



Report Date: March 13, 2017

File: 108387

Report Number: 048787

H.S. Jansen and Sons Farm Ltd.

5063 Knob Hill Road
Armstrong, BC V0E 1B4

Dear H.S. Jansen and Sons Farm Ltd.

Re: An Investigation Referral, Environmental Management Act 108387, 5063 Knob Hill Road, Armstrong, BC, Effluent

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

On February 15, 2017, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, H.S. Jansen and Sons Farm Ltd. located at 5063 Knob Hill Road, Armstrong, BC with Pollution Abatement Order 108387 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 under the Environmental Management Act (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:	<p>On June 30, 2016, Associated Environmental submitted a Terms of Reference (ToR) and a work plan to satisfy requirement 1 of the Pollution Abatement Order issued to the Jansen Farm.</p> <p>In discussion between the Order recipient and the Director, June 30, 2016 was the agreed date for this submission.</p>
Compliance:	In
Actions to be taken:	None
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:	I have received no information on the timeliness of the Qualified Professional (QP) initiating the comprehensive monitoring program. While the Environmental Impact Assessment was provided within the expected timeframe, it cannot be determined when the QP initiated the monitoring program.
Compliance:	Not Determined
Actions to be taken:	
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:	<p>On July 29, 2016 an amendment to Order 108387 was issued. This amendment included a date change for the submission of the Environmental Impact Assessment from August 1, 2016 to November 8, 2016.</p> <p>On October 28, 2016 an amendment to Order 108387 was issued. This amendment included a date change for the submission of the Environmental Impact Assessment to November 30, 2016.</p> <p>On November 30, 2016, Associated Environmental submitted the Environmental Impact Assessment to meet requirement 3 of Pollution abatement Order 108387.</p>
Compliance:	In
Actions to be taken:	None
Requirement Description:	<p>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. The Action Plan must include, but is not limited to:</p> <ul style="list-style-type: none"> 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) 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; iv) 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; v) a map identifying all fields (owned ,or 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; vi) a 2016 Nutrient Management Plan, as defined in the BC Environmental Farm Plan Reference Guide (the "Guide"), located at: http://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/programs/growing-forward-2/environmental-farm-plan, and consistent with the recommendations in the Guide, for all farm operations occurring on the Lands; and vii) a timeline for implementation of the Action Plan. <p>The Action Plan and Nutrient Management Plan must be amended by a Qualified Professional if there is any change in the agricultural operations occurring on the Lands that affects the volume of agricultural waste produced. Any such amendments to the Action Plan must be completed and approved by the Director prior to the implementation of the change in the agricultural operations. In addition, H.S. Jansen and Sons Farm Ltd. may from time to time cause a Qualified Professional to recommend amendments to the Action Plan, if the Qualified Professional determines that the amendments are advisable for the purpose of reducing nitrates entering groundwater or surface water. Any such amendments must be approved by the Director.</p>

Details/Findings:	<p>On July 29, 2016 an amendment to Order 108387 was issued. This amendment included a date change for the submission of the Action Plan from August 15, 2016 to November 30, 2016.</p> <p>On October 28, 2016 an amendment to Order 108387 was issued. This amendment included a date change for the submission of the Action plan to December 30, 2016.</p> <p>As of February 15, 2017, no Action Plan has been submitted to the Director.</p>
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 or approved by the Director, or any further directions of the Director.
Details/Findings:	As no Action Plan has been submitted or approved, this requirement cannot be fulfilled.
Compliance:	Not Applicable
Actions to be taken:	Submit the Action Plan to the Director immediately.
Requirement Description:	6: Submit to the Director a formal written summary by November 30, 2016 and annually for the next two years including: <ul style="list-style-type: none"> i) summarizing in reasonable detail what actions from the Action plan were undertaken; ii) identification of all agriculture operational changes that occurred; iii) summarizing in reasonable detail monitoring results; iv) summarizing environmental impact assessment (first year only); and v) recommending additional mitigation and restoration measures, if appropriate.
Details/Findings:	<p>On July 29, 2016 an amendment to Order 108387 was issued. This amendment included a date change for the submission of the annual summary from November 30, 2016 to June 30, 2017.</p> <p>As the date for this requirement has not yet passed, compliance cannot be confirmed at this time.</p>
Compliance:	Not Determined
Actions to be taken:	Submit the first annual summary before June 30, 2017.
Requirement Description:	7: Publically post the Action Plan required by this order by August 15, 2016 and publicly post the annual summary required by section 6 of 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:	<p>On July 29, 2016 an amendment to Order 108387 was issued. This amendment included a date change for the submission of the Action Plan from August 15, 2016 to November 30, 2016 and a date change for the submission of the annual summary from November 30, 2016 to June 30, 2017.</p> <p>As of February 15, 2017, no evidence for public posting of the Action Plan has been provided to the Director.</p>
Compliance:	Out
Actions to be taken:	Submit to the Director and publicly post the Action Plan immediately.

On May 12, 2016, H.S. Jansen and Sons Farm Ltd. was issued a Pollution Abatement Order (PAO108387) for their agricultural operation located at 5063 Knob Hill Road in Armstrong, BC. The Abatement Order was issued as a result of nitrogen concentrations in the local aquifer exceeding the Canadian drinking water guidelines. On January 16, 2017 the Steele Springs Water District source was tested. The results showed Nitrate levels at 13.2mg/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.

On February 15, 2017, Environmental Protection Officer Devan Oldfield, Compliance Section, completed a desktop review of the requirements listed in PAO108387. After a desktop inspection against the requirements of PAO108387, I have determined that H.S. Jansen and Sons Farm Ltd. are out of compliance with requirements 4, and 7. This matter has been referred to the Conservation Officer Service for investigation.

Compliance History
 April 20, 2016 - IR28107 - Notice

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

Yours truly,

Devan Oldfield
 Environmental Protection Officer

cc:

Attachments:

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

Ministry of Environment	Compliance	Mailing Address:	Telephone: 250 490 8200
	Environmental	102 Industrial Pl	Facsimile: 250 490 2231
	Protection Division	Penticton BC V2A 7C8	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.