Date: May 12, 2016

Thys Mathieu Haambuckers
2160 Deep Creek RD
Enderby, BC V0E 1V3

Wilma Mary Haambuckers
2160 Deep Creek RD
Enderby, BC V0E 1V3

POLLUTION ABATEMENT ORDER

I am satisfied on reasonable grounds that pollution is being caused by the introduction in to the environment of agricultural waste, including manure and/or manure laden effluent from agricultural operations located on the following lands:

Lot 2, Plan KAP89213, Section 18 & 19, Township 18, Range 9, Meridian W6, Kamloops Division of Yale Land District: Property Identification: 027-956-628

lands, used from time to time for agricultural operations that are part of or associated with the agricultural operations on the above lands, and are controlled directly or indirectly by Wilma Mary Haambuckers and Thys Mathieu Haambuckers.

(the “Lands”).

I am satisfied that:

- Wilma Mary Haambuckers and Thys Mathieu Haambuckers are the owners of the Lands; and

- Wilma Mary Haambuckers and Thys Mathieu Haambuckers (the “Addressees”) had possession, charge and control of the polluting substance at the time it was introduced into the environment.

The specific substance causing pollution is agricultural waste, including manure and/or manure laden effluent, from which nitrate is leaching into groundwater.

The usefulness of the environment has been impaired due to the presence of nitrate in groundwater as the presence of nitrate is causing the groundwater in the unconfined aquifer that lies in part underneath the Lands (commonly referred to as the Hullcar Aquifer 103) to be unfit for potable purposes for specific persons in the population.
Pursuant to Section 83 of the Environmental Management Act [SBC 2003] Chapter 53, the Addressees are hereby ordered, upon receipt of this Pollution Abatement order or otherwise indicated, to comply with the following requirements:

1. 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 water purposes or leave the property. Implement drainage management measures identified by the Qualified Professional by July 31, 2016.

2. By June 30, 2016 establish functional manure storage facilities, which have, at a minimum, the storage capacity 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 determined under section 8 of this order.

3. 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.

4. By June 30, 2016 ensure all 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.

5. 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.

6. By **June 30, 2016** 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).

7. By **June 30, 2016**, ensure that no manure and/or manure effluent is be stored in sites other than storage facilities or field storage areas.

8. 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.

![Table 6.10 Percentage Manure to Apply at Various Times of the Year](image)
9. 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.

10. 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.

Failure to comply with the requirements of this order is a contravention of the *Environmental Management Act* and may result in legal action. I direct your attention to Section 120(10) of the *Environmental Management Act*, which reads:

“(10) A person who contravenes an order...that is given, made or imposed under this Act by a ...director...commits an offence and is liable on conviction to a fine not exceeding $300 000 or imprisonment for not more than 6 months, or both.”

Failure to comply with the requirements of this order may also result in an administrative penalty under the *Administrative Penalties Regulation (Environmental Management Act) (B.C. Reg 133/2014)* (Regulation). I direct your attention to Section 12(4) of the *Regulation*, which reads:

“(4) A person who fails to comply with an order under the [Environmental Management] Act is liable to an administrative penalty not exceeding $40 000.”

In this order, the Addressees are jointly and separately responsible for compliance with all terms of the order. For greater certainty, this means that an Addressee may comply with this order by ensuring that the other Addressee complies with the order. However, both Addressees are fully responsible for ensuring compliance. Compliance and enforcement actions taken in response to non-compliance with any term of this order may be taken against both Addressees together or either Addressee individually.

Nothing in this order relieves the Addressees from complying with the requirements of the *Agricultural Waste Control Regulation*, and, in particular any deadlines for compliance with order requirements do not excuse the Addressees from compliance with the regulation prior to that deadline.

This order does not authorize entry upon, crossing over, or use for any purpose of private or crown lands or works, unless and except as authorized by the owner of such lands or works. The responsibility for obtaining such authority rests with the Addressees. It is also the Addressees’ responsibility to ensure that all activities are carried out with due regard for the rights of third parties, and comply with other applicable legislation that may be in force, such as municipal bylaws relating to the discharge of waste to municipal storm or sanitary sewers.

This order may be appealed to the Environmental Appeal Board in accordance with Part 8 of the *Environmental Management Act*. An appeal must be delivered within 30 days from the date
notice of this order is given. For further information, please contact the Environmental Appeal Board at (250) 387-3464.

If you have any questions, please call the undersigned or Devan Oldfield at (250) 490-2222.

Yours truly,

Christa Zacharias-Homer
Deputy Director
Regional Operations Branch

for Director, Environmental Management Act

cc: Devan Oldfield, P.Ag., Environmental Protection Officer
    Hullcar Inter-Ministry Working Group