

September 15, 2017

To: Doug Hill
From: Chris Jenkins

Re: AWCR Review – Synopsis

Broad Context:

- The Agricultural Waste Control Regulation (AWCR) is provincial in scope, applies to over 20,000 agricultural operations in British Columbia and has been in effect since 1992.
- Ministry of Environment and Climate Change Strategy (ENV) has a 5 stage process for creating and amending Regulations and Codes of Practice: 1 - Scoping; 2 - Intentions Paper; 3 - Consultation; 4 - Drafting; 5 – Implementation
- With reference to the *Environmental Management Act* and the Waste Discharge Regulation, a Regulation is promulgated by Order-in-council (OIC) and a Code of Practice is a Minister's regulation.

AWCR review process:

- The Ministry of Environment and Climate Change Strategy (ENV) started its review of the AWCR in 2010.
- The broad objective is to ensure that agricultural activities do not adversely impact groundwater, surface water and air quality, and that potential cumulative impacts are prevented and addressed.
- Scoping
 - see jurisdictional scan (see attached (two parts))
 - review files and prepare Intentions Paper
- ENV Intentions Paper (2010-January 2012)
 - articulate the ministry's proposed policy to outline future regulatory requirements
 - draft Intentions Paper (IP #1 attached)
- Consultation (January 2012 to late 2016)
 - an open, transparent and public opportunity for all interested parties to provide comment on Ministry Intention Paper
 - IP#1 posted January 2012 on the web; briefings provided upon request; all comments received summarized and posted November 2012 (see attached)
 - in April 2012, as part of the Agricultural Waste Control Regulation (AWCR) review, ENV began consulting with an agriculture industry working group consisting of industry sector representatives, the BC Agriculture Council and the Ministry of Agriculture (membership and summary of meetings attached)
 - the technical working group agreed on high level objectives of the review, worked through the first IP and comments received, and assessed technical information and refined policy to inform new rules.

- a second Intentions Paper (IP #2 attached) was posted July 2015 and a second set of comments received was summarized and posted September 2015.
- The Final policy document was shared with working group (this document is not a public document and is attached for reference only)
- Drafting (commenced late 2016)
 - uses the results of consultation and the ministry's final policy document to guide the creation of a Code of Practice (the intent is to repeal the current AWCR and replace it with a new Code).
 - this work is in-progress.
- Implementation
 - once new Code in place ENV in collaboration with AGRI and industry will promote awareness of new rules; ensure timeframes for compliance are understood, create guidance tools and monitor.
 - ENV will monitor effectiveness to assess that protection of the environment and human health is achieved.

Industry Working Group:

- Has memberships and linkages to majority of agricultural sectors as well as Ministry of Agriculture representatives.
- Is designed to ensure through an open and transparent process that clear, consistent and achievable standards are created.
- Provides a venue to exchange technical and practical experience in order to inform policy and creation of performance and outcomes based rules. (a summary of technical briefs is available from AGRI).

Summary Comment

- It is envisioned that the new rules being created as a result of the AWCR review are expected to:
 - protect human health and the environment;
 - be clear and enforceable;
 - improve requirements for higher risk situations and, moving forward, prevent adverse impacts to vulnerable unconfined aquifers such as the Hullcar aquifer; and
 - guide Statutory Decision Makers when they impose site specific requirements (e.g., via Orders under EMA).