcar Road, Armstrong BC. The purpose of the inspection was to verify compliance with Pollution Abatement Order 108368 (Order), dated May 12, 2016. Officer Meldrum was joined on-site by Wayne Friesen. The inspection period was from September 1, 2017 to July 30, 2018.</p> <p>Compliance Assessment</p> <p>Ruth McDougall (MSc, PAg) was retained as a Qualified Professional and prepared the 2016 Farm Book (Friesen Farm Book - 2016, dated October 23, 2017). The 2016 Farm Book includes:</p> <ul style="list-style-type: none"> i) a list of all fields ii) the storage capacity needed to store manure until it is removed from the property iii) types of manure and fertilizer used on the property in 2016 - no manure or fertilizer was used on the property in 2016 iv) manure management systems utilized in 2016 - manure was removed from the barn and stored for 24 hours on a packed soil pad adjacent to the barn and then hauled off-site v) dates and rates of manure applications in 2016 - no manure applications vi) crops to be planted in 2016 - no cropping vii) drainage management measures undertaken or planned in 2016 - none viii) map of lands, identifying fields, manure storage facilities/areas, feeding areas, wells, water intakes and setbacks from wells and water works <p>The 2016 Farm Book was initially submitted on September 18, 2017 and following a review by AGRI, was updated and resubmitted on October 31, 2017.</p>

Compliance:	In
Actions to be taken:	n/a
Requirement Description:	2: Retain a Qualified Professional to prepare a 2017 Farm Book which includes at a minimum the information required by section 1 of this order to be included in the 2016 Farm Book, but for the 2017 calendar year. The 2017 Farm Book must be provided to the Director by January 30, 2017. Subsequent updates to the 2017 Farm Book indicating any changes to the required information must be provided to the Director by April, 30 2017; July 31, 2017; and, October 30, 2017.
Details/Findings:	<p>Ruth McDougall (MSc, PAg) was retained as a Qualified Professional and prepared the 2017 Farm Book (Friesen Farm Book - 2017, dated October 23, 2017). The 2017 Farm Book includes:</p> <ul style="list-style-type: none"> i) a list of all fields ii) the storage capacity needed to store manure until it is removed from the property iii) types of manure and fertilizer used on the property in 2017 - no manure or fertilizer was used on the property in 2017 iv) manure management systems utilised in 2017 - manure was removed from the barn and stored for 24 hours on a packed soil pad adjacent to the barn and then hauled off-site v) dates and rates of manure applications in 2017 - no manure applications vi) crops to be planted in 2017 - no cropping vii) drainage management measures undertaken or planned in 2017 - An impermeable concrete pad surface is to be constructed adjacent to the barn in Fall 2017. The pad is to be constructed so that water from rain or snow melt cannot run onto the concrete pad. The manure will be covered with a tarp during the 24 hour period of temporary storage before being hauled off-site so that no leachate can runoff the pad during rain events. Mr. Friesen stated during the on-site inspection that the concrete pad would be constructed in May 2018. Mr. Friesen stated in a telephone conversation on July 30, 2018 that the concrete pad had not yet been constructed because the contractor was not available; however, the contractor indicated that they would construct the concrete pad in approximately one month. viii) map of lands, identifying fields, manure storage facilities/areas, feeding areas, wells, water intakes and setbacks from wells and water works <p>The 2017 Farm Book was initially submitted on September 18, 2017 and following a review by AGRI, was updated and resubmitted on October 31, 2017.</p>
Compliance:	In
Actions to be taken:	Ensure that the concrete pad is constructed as per the details of the 2017 Farm Book.

Requirement Description:	3: Publicly post the Farm Books and subsequent updates required by this order, including physically posting the Farm Books and subsequent updates at the Hullcar Community Hall, on the same day the respectively Farm Book or update is required to be provided to the Director.
Details/Findings:	Mr. Friesen publically posted the 2016 and 2017 Farm Books at the Hullcar Community Hall on October 3, 2017.
Compliance:	In
Actions to be taken:	n/a
Requirement Description:	4: Retain a Qualified Professional to identify drainage management measures necessary to effectively control runoff and to ensure that solids, leachate, contaminated runoff and drift from sprayed materials do not enter watercourses or any source of water for irrigation or drinking purposes or leave the property. Implement drainage management measures identified by the Qualified Professional by July 31, 2016.
Details/Findings:	Ruth McDougall (MSc, PAg) was retained as a Qualified Professional and identified drainage management measures in the 2017 Farm Book (Friesen Farm Book - 2017, dated October 23, 2017). An impermeable concrete pad surface is to be constructed adjacent to the barn in Fall 2017. The pad is to be constructed so that water from rain or snow melt cannot run onto the concrete pad. The manure will be covered with a tarp during the 24 hour period of temporary storage before being hauled off-site so that no leachate can runoff the pad during rain events. Mr. Friesen stated during the on-site inspection that the concrete pad would be constructed in May 2018. Mr. Friesen stated in a telephone conversation on July 30, 2018 that the concrete pad had not yet been constructed because the contractor was not available; however, the contractor indicated that they would construct the concrete pad in approximately one month.
Compliance:	Out
Actions to be taken:	Ensure that the concrete pad is constructed as per the details of the 2017 Farm Book.

Requirement Description:	5: By June 30, 2016 establish functional manure storage facilities, which have, at a minimum, the storage capacity identified in the Farm Book necessary to store all manure produced by your agricultural operation, for the length of time necessary to allow for storage of such manure in accordance with this order until it can be applied to the Lands in accordance with the rates and timing of application determine under section 10 of this order.
Details/Findings:	The 2017 Farm Book calculates the manure produced by the agricultural operation and indicates that the barn and the temporary concrete pad are adequately sized to store manure for the 14000 birds used per cycle. All manure is hauled off-site after each cycle (Friesen Farm Book - 2017, dated October 23, 2017).
Compliance:	In
Actions to be taken:	n/a
Requirement Description:	6: By June 30, 2016 ensure all permanent manure storage facilities have a minimum setback of: i) 30 meters from any source of water used for domestic purposes including drinking water well or surface water intake; ii) 15 meters from the high water mark of all watercourses; and iii) 4.5 meters from all property lines.
Details/Findings:	The only permanent manure storage facility is the barn, which is located greater than 30 metres from water sources, including wells and greater than 4.5 metres from all property lines. There were no watercourses observed on the property during the on-site inspection.
Compliance:	In
Actions to be taken:	n/a
Requirement Description:	7: By June 30, 2016 ensure all manure field storage areas are not located: i) on areas having standing water, i) on saturated soils, or ii) on low-lying areas in fields prone to seasonal flooding.

Details/Findings:	There are no manure field storage areas observed on the property during the on-site inspection.
Compliance:	Not Applicable
Actions to be taken:	n/a
Requirement Description:	8: By June 30, 2016 ensure all manure field storage areas have a minimum setback of: i) 30 meters from any source used for domestic purposes including a drinking water well or surface water intake, ii) 30 meters from the high water mark of all watercourses, and iii) 4.5 meters from all property lines.
Details/Findings:	There are no manure field storage areas observed on the property during the on-site inspection.
Compliance:	Not Applicable
Actions to be taken:	n/a
Requirement Description:	9: By June 30, 2016 must ensure all manure field storage areas are: i) covered, ii) located on a base of low permeability soil (hydraulic conductivity of 10 ⁻⁶), e.g., layer of clay, or on an impermeable liner; iii) established such that any leachate must be collected and contained, and iv) established and located such that storm or rain water flowing along the surface of any berms or other works constructed is diverted from entering the field's stored manure pile(s).
Details/Findings:	There are no manure field storage areas observed on the property during the on-site inspection.

Compliance:	Not Applicable
Actions to be taken:	n/a
Requirement Description:	10: By June 30, 2016, ensure that no manure and/or manure effluent is stored in sites other than storage facilities or field storage areas.
Details/Findings:	Mr. Friesen stated during the on-site inspection that all manure is stored in the barn and then hauled off-site.
Compliance:	In
Actions to be taken:	n/a
Requirement Description:	11: Prior to any manure and/or inorganic fertilizer application to fields, retain a Qualified Professional to determine agronomically-correct rates of application of manure and/or inorganic fertilizer. All records and data used to calculate the manure application rate must be retained for two (2) years and must be made available to the Ministry upon request. Manure applications must adhere to the rates and timing as outlined in the BC Environmental Farm Plan Program Reference Guide, Table 6.10 Percentage Manure to Apply at Various Times of the Year.
Details/Findings:	Mr. Friesen stated that no manure and/or inorganic fertilizer was applied to the fields operated by Mr. Friesen on the Friesen property in 2016, 2017 or 2018. The 24.9 acre field, occupying the northern portion of the property, was leased to Ken Regehr in 2016 and to George and Kevin Curtis in 2017 and 2018. Mr. Friesen stated in a telephone conversation on July 30, 2018 that he has stipulated to George and Kevin Curtis that they can not apply any manure to the 24.9 acre field. Mr. Friesen was not certain whether George and Kevin Curtis were applying inorganic fertilizer or whether they had retained a Qualified Professional (QP) to determine agronomically correct rates of application. Mr. Friesen stated that he would contact George and Kevin Curtis to determine whether they were utilizing inorganic fertilizer and whether they have retained a QP. Compliance with this requirement is not determined for the inspection period.

Compliance:	Not Determined
Actions to be taken:	Ensure that any manure and/or inorganic fertilizer application to the fields is conducted at agronomically-correct rates as calculated by a Qualified Professional.
Requirement Description:	12: Ensure all applications of manure and/or inorganic fertilizer are: i) a minimum of 3.5 meters from the high water mark of a watercourse; ii) 3.5 meters from all property lines; iii) 3.5 meters from any industrial wells; and iv) 30 meters from any drinking water wells.
Details/Findings:	Mr. Friesen stated that no manure and/or inorganic fertilizer was applied to the fields operated by Mr. Friesen on the Friesen property in 2016, 2017 or 2018. The 24.9 acre field, occupying the northern portion of the property, was leased to Ken Regehr in 2016 and to George and Kevin Curtis in 2017 and 2018. Mr. Friesen stated in a telephone conversation on July 30, 2018 that he has stipulated to George and Kevin Curtis that they can not apply any manure to the 24.9 acre field. Mr. Friesen was not certain whether George and Kevin Curtis were applying inorganic fertilizer or whether they had retained a Qualified Professional to determine agronomically correct rates of application. Mr. Friesen stated that he would contact George and Kevin Curtis to determine whether they were utilizing inorganic fertilizer. Compliance with this requirement is not determined for the inspection period.
Compliance:	Not Determined
Actions to be taken:	Ensure that any manure and/or inorganic fertilizer application to the fields is conducted using the setbacks stipulated in Section 12 of the Order.
Requirement Description:	13: Prior to conducting any manure and/or inorganic fertilizer application, ensure the buffer requirements above have been visibly identified either using a visual marking system (such as flagging tape) or GPS enabled datalogger.

Details/Findings:	Mr. Friesen stated that no manure and/or inorganic fertilizer was applied to the fields operated by Mr. Friesen on the Friesen property in 2016, 2017 or 2018. The 24.9 acre field, occupying the northern portion of the property, was leased to Ken Regehr in 2016 and to George and Kevin Curtis in 2017 and 2018. Mr. Friesen stated in a telephone conversation on July 30, 2018 that he has stipulated to George and Kevin Curtis that they can not apply any manure to the 24.9 acre field. Mr. Friesen was not certain whether George and Kevin Curtis were applying inorganic fertilizer or whether they had retained a Qualified Professional to determine agronomically correct rates of application. Mr. Friesen stated that he would contact George and Kevin Curtis to determine whether they were utilizing inorganic fertilizer. Compliance with this requirement is not determined for the inspection period.
Compliance:	Not Determined
Actions to be taken:	Ensure that prior to conducting any manure and/or inorganic fertilizer application to the fields, the buffer requirements are visibly identified.

Compliance History:
2016-07-12 IR29167 - Investigation Referral

Please submit all annual/quarterly/monthly reports and data submissions to the Ministry's Routine Environmental Reporting Submission Mailbox at EnvAuthorizationsReporting@gov.bc.ca. More information about the reporting requirements may be found at <http://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization/data-and-report-submissions/routine-environmental-reporting-submission-mailbox>.

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

If you have any questions about this warning, please contact the undersigned.

Yours truly,

Colin Meldrum
Environmental Protection Officer

cc:

Attachments:

Deliver via:
 Email: Fax: Mail:
 Registered Mail: Hand Delivery:

**Ministry of Environment
and Climate Change
Strategy**

Compliance
Environmental
Protection Division

Mailing Address:
1259 Dalhousie Dr
Kamloops BC V2C 5Z5

Telephone: 250 371 6200
Facsimile: 250 371 6234
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.

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.