



Report Date: June 23, 2017

File: 108432

Report Number: 056938

Kenneth Regehr  
4516 Hullcar Road  
Armstrong BC  
V0E1B4

Dear Kenneth Regehr

**Re: Non-compliance Advisory Letter, Pollution Prevention Order 108432, 4516 Hullcar Road, Armstrong, BC, Effluent**

On June 12, 2017, Ministry of Environment, Environmental Protection Division staff conducted an inspection of your facility, Kenneth Regehr located at 4516 Hullcar Road, Armstrong, BC with authorization number 108432 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 Kenneth Regehr. 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 Kenneth Regehr, 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:

Requirement Description:	<p>1: Within 45 days of the issuance of this order, submit to 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"> <li>a) all fields located on the Lands where agricultural wastes including manure are generated or permanently or temporarily stored;</li> <li>b) all storage facilities located on the Lands;</li> <li>c) all seasonal and confined feeding areas on the Lands; and</li> <li>d) all drainage management structures on the Lands.</li> </ul> <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>Order #108432 was issued on June 8, 2016. The TOR and work plan was submitted on July 26, 2016. On September 23, 2016, the TOR and work plan were accepted by the Director.</p>

Compliance:	In
Actions to be taken:	None
Requirement Description:	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.
Details/Findings:	On September 23, 2016, the TOR and work plan were accepted by the Director.  On December 23, 2016, the Environmental Impact Study, including results from the comprehensive monitoring program, was submitted to the Director.
Compliance:	In
Actions to be taken:	None
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:	On July 29, 2016 an amendment to Order #108432 was issued, This amendment provided an extension to the submission date of the EIA to October 14, 2016.  On December 23, 2016 an Environmental Impact Study, including results from the comprehensive monitoring program, was submitted to the Director by Associated Environmental on behalf of Kenneth Regehr.
Compliance:	Out
Actions to be taken:	Kenneth Regehr is out of compliance with the submission of the required EIA due to it being submitted 70 days late.  The submission was eventually received and therefore no further action is required.

Requirement Description:	<p>4: Must retain a suitably Qualified Professional to prepare an Action Plan detailing measures to be taken to prevent 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"> <li>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;</li> <li>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;</li> <li>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;</li> <li>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;</li> <li>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, licensed 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</li> <li>vii) a timeline for implementation of the Action Plan.</li> </ul> <p>If the Action Plan proposes that manure will be transferred to Purple Springs Nursery Inc. as an alternative or in addition to other manure storage measures to be undertaken by the Addressees, the Action Plan must be accompanied by a written agreement with Purple Springs Nursery Inc. that specifies the amounts and timing of manure that Purple Springs Nursery Inc. agrees to accept.</p>
Details/Findings:	<p>On July 29, 2016 an amendment to Order #108432 was issued, This amendment provided an extension to the submission date for the Action Plan to October 31, 2016.</p> <p>On February 2, 2017 the Director received the first version of the Action Plan from Associated Environmental on behalf of Kenneth Regehr. A number of edits were requested and subsequently a revised Action Plan was created on April 21, 2017. On May 11, 2017, the Action Plan was accepted by the Director.</p> <p>A written agreement with Purple Springs for manure acceptance was initially provided on February 2, 2017. A revised version was submitted on May 19, 2017 and accepted by the Director.</p>
Compliance:	In
Actions to be taken:	None
Requirement Description:	<p>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.</p>
Details/Findings:	<p>On April 21, 2017 an Action Plan was submitted to the Director by Associated Environmental on behalf of Kenneth Regehr. The Director approved the Action Plan on May 11, 2017.</p> <p>The Action Plan contained 13 points to be addressed. Some of these points have completion dates in the future and therefore compliance cannot be verified at this time. (Items #1, 2, 3, 4, 5, 7, 8, 9, 11, 12 and 13).</p>
Compliance:	Not Determined
Actions to be taken:	Provide updates and required documentation as the dates of Action Items are reached.
Requirement Description:	<p>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.</p>

Details/Findings:	<p>On April 21, 2017 an Action Plan was submitted to the Director by Associated Environmental on behalf of Kenneth Reger. The Director approved the Action Plan on May 11, 2017.</p> <p>The Action Plan contained 13 points to be addressed. Action Item 6 has been completed. Action Item 10 no longer applies.</p>
Compliance:	In
Actions to be taken:	None
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:	<p>On April 21, 2017 an Action Plan was submitted to the Director by Associated Environmental on behalf of Kenneth Reger. The Director approved the Action Plan on May 11, 2017.</p> <p>The Action Plan contained 13 points to be addressed. Action Items 1 and 2 have not been completed to the satisfaction of the Director.</p> <p>Outstanding issues to date include the following;</p> <p>Action Item #1 - No sample results were submitted for Project Well #17 in the June 15 Action Plan Summary.</p> <p>Action Item #2 - No comparison between the lagoon sample and project well #13 was provided in the June 15 Action Plan Summary.</p>
Compliance:	Out
Actions to be taken:	Provide groundwater data obtained from Project well #17. Provide a comparison between the analytical results obtained from Project well #13 and the lagoon water sample.
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"> <li>i) summarizing in reasonable detail what actions from the Action plan were undertaken;</li> <li>ii) identification of all agriculture operational changes that occurred;</li> <li>iii) summarizing in reasonable detail monitoring results;</li> <li>iv) summarizing environmental impact assessment (first year only); and</li> <li>v) recommending additional mitigation and restoration measures, if appropriate.</li> </ul>
Details/Findings:	<p>On July 29, 2016 an amendment to Order #108432 was issued, This amendment provided an extension to the submission date for the annual summary to June 30, 2017.</p> <p>On June 15, 2017 an annual summary was provided to the Director.</p>
Compliance:	In
Actions to be taken:	
Requirement Description:	7: Must publicly post the Action Plan required by this order by August 15, 2016 and publicly post the annual summary required by 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 #108432 was issued, This amendment provided an extension to the posting of the Action Plan to October 31, 2016 and an extension of the posting of the Annual Summary to June 30, 2017.</p> <p>On February 19, 2017, photographic evidence was submitted to the Director showing that the Action Plan had been posted at Hullcar Hall. As The Action Plan was submitted late, Kenneth Regehr has been found out of compliance on this point.</p>

Compliance:	Out
Actions to be taken:	As the Action Plan was eventually submitted, no further action is required.

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

Yours truly,

Devan Oldfield  
Environmental Protection Officer

cc:

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

<b>Ministry of Environment</b>	Compliance	Mailing Address:	Telephone: 250 490 8200
	Environmental	102 Industrial Pl	Facsimile: 250 490 2231
	Protection Division	Penticton BC V2A 7C8	Website: <a href="http://www.gov.bc.ca/env">www.gov.bc.ca/env</a>

**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%20A%20uthorizations>

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.