



Report Date: June 15, 2017

File: 108431

Report Number: 050333

PURPLE SPRINGS NURSERY INC.

4516 Hullcar Road
Armstrong BC V0E 1B4

Dear PURPLE SPRINGS NURSERY INC.

Re: Non-compliance Advisory Letter, Pollution Prevention Order 108431, 4516 Hullcar Road, Armstrong, BC, Effluent

On June 12, 2017, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, PURPLE SPRINGS NURSERY INC. located at 4516 Hullcar Road, Armstrong, BC with authorization number 108431 under the *Environmental Management Act*.

Failure to comply with the terms and conditions set out in your authorization is an offence under the *Environmental Management Act* (EMA).

A person who fails to comply with a provision of EMA may be found guilty of an offence and could be liable, on summary conviction, to a penalty. For your reference, EMA and all related and pertinent British Columbia Laws can be found at <http://www.bclaws.ca/>.

It should also be noted that, as an alternative to prosecution of the offence mentioned above, the Ministry may initiate action to impose an administrative penalty against PURPLE SPRINGS NURSERY INC.. 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.

This Advisory, the alleged violations and the circumstances to which it refers will form part of the compliance history of PURPLE SPRINGS NURSERY INC., 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 until such a time as it can be confirmed to meet the authorization requirements.

Inspection Details:

Ministry of Environment

Compliance
Environmental
Protection Division

Mailing Address:
102 Industrial Pl
Penticton BC V2A 7C8

Telephone: 250 490 8200
Facsimile: 250 490 2231
Website: www.gov.bc.ca/env

Requirement Description:	<p>Requirement</p> <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 :</p> <p>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 during 2016;</p> <p>ii) the groundwater monitoring information collected to July 15, 2016;</p> <p>iii) the storage capacity needed to store all feedstock (including manure) stored 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;</p> <p>iv) types and quantities of feedstock (including 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;</p> <p>v) 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;</p> <p>vi) 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);</p> <p>vii) crops/trees (to be) planted in 2016;</p> <p>viii) drainage management measures undertaken or planned to be undertaken in 2016; and,</p> <p>ix) a map of the Lands and nearby surrounding lands as of July 15, 2016, identifying all fields (owned or leased) utilized for farm operations; identifying the locations of manure storage facilities/ field storage areas; drinking water well(s), industrial well(s), surface water intakes, and any other relevant water work(s); groundwater monitoring locations; and identifying all setbacks (i.e. minimum distances) between such facilities or areas and wells or relevant water works.</p> <p>The 2016 Farm Book must be provided to the Director under the Environmental Management Act (the "Director") by August 15, 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>On August 15, 2016, Joe Klassen submitted a 2016 Farm Book to the Director. This version did not cover the necessary points to fulfill requirement #1 and was therefore not accepted. On January 6, 2017 a second version of the 2016 Purple Springs Farm Book was submitted to the Director by Ruth McDougall, acting as a consultant for Purple Springs. The Farm Book was in the form of three letters; the Nutrient Management Report, the Groundwater Sampling Program letter (covering Purple Springs and Regehr Feedlot and Farm), and the Site Investigation Report. The second version contained sufficient information to satisfy the intent of the requirements.</p>
Compliance:	In
Actions to be taken:	None
Requirement Description:	<p>Requirement</p> <p>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.</p> <p>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.</p>
Details/Findings:	<p>On January 31, 2017 Joe Klassen submitted a 2017 Farm Book to the Director. This version did not cover the necessary points to fulfill requirement #2 and was therefore not accepted. On March 10, 2017 a second version of the 2017 Purple Springs Farm Book was submitted to the Director by Ruth McDougall, acting as a consultant for Purple Springs. The second version contained sufficient information to satisfy the intent of the requirements.</p>
Compliance:	In

Actions to be taken:	None
Requirement Description:	Requirement 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:	On February 9, 2017, Joe Klassen submitted photo evidence that the 2017 Farm Book (January 31, 2017 version) had been publicly posted at the Hullcar community hall. On March 10, 2017, an updated 2017 Farm Book (Version 2) was submitted. On March 31, 2017, the Farm Book was publicly posted.
Compliance:	Out
Actions to be taken:	While Purple Springs is deemed out of compliance as a result of not meeting the temporal boundaries of the submission, they did eventually publicly post their Farm Book. No further action is required.
Requirement Description:	Requirement 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, irrigation or drinking water wells or leave the Lands. Implement drainage management measures identified by the Qualified Professional by July 15, 2016 and continue implementing such measures until this order is amended or cancelled.
Details/Findings:	On January 6, 2017, Ruth McDougall provided the 2016 Farm Book for Purple Springs to the Director. The Farm Book was comprised of three separate documents, one of which (the site investigation report) assessed the drainage management measures on the farm. The submitted document was sufficient to satisfy this requirement of the Order.
Compliance:	In
Actions to be taken:	None
Requirement Description:	Requirement 5: Retain a qualified professional to review the existing groundwater monitoring program for nitrates and other nitrogen compounds in the groundwater on the Lands identified in this order. Implement any adjustments recommended by the Qualified Professional by July 15, 2016 and continue implementing such measures until this order is amended or cancelled.
Details/Findings:	On January 6, 2017, Ruth McDougall provided the 2016 Farm Book for Purple Springs to the Director. The Farm Book was comprised of three separate documents, one of which (the Nutrient Management Report) provided action items for groundwater monitoring. During a site visit on May 8, 2017, I asked Purple Springs staff to produce documents showing that the required sampling had been completed. The documents were on hand and available for review. The required action items are being fulfilled.
Compliance:	In
Actions to be taken:	None
Requirement Description:	Requirement 6: By July 15, 2016 establish functional Manure storage facilities which have, at a minimum, the storage capacity necessary to store all Manure transferred to or produced by Purple Springs Nursery Inc. for the length of time necessary to allow for storage of such Manure in accordance with this order until it is applied in accordance with this order. Storage capacity must be determined based on Purple Springs Nursery Inc. receiving amounts of manure at least equal to any amounts Purple Springs Nursery Inc. from time to time agrees to receive from any other party.
Details/Findings:	Based on my observation of the mixing area for compost (August 2016), I feel Purple Springs has adequate capacity for all the manure brought in from offsite.

Compliance:	In
Actions to be taken:	Ensure that each location chosen for compost mixing meets the requirements of this Order and any other pertinent regulations.
Requirement Description:	Requirement 7: By July 15, 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:	All permanent manure storage facilities (composting mix area where the manure is brought into and temporarily stored) is 30 meters from any source of water used for domestic purposes including drinking water well or surface water intake; 15 meters from the high water mark of all watercourses; and 4.5 meters from all property lines.
Compliance:	In
Actions to be taken:	None
Requirement Description:	Requirement 8: By July 15, 2016 ensure all field storage areas for manure 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:	This requirement is being met as per my visual inspection on May 8, 2017.
Compliance:	In
Actions to be taken:	None
Requirement Description:	Requirement 10: By July 15, 2016 must ensure all manure field storage areas are: i) established such that any leachate must be collected and contained, and ii) established and located such that storm or rain water flowing along the surface of manure storage site is diverted from entering the field's stored manure pile(s).
Details/Findings:	All manure field storage areas were established such that leachate is collected and contained and located such that storm or rain water flowing along the surface of manure storage site is diverted from entering the field's storage manure piles. Windrows of composted material (including manure) are placed on the land where trees will be planted into. Moisture meters are utilized to ensure an adequate volume of water is being applied to the piles while minimizing any runoff. The soils beneath these windrows are compact which reduces infiltration of leachate. Any leachate that does come off these piles will likely travel along the windrows and enter the collection ditches where it will be transported to the constructed wetland.
Compliance:	In
Actions to be taken:	None
Requirement Description:	Requirement 11: By December 30, 2016 must submit a plan identifying how manure field storage areas can be: i) covered, and ii) located on a base of low permeability soil (hydraulic conductivity of 10 ⁻⁶) or base, e.g., layer of clay, or on an impermeable liner.

Details/Findings:	On April 21, 2017 Purple Springs submitted a plan identifying how manure field storage areas can be covered and located on a base of low permeability soil or base. The plan discusses utilizing nearby clay deposits to provide an impermeable base. The plan also states that feedstocks and compost windrows can be covered if required.
Compliance:	In
Actions to be taken:	None
Requirement Description:	Requirement 13: Prior to any manure and/or inorganic fertilizer application to fields and tree growing areas, 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 best management practices and principles as outlined in the Canada-BC Environmental Farm Plan Program Reference Guide and the Nutrient Management Reference Guide.
Details/Findings:	On January 6, 2017, Ruth McDougall provided the 2016 Farm Book for Purple Springs to the Director. The Farm Book was comprised of three separate documents, one of which (the Nutrient Management Report) determined the agronomically-correct rates for application.
Compliance:	In
Actions to be taken:	None

The purpose of this inspection record is to assess compliance status with Order 108431 as of June 12, 2017. An earlier Order compliance assessment was completed on August 16, 2016 at which time Sections 9, 12, 14 and 15 were deemed as in compliance and are therefore not being re-assessed as part of this inspection.

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

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. 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 codes and regulations under which administrative penalties can be assigned."

Compliance History:
June 2, 2016 - IR25729 - Notice
August 6, 2016 - IR29188 - Investigation

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

Yours truly,

Devan Oldfield
Environmental Protection Officer

cc:

Attachments:

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