



Report Date: August 13, 2019

File: 108389

Report Number: 135495

Grace-Mar Farms Ltd. 5093
Salmon River Road Armstrong,
BC

Dear Grace-Mar Farms Ltd.

Re: Non-compliance Advisory Letter, Pollution Abatement Order 108389, Grace-Mar Farms Ltd., Armstrong, BC, Effluent

On August 06, 2019, Ministry of Environment and Climate Change Strategy, Environmental Protection Division staff conducted an inspection of your facility, Grace-Mar Farms Ltd. located at 5093 Salmon River Road Armstrong, BC with Pollution Abatement Order number 108389 under the *Environmental Management Act*.

This Advisory, the alleged violations and the circumstances to which it refers will form part of the compliance history of Grace-Mar Farms Ltd., and will be taken into account in the event of future non-compliance.

Please note that this authorization is considered to be out of compliance.

Inspection Details:

Requirement Description:	<p>PAO 108389 Requirement 4 - Preparation of Action Plan</p> <p>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) 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. <p>In this order "Agronomically Correct" in relation to the application of agricultural waste to crop land means a rate and timing of application that does not exceed levels of uptake by the relevant crops and minimized introduction of nitrates into ground or surface waters. Grace-Mar Farms 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> <p>Director's Amendment Letter dated: 2016-07-29 Requirement 4: Remains unchanged with the exception of the statement: 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 November 30, 2016.</p>
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Details/Findings:	<p>Inspection Overview</p> <p>On August 7, 2019, Ministry of Environment and Climate Change Strategy (Ministry) Environmental Protection Officer Colin Meldrum (Officer Meldrum) conducted a file review inspection of Grace-Mar Farms Ltd. (Facility). The purpose of the inspection was to verify compliance with Pollution Abatement Order 108389 (the Order), issued on May 12, 2016 and most recently amended on May 23, 2017.</p> <p>The inspection period is from January 1, 2018 to June 30, 2019 and included a review of the following documentation: - HS Jansen and Sons Ltd Grace-Mar Site 2019 Nutrient Management Plan June 2019, prepared by Ruth McDougall, M.Sc., PAg. and dated June 2019 (2019 NMP).</p> <p>Compliance Assessment</p> <p>Compliance with this requirement was previously assessed in IR74069. It should be noted that in spring 2018, Grace-Mar Farms Ltd. sold the facility and property located at 5093 Salmon River Road., Armstrong, BC to HS Jansen and Sons Ltd. HS Jansen and Sons Ltd. have retained a qualified professional to prepare a Nutrient Management Plan for the facility located at 5093 Salmon River Road, Armstrong, BC. Because the submission of the action plan was submitted to the Ministry and assessed for compliance in IR74069, compliance with this requirement is not applicable for the inspection period.</p>
Compliance:	Not Applicable
Requirement Description:	<p>PAO 108389 Requirement 5 - Action Plan Implementation</p> <p>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. Amendment Letter dated: 2016-07-29 Publically post the Action Plan required by this order by November 30, 2016 and publicly post the annual summary required by section 6 of this order by June 30, 2017, including physically posting the Action Plan and Annual Summary at the Hullcar Community Hall. Any updates to the Action Plan must be posted at the Hullcar Community Hall for the next two years, and future Annual Summaries must be posted at Hullcar Community Hall annually for the next two years, by June 30 of each year.</p>

Details/Findings:	<p>The 2019 NMP states that HS Jansen and Sons Ltd. purchased the Grace-Mar Farms Ltd. property in spring 2018. No annual summary, summarizing what actions from the Action Plan prepared under requirement 4 of the Order were undertaken, was prepared for the 2018 calendar year by Grace-Mar Farms Ltd.</p> <p>Compliance with this requirement to implement the Action Plan was previously assessed in IR74069; however, several actions were ongoing.</p> <p>Action 4 of the Action Plan stated that the temporary storage of manure should be avoided except on a concrete pad and that any temporary field storage of manure must be located on an impermeable base. The 2019 NMP states that no manure was produced at the Grace-Mar Farms Ltd. property in 2018; therefore, no storage of manure was required in 2018.</p> <p>Action 8 of the Action Plan stated that a Professional Agrologist would prepare an annual nutrient management plan. The 2019 NMP states that no nutrient management plan was in place in 2018 because the purchase of the property was in process; therefore, Grace-Mar Farms Ltd. did not implement Action 8 of the Action Plan in 2018. The 2019 NMP is the nutrient management plan in place for 2019.</p> <p>Action 9 of the Action Plan stated that nutrients would be applied according to the nutrient management plan. It is understood that manure was applied to the fields in spring 2018 and that no additional nutrients were applied after the purchase of the property. Because there was no nutrient management plan for 2018, the nutrients were not applied according to a nutrient management plan as stated in Action 9.</p> <p>Action 12 of the Action Plan stated that manure would not be applied within the required setbacks listed in the Order. Compliance with this requirement is not determined for the inspection period.</p> <p>Action 13 of the Action Plan stated that post-harvest soil monitoring would be conducted. The 2019 NMP presents the results of post-harvest nitrate testing and uses those results to calculate nutrient application rates for 2019.</p>
Compliance:	Out
Requirement Description:	<p>PAO 108389 Requirement 6 - Annual Summary Reporting</p> <p>Submit to the Director a formal written summary by November 30, 2016 and annually for the next two years including:</p> <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. <p>Director's Amendment Letter dated: 2016-07-29 Requirement 6: Remains unchanged with the exception of the statement: Submit to the Director a formal written summary by June 30, 2017.</p>

Details/Findings:	A review of the Ministry file database determined that no formal written summary was submitted by June 30, 2019 for the 2018 calendar year by Grace-Mar Farms Ltd. The property was sold in spring 2018.
Compliance:	Out
Requirement Description:	PAO 108389 Requirement 7 - Public Posting of Annual Summary Publically post the Action Plan required by this order by August 15, 2016 (amended to November 30, 2016, ibid) and publicly post the annual summary required by this order by November 30, 2016 (amended to June 30, 2017, ibid) 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 (amended to June 30, ibid) of each year.
Details/Findings:	A review of the Ministry file database determined that no Annual Summary was prepared for the 2018 calendar year by Grace-Mar Farms Ltd. The property was sold in spring 2018.
Compliance:	Out

Compliance History:

2018-01-22 IR74069 - Notice of Compliance
2017-07-18 IR59938 - Warning
2017-03-29 IR51040 - Administrative Monetary Penalty Referral
2017-03-13 IR48771 - Investigation Referral
2016-02-10 IR25608 - Warning

The Ministry of Environment Compliance and Enforcement Policy and Procedure (C&E Policy) prescribes common requirements and procedures for all Ministry staff to ensure consistent and risk-based assessment and response to noncompliance. Using the Non-Compliance Decision Matrix, the compliance determination for this inspection has been assessed as a Level 1, Category B.

More information about Environmental Compliance, the Non-Compliance Decision Matrix, and reporting and data submission requirements can be found at the links below:

- General compliance information: <http://www.gov.bc.ca/environmentalcompliance>
- Non-Compliance Decision Matrix information: <http://www.gov.bc.ca/environment/how-compliance-is-assessed>
- Reporting and data submission requirements (to be sent to EnvAuthorizationsReporting@gov.bc.ca): <http://www.gov.bc.ca/submit-waste-authorization-reports>

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 letter, 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.