

The ministry is updating the Agricultural Waste Control Regulation (AWCR) within a new agricultural environmental management policy framework.

July 2015

Update on the Regulatory Review

The Ministry of Environment (the ministry) is currently reviewing the Agricultural Waste Control Regulation (AWCR) in consultation with agriculture industry representatives, provincial ministries and other stakeholders. A proposed new agricultural environmental management policy framework will include:

- Updated policy;
- A revised regulation or code of practice that will be enacted under authority of the *Environmental Management Act* (EMA); and
- Guidance documents (such as guidelines, fact sheets, beneficial management practices) and other non-regulatory approaches.

The following pages of this update contain the 2nd policy intentions paper that describes the proposed revised policy. This builds on the public feedback received on the previously posted policy intentions paper and results from an extensive and collaborative consultation with an agriculture industry working group. Links to previous consultation documents and public comments, as well as opportunities for providing comment, are provided on the the ministry's [AWCR web site](#).

Background

The Agricultural Waste Control Regulation came into force in 1992. It was amended in 2004 to align with the *Environmental Management Act* and the Waste Discharge Regulation, and again in 2008 to establish consistent rules for fuels used in boilers in the agricultural industry. In 2009, the ministry initiated a comprehensive review of the regulation to maintain consistency with current legislation, standards and practices that led to a 1st policy intentions paper released for public comment in 2012. That intentions paper and a summary of comments are posted on the ministry's [AWCR website](#).

Since April 2012, the ministry has been consulting with a working group of industry sector representatives (see Appendix), the BC Agriculture Council and the Ministry of Agriculture staff to clarify policy goals and discuss proposed revisions to the regulation.

Key Points

- ➔ The ministry is working with the agriculture industry*, the Ministries of Agriculture and Health, and other stakeholders to update the Agricultural Waste Control Regulation (AWCR) within a proposed new agricultural environmental management policy framework.
- ➔ Main concerns are surface water, groundwater and air quality – and environmentally sound agricultural practices.
- ➔ Risk-based approaches (e.g., for standards and compliance) will be used to address improper handling and storage of manure and agricultural byproducts, as well as managing nutrients and land application practices.
- ➔ The ministry is seeking public comment on the 2nd policy paper prior to preparing a proposed revised regulation.

* See Appendix for a list of industry sector representation on the agriculture industry working group, as well as consultation dates.

2nd Policy Intentions Paper

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Goals

The goals for updating the regulation are to:

- Enhance and improve water and air quality by ensuring that good agricultural practices are followed.
- Provide regulatory certainty—through clear requirements and guidance on desired environmental outcomes.
- Facilitate appropriate and beneficial use of manure, agricultural byproducts and other nutrient sources.
- Ensure that manure, other nutrient sources and materials are properly stored and used so that watercourses and groundwater are protected.

Key environmental concerns

Good agricultural stewardship of the landbase and environment in B.C. supports environmental values and should pose a low risk for adverse impacts to the environment. However, improper agricultural practices can result in negative impacts to air, soil and water quality, as well as contribute to cumulative effects—from point and non-point sources.

Examples of potential impacts include:

- Excess nutrients (e.g., nitrogen, phosphorus) and pathogens entering into surface water encourage algae growth—which depletes oxygen and contributes to eutrophication of water bodies—leading to fish and invertebrate die-off, and human health concerns.
- Nitrates and pathogens entering drinking water sources (both surface water and groundwater sources) pose risks to human health.
- Suspended solids and sediments entering surface water from soil erosion and runoff can contribute to decreases in water quality.
- Air emissions from agricultural activities, such as ammonia and particulate matter from manure and animal management activities, forced air ventilation systems and smoke from incinerators used on farms are of concern—particularly when emissions reach levels that impact respiratory health.

Good agricultural practices reduce or eliminate these negative impacts, as well as benefit farmers and farm lands through efficient utilization of nutrients from manure and other materials.

Key policy concepts

Discussions with the agriculture industry working group (the working group) emphasized the potential for beneficial use and appropriate management of manure and other agricultural byproducts and wastes. Key policy concepts reviewed by the group included:

- Addressing direct discharges (e.g., from pipes or spreading equipment) into surface water or groundwater. Direct discharges (i.e., human controlled discharges directly into watercourses or groundwater) would not be allowed. This would not generally apply to manure deposited directly by grazing animals.
- Indirect discharges causing negative or adverse effects and how they will be addressed in updated policy.
- Clarifying regulatory intent—by grouping common requirements in terms of desired environmental outcomes (e.g., storage).
- No change to emission standards for biomass-fuelled boilers or heaters.
- Incorporating corrective measures, where appropriate, to clarify expectations.
- Instituting a higher level of protective measures for areas and conditions where there is a higher risk or potential for pollution.
- Encouraging use of non-regulatory tools to facilitate and foster good agricultural practices.

Key Policy Concepts

- ➔ Provisions encourage beneficial use of agricultural products and byproducts and appropriate agricultural management practices.
- ➔ Direct discharges to surface or groundwater will be prohibited.
- ➔ Regulatory requirements are based on desired environmental outcomes.
- ➔ Corrective measures are incorporated.
- ➔ Focus a higher level of protection to higher risk situations.

Structure and content

1. General considerations

The overarching goal for the revised regulation is:

Manure, agricultural wastes, agricultural products and byproducts, wood waste, mortalities, and other materials produced and used on an agricultural operation are managed in a manner that protects the environment and human health.

Requirements in the regulation would apply to all agricultural operations—*if* the situation and/or activity fits with the terms and intent of the regulation. For example, there is no mandatory requirement to store manure if the farmer does not have an operational need to do so.

Requirements will be harmonized with existing related regulations, including the Organic Matter Recycling Regulation (OMRR), the newly enacted *Water Sustainability Act*, the *Farm Practices Protection Act (FPPA)*, the *Public Health Act*, the *Forest & Range Practices Act*, the *Range Act*, and the *Land Act*—and their respective regulations.

Discussions with the working group also identified specific environmental protection measures in existing regulations, such as those contained in the *Farm Practices Protection Act (FPPA)*, and grazing permits and licences under the *Range Act*—for example, fugitive dust and odours are dealt with as “nuisance” concerns under the existing FPPA. The revised regulation will not duplicate existing legislation. However, good management practices will assist in meeting policy objective—effective control of fugitive dust and odours will, for example, help reduce the attraction of wildlife and other vectors, addressing environmental concerns and environmental goals.

2. Risk-based approach

Consideration of risk to the environment involves four factors:

- **Location**—e.g., vulnerable aquifers, drinking water sources, watercourses, sensitive receiving environments, wetlands.
- **Climate**—e.g., amount of seasonal or annual rainfall.
- **Weather conditions**—e.g., windy, freezing temperatures.
- **Farming operation or activity**—e.g., confined livestock feeding areas, size of operation, agricultural composting, management and land application of nutrients.

Every farm operator will prepare and maintain a simple, self-administered **environmental risk assessment**—taking these four factors into account to identify environmental sensitivities and concerns. Higher risk operations or activities, particularly in high risk areas or conditions, warrant specific protective measures. In certain circumstances, an equivalent level of protection to a minimum requirement may be considered.

High risk areas include: areas of the province with high annual or seasonal rainfall; vulnerable aquifers; and regionally-defined sensitive receiving environments or areas.

High risk conditions would consider: degree of slope towards a watercourse; windy conditions; storm events; and intense or high rainfall periods.

The working group reviewed the concept of protection related to risk (i.e., a risk-based approach to regulatory requirements). **Higher level protection** would be required where there is a constant high risk, and may be required when there is intermittent high risk. Such protective measures may be specific to a particular area (e.g., over an vulnerable aquifer) or to a transient condition (e.g., high winds). For example, a farm located over a vulnerable aquifer would need to store manure and other nutrient sources (both permanent and temporary storage) under cover and/or on an impermeable surface. Other protective measures may include no land application periods, collecting and containing leachate, and doing nutrient management and land application planning. A higher level of protective measures may be specified on a periodic basis, for a certain period of time, or if there is a specific concern or chronic problem with a particular location or situation.

3. Updated definitions

The AgWG reviewed definitions of agricultural products (such as livestock, poultry, farmed game, forage crops, berries, vegetables), and agricultural byproducts (including composted materials, soiled bedding, used mushroom media¹ and digestates). Agricultural products that are produced on-farm primarily for sale (e.g., crops, livestock) are considered “primary products”, while “agricultural byproducts” are principally used on-farm (though they may also be produced and sold).

Definitions in the revised regulation will be updated to clarify scope and purpose of regulatory provisions. For example, definitions for manure types and treatments (e.g., by composting or anaerobic digestion), and uses of manure (e.g., fertilizer or soil conditioner) will be clarified.

The updated policy and revised regulation will also distinguish between “*wood waste*”² that may be suitable for agricultural uses (such as hog fuel, mill ends, sawdust, shavings, wood chips and bark) and other wood waste that may be harmful to humans, animals or crops. These harmful wastes—such as demolition and construction wood waste, and other used wood products that have been treated with glue, paint or preservatives that originate from off-farm—would not be authorized for use under this regulation. See Section 9 of this paper for a more detailed discussion of wood waste.

¹ Used mushroom media refers to the growing substrate that remains after mushrooms have been grown and harvested from the substrate.

² **Note:** the ministry is presently considering the definitions for what is currently termed “wood waste” (for example, specifying material as “wood manufacturing byproducts” or “lumber manufacturing byproducts”).

4. Setback distances

Setback distances, and alternative guidance that supports desired environmental outcomes and good agricultural practices, will continue to be included for:

- permanent storage facilities and temporary field storage of manure, agricultural byproducts and wood waste;
- use of wood waste; and
- mortality management (including burial, incineration and composting).

Discussions with the working group have clarified appropriate setback distances for specific situations. For example, minimum setback distances from drinking water sources (30 metres) and watercourses (15 metres) required in the existing regulation (AWCR) will remain the same, while setbacks from property lines should be consistent with local government bylaws and other regulations (such as the B.C. *Drinking Water Protection Act*) and may be required in cases of specific concerns or chronic problems. Minimum setback distances should be sufficient to ensure that leachate or contaminated surface runoff does not negatively impact water quality. Setback distances associated with surface water protection and the kinds of practices or setbacks associated with groundwater protection may differ. In such circumstances, a greater setback distance should be followed.

5. Storage

Discussions with the working group included appropriate guidance for storage of liquid and solid manure, as well as other materials. The objective is protection of surface water and groundwater by limiting negative impacts from leachate and contaminated runoff that can be generated by agricultural activities. Materials of interest include liquid and solid manure, other liquid and solid nutrient sources, and wood waste. For example, these materials need to be stored in a manner that prevents leachate generation, or effectively controls leachate, contaminated runoff and erosion throughout the year.

the ministry will continue to work with agriculture industry representatives and Ministry of Agriculture staff to ensure that guidelines and beneficial management practices for storage are current and practical.

The updated policy and revised regulation encompasses the following direction:

- Manure, agricultural byproducts (including composted materials, soiled bedding, used mushroom media and digestates) and wastes, and wood waste may be stored on a farm only if they are produced or used on that farm. There will be no restriction on distribution of manure or agricultural byproducts to other farms provided that handling and transport of the materials is in keeping with regulatory requirements.
- Storage of demolition and construction waste, and other used wood products that have been treated with glue, paint or preservatives originating from off the farm will not be allowed.
- Allowable **storage methods** include: permanent storage facilities; temporary field storage; and, in the case of manure and soiled bedding from fur-bearing animals, under their outdoor pens.
- **Solid materials** may be kept in a permanent storage facility, or as temporary field storage.
- **Liquids** should only be kept in a storage facility that does not overflow or leak, including liquid fertilizing materials and effluent from horticultural operations. Transport of liquids (e.g., between fields or across properties, including in pipes) should be undertaken in a manner that does not allow leaks or spills into watercourses or groundwater sources.
- Protective measures addressing **permanent storage facilities** and **temporary field storage** will include:
 - » minimum setback distances from watercourses, drinking water sources, and in cases of specific concerns or chronic problems, property lines/boundaries (consistent with local government agricultural building bylaws and other regulations); and

- » higher levels of protection in high risk areas or conditions, or in circumstances identified in the farm's **environmental risk assessment**.
- Additional protective measures addressing **temporary field storage** in high risk areas would include:
 - » maximum storage duration (proposed to reduce from current 9 months to 7 months);
 - » rotation of location of temporary field storage; and
 - » restrictions on quantity of material being stored—in cases of specific concerns or chronic problems.

6. Agricultural composting

Agricultural composting involves on-farm composting of manure and agricultural byproducts. Discussions with the agriculture industry Working Group clarified agricultural composting practices and purposes. For example, on-farm composting generally involves a natural bio-degradation process rather than strict documentation of retention times, temperatures and turning regimen.

The ministry does not intend to implement overly restrictive requirements with respect to agricultural composting. Agricultural composting practices would be required to follow the same protective measures as other agricultural activities with potential for leachate or contaminated runoff to negatively impact the environment. For example, the composting site would need to meet minimum setbacks from watercourses, drinking water sources and property lines. Effective controls should be in place to prevent leachate or contaminated runoff from a composting site or facility entering a watercourse, going beyond property boundaries or leaching into groundwater, as well as prevent vector attraction. A higher level of protection would be required in high risk areas or conditions, or in circumstances that have been identified through the farm's **environmental risk assessment**.

The ministry does not intend to restrict movement between farms of manure and other compostable materials in support of good nutrient management. There will be no change to the requirement that manure and byproducts may only be composted on a farm if they are produced on that same farm, or if they are produced on other farms, but brought on to be composted for use on that same farm.

The Organic Matter Recycling Regulation (OMRR) will continue to apply if the composted material contains non-agricultural materials, or if the composted material is intended for commercial sale or non-farm use.

Production of mushroom growing media (termed Phase I 'composting') is regulated under the Mushroom Compost Facilities Regulation. The proposed revised regulation will apply to the agricultural activities involved in growing mushrooms once the finished (composted) growing media is brought into the growing barn. Managing the mushroom production activities including the used mushroom media (or post mushroom substrate) would be required to follow the same protective measures as for other agricultural activities with potential for leachate or contaminated runoff to negatively impact the environment.

7. Land application of nutrients and other specified materials

Nutrient management is an integral component of farming. While application of nutrients in an appropriate manner supports healthy crops and crop growth, excess nutrients can run off into watercourses or leach into groundwater and negatively impact water quality, ecosystems and human health. Good agricultural practices reduce or eliminate these negative impacts, as well as benefit farms.

Nutrient management and land application of nutrients involves consideration of "the four R's"—*right source, right rate, right place and right time*. The objectives in the proposed revised policy and regulation are to minimize and eliminate where possible, the risk of: (1) runoff containing excessive nutrients entering watercourses, drinking water sources or groundwater causing deleterious effects; and (2) accumulation of excess nutrients in the environment.

Review of this topic with the working group included discussion of existing nutrient management practices and guidance materials. The intention is to avoid duplication of existing requirements while recognizing the role of nutrient management in minimizing risk to environmental values. The updated policy and revised regulation will include the following:

- Application of manure and other nutrient sources will not be allowed:
 - » on frozen or snow-covered ground;³
 - » in strong or diverting winds;
 - » on areas having standing water; or
 - » on saturated soils.
- Manure and other nutrient sources should only be applied as a fertilizer or soil conditioner. Nutrient management, including land application rates based on crop nutrient requirements and soil residual nutrient levels would be phased in over 3 years.
- Nutrients would not be allowed to be applied at rates of application that cause direct runoff of manure or agricultural byproducts into a watercourse or groundwater, or go beyond the property boundary.
- In high risk areas, nutrients would not be allowed to be applied at rates of application that:
 - » exceed crop growth requirements; or
 - » result in excessive nutrient accumulation.
- Additional provisions and guidance, including:
 - » Protective measures to address health concerns regarding manure applications on raw food crops;
 - » Effective controls to ensure that leachate and contaminated runoff from land applications, and drift from sprayed materials are not allowed to enter watercourses, or to go off the property; and
 - » Specified measures and controls in high risk areas or conditions, identified through the farm's **environmental risk assessment** or resulting from concerns or chronic problems identified by the ministry.

Accurate, appropriate and timely record-keeping is considered good management practice that shows due diligence and can demonstrate that effective nutrient management is being followed. Basic record-keeping includes regular and timely soil nutrient testing, nutrient concentrations of materials being applied, crop nutrient requirements, and calculations for application rates over the whole growing season. The revised regulation will include provision for ministry staff to request and/or require records of how nutrients are managed in high risk areas or conditions, or resulting from a compliance inspection. Specified nutrient management record-keeping and practices may be set out in an advisory or an order, based on the ministry's compliance framework (see page 10 of this policy paper).

8. Managing mortalities

Management of mortalities is an important element of agricultural practices with significant potential for both beneficial use and risk to environmental values. The working group reviewed existing regulatory requirements and management practices for managing mortalities.

On-farm burial, incineration and composting will continue to be acceptable methods for disposing of normal mortalities. Disposal of "mass carcasses"—such as mortalities from deaths caused by or associated with a reportable disease, flooding, or other event leading to multiple casualties of livestock or poultry, over what would be considered "normal mortalities"—is not within the scope of the current or proposed revised regulation and requires specific separate authorization.

Requirements and guidance for managing mortalities in the updated policy and revised regulation will include:

³ The definition of "snow covered ground" will be addressed in further discussions with the agriculture industry working group and Ministry of Agriculture.

- Storage requirements—if mortalities need to be stored prior to disposal. For example, mortalities should be contained so that there are no leaks of effluent or leachate, and in a manner that prevents access and reduces the risk of attracting wildlife, or other vectors. Guidance on acceptable practices for reducing risk of attracting wildlife in rural, semi-rural, and peri-urban areas will be developed in consultation with the agriculture industry and the Ministries of Agriculture and Forests, Lands and Natural Resource Operations.
- Minimum setback distances from:
 - i) watercourses (currently no minimum stated to a proposed 15 metres),
 - ii) groundwater (currently no distance stated to a proposed 1 metre to 15 metres or more depending upon soil type and conditions),
 - iii) drinking water sources (to stay the same at 30 metres) and
 - iv) property boundaries, in cases of specific concerns or chronic problems (currently no stated distance to a proposed 3-7 metres) for burial and composting locations.
- Transport of mortalities to recognized off-farm disposal facilities should be undertaken in a manner that prevents escape or leakage and in accordance with federal, provincial and municipal biosafety and transport regulations.
- Requirements for managing small amounts of slaughter wastes from small on-farm operations.⁴ For example, if being stored prior to disposal, slaughter wastes should be stored only in a covered container that does not leak or overflow, and prevents access by wildlife or other vectors. Slaughter wastes stored on a farm may only be from a small on-farm slaughter operation on that same farm, or from the animals raised on that same farm (but slaughtered off-farm).
- Provision for ministry staff to request and/or require records of how mortalities and slaughter waste are managed if specific concerns (e.g., high risk areas or conditions) or chronic problems (i.e., compliance history) are identified. Specified record-keeping and management practices may be set out in an advisory or an order, based on the ministry's compliance framework (see page 10 of this policy paper).

8.1 Burial of mortalities

On-farm burial will continue to be allowed for normal mortalities and small quantities of slaughter wastes, if applicable.

Protective measures related to burial of mortalities will include:

- Site criteria and covering requirements for burial pits or trenches—including, for example, soil characteristics, minimum distance from bottom of pit to groundwater, maximum slope of land and minimum setback from unstable areas and watercourses.
- A higher level of protection for high risk areas or conditions. In some high risk areas, burial may not be allowed.
- Burial records that may be requested or required include site criteria and geographical location.

8.2 Incineration of mortalities

On-farm incineration will continue to be allowed for normal mortalities and small quantities of slaughter wastes, if applicable. There will continue to be opacity and emissions requirements for incineration.

Guidance and requirements for incineration of mortalities in the updated policy and revised regulation will include:

- Operators of incinerators should follow manufacturer-based standard operating procedures.

⁴ Small on-farm slaughter operations producing less than five tonnes of live weight killed (LWK) red meat per year and less than 1.5 tonnes of LWK poultry meat per year are exempted from the provisions of the Code of Practice for the Slaughter and Poultry Processing Industries (the Slaughter Code). These operations fall under the current AWCR and will be specifically addressed in the revised regulation.

- Existing mortality incinerators need to meet the current maximum allowable emission standard of 180 mg per m³ (O₂ reference level of 11%) for particulate matter.
- New and replacement units should meet a reduced maximum allowable emission design standard of 150 mg per m³ (O₂ reference level of 11%) for particulate matter, to encourage the use of low-emissions incinerators—the provisions will include allowance for a brief start-up period. This provision was reviewed with the agriculture industry Working Group and is consistent with recommendations from the technical report on incineration technologies and practices.
- Opacity limits are proposed to be reduced from 20% to 10% for both existing and new mortality incinerators.
- Setbacks should be consistent with other regulations where applicable; for example, new farm incinerators should be set back 30 m from a property boundary as per the ministry's Guide for Bylaw Development in Farming Areas and 15 m from the top of a bank of a watercourse as per the requirements in the agriculture section of the Riparian Area Regulation.
- Other measures for protection of the environment and human health may be required, based on ministry concerns and compliance history. Incineration records that may be requested or required include weather conditions before and during operation, start-up period, burning time, volumes incinerated and amount of smoke produced (e.g., opacity assessments).

8.3 Composting of mortalities

On-farm composting of mortalities and small quantities of slaughter wastes, if applicable, as a component of agricultural composting will continue to be allowed.

Specific provisions related to composting of mortalities and/or small quantities of slaughter wastes include:

- Good management practices for composting of mortalities (e.g., meeting temperature and retention time, aeration method) should be followed to maintain standards and quality (i.e., complete degradation of animal parts—all bones should be fully decomposed).
- Effective controls in place to prevent leachate or contaminated runoff from a composting site entering a watercourse, going beyond property boundaries or leaching into groundwater, as well as to prevent attraction of and access by wildlife and other vectors.
- Screening to ensure that no distinguishable animal parts are present in finished compost and/or spread on fields.
- Land application restrictions of composted specified risk material (SRM), if generated from a small on-farm slaughter facility.⁵
- Mortality composting records that may be requested or required include number and type of animals composted, land application locations, amount and final disposal method of composted SRM, and land application dates.

9. Use of wood waste

Wood waste (see Section 3 Updated Definitions), such as hog fuel, mill ends, sawdust, shavings, wood chips and bark have significant agronomic uses, such as for soil amendment or mulches. However, concentrated leachate from these byproducts can be toxic and negatively impact the environment and human health. Proposed allowable and prohibited uses, specified below, were reviewed with the agriculture industry Working Group. Protective measures addressing impacts of leachate from the use of these byproducts for agricultural purposes will be included in the revised regulation, as well as reference in guidance documents for beneficial management practices that meet ministry objectives.

⁵ CFIA recommends that (a) domestic animal grazing be restricted for five years on land on which compost product containing specified risk material is applied; and (b) composted SRM product not be applied on land used for growing food crops for human consumption.

- **Allowable uses** of wood waste include: plant mulch, soil conditioner or ground cover; on-farm access ways; livestock bedding and in areas where livestock, poultry or farmed game are confined or exercised; as a component for composting with manure and other agricultural byproducts and wastes; and as fuel for wood-fired boilers (provided the boilers meet air quality emissions and other application regulations and bylaws).
- Specific materials originating from off the farm—demolition and construction wood waste and other used wood products that have been treated with glue, paint or preservatives—would **not be allowed** to be used.
- Some **high risk uses of wood waste would not be allowed**—such as for berm construction, as fill, as an envelope for tile drains, to level a site, or to create access through a swale, wetland or watercourse.
- Maximum depths and amounts based on use (currently none stated—proposed, see table below), and minimum setback distances from drinking water sources (to stay the same at 30 metres), watercourses and property boundaries (currently none stated, proposed from 3 metres to 15 metres, based on quantity and frequency of application) will be addressed in the revised regulation and in guidance documents based on recommended good practices for wood waste use.

Proposed for:	Soil amendment or conditioner:	Mulches:	Development of berry fields:	Development & maintenance of riding rings:
Maximum amounts and depths:	10 cm	5 to 8 cm - may be re-applied every 2-3 years	one-time application up to 30 cm	up to 15 cm may be applied each year to a maximum depth of 30 cm

10. Livestock access to water in feeding areas

Livestock access to water in grazing areas, seasonal feeding areas and confined feeding areas was a key area of importance to the working group members and will be addressed in the revised regulation.

The proposed updated policy and revisions includes the following:

- Access to watercourses will continue to be allowed in **grazing areas** and in **seasonal feeding areas**.
- Provisions will be harmonized with other legislation and applicable regulations, such as the new provincial *Water Sustainability Act*, and the current *Forest and Range Practices Act*, the *Range Act* and the *Land Act* for Crown land.
- Good range management practices⁶—such as minimizing erosion of soil into a watercourse, distributing feeding locations to reduce the potential for leachate or contaminated runoff from an accumulation of manure going into a watercourse, and following the four basic principles of range management – will be expected.
- Provision for the ministry to set specific conditions (such as minimum setbacks where there is a concern for protection of drinking water sources) will be included in the revised regulation—for example, if the number of animals on a grazing lease under the *Land Act* being used for seasonal feeding area exceeds a specified density (based on animal units (AU)⁷), then the proposed revised regulation will apply.⁸
- No direct access to watercourses will be allowed in **confined feeding areas**. If a specific animal density—based on animal units (AU)—is exceeded in a confined livestock area, minimum setback distances from a high watermark, a watercourse or a drinking water source will be required.
- A higher level of protection will be required in high risk areas or conditions, or in circumstances that have been identified through the farm's **environmental risk assessment**.

⁶ See, for example, Ministry of Forests, Lands and Natural Resource Operations publication: [Best Management Practices on Crown Range in Community Watersheds](#).

⁷ 1 AU = 1,000 lbs. or 455 kgs. Ten animal units equates to approximately 7-8 cattle, 11 bison, 46 pigs, 83 sheep/lambs, 163 goats, 2,146 chickens (broiler), and 414 turkeys.

⁸ Stewardship requirements in the Management Plans for Grazing Leases under the *Land Act* do not consider water quality. Dispersed grazing (or low intensity, well distributed livestock) on grazing leases generally poses a low environmental risk to water quality. Although uncommon, the ministry may have concerns that necessitate specified management practices in particular situations.

Approach to compliance

Ministry staff follow an established [Compliance Framework](#) and [Compliance Policy and Procedures](#) when addressing compliance with Acts and regulations under its mandate. The ministry aims to set regulatory requirements that are clear, practical, achievable and enforceable to encourage the support and compliance of individuals and businesses.

Ministry staff work first to establish and communicate clear regulatory objectives, related to protection of the environment and human health, and clear guidance to support compliance. Assessing compliance involves monitoring and verification, assessment of risks and hazards posed by non-compliance, and the specifics of each situation (e.g., history of compliance or non-compliance). It is intended that a phase-in approach to implementation, over three-year period, will be used once the regulation is revised. For example, requirements regarding temporary field storage in high risk areas or conditions will be required upon the effective date of the revised regulation; whereas the requirements for nutrient management planning will be phased-in over a few years, based on the agriculture operation's environmental risk assessment. A range of tools is available to respond to non-compliance, from advisories and warnings to orders, tickets and administrative monetary penalties to prosecutions. Decisions on which tool or tools to use are made using a compliance matrix—based on factors such as the significance of the impact to the environment and human health, non-compliance history, the willingness of the individual to share information and respond, and their due diligence in responding to the event.

Working with agricultural organizations, industry sectors and other agencies (such as the Ministries of Agriculture and Health)—and through other programs (such as the [Environmental Farm Planning Program](#))—on education and awareness initiatives will help ensure producers are aware and understand the requirements for protection of the environment and human health.

Providing comment

The ministry welcomes comments on the information and proposals outlined in this policy paper. Comments can be provided to the Ministry of Environment by email attachment or mail at the address listed below. Responses received by **August 31, 2015**, will be considered by the ministry in preparing the agricultural environmental policy framework and updating the Agricultural Waste Control Regulation.

Consultation questions and a comment form have been prepared and are posted on the the ministry's [AWCR website](#). Those interested are invited to submit comments to the ministry using the comment form and discussion questions or by separate submission if desired.

All submissions will be treated with confidentiality when preparing consultation reports. Please note however that comments you provide and information that identifies you as the source of those comments may be publicly available, if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

Please send all submissions or if you have any questions or comments regarding this information, as well as comments on the ministry's schedule for the consultation process, to the following:

Email: env.ag.reg.reviews@gov.bc.ca

Mail: **PO Box 28159 Westshore RPO
Victoria B.C. V9B 6K8**

Comments to the ministry should be made on or before **August 31, 2015**.

Thank you for your time and comments!

Appendix Industry Sector Representation and Consultations

Since April 2012, the Ministry of Environment has been consulting with a working group of agriculture industry sector representatives, the BC Agriculture Council and the Ministry of Agriculture staff to clarify policy intentions and discuss proposed revisions to the regulation within a new agricultural environmental management policy framework.

The working group included agriculture industry sector representatives from:

All Seasons Mushrooms	BC Pork
BC Agriculture Council (BCAC)	BC Potato and Vegetable Growers Association
BC Agriculture Research & Development Corporation (ARDCorp)	BC Poultry Association
BC Association of Cattle Feeders	BC Wine Grape Council
BC Breeders and Feeders Association	Central Composting Ltd.
BC Cattlemen's Association	Certified Organic Associations of BC
BC Chicken Growers Association	Champs Mushrooms
BC Chicken Marketing Board	Community Agriculture
BC Cranberry Growers Association	Farmers' Fresh Mushrooms Inc.
BC Dairy Association	Farmland-Riparian Interface Stewardship Program (FRISP)
BC Grain Producers Association	Fraser Valley Cole Crop Growers' Association
BC Greenhouse Growers' Association	Mycelco Substrate Inc.
BC Landscape and Nursery Association	Prairie Mushrooms
BC Mink Producers Association	Raspberry Industry Development Council

The working group met on the following dates:

April 2012	October 2013
July 2012	January 2014
November 2012	March 2014
February 2013	June 2014
June 2013	