



The Ministry will be revising the Agricultural Waste Control Regulation (AWCR)

November 2017

The purpose of this intentions paper (IP) is to consult on the ministry's proposed changes to the Agricultural Waste Control Regulation (AWCR) in response to the recommendations in the POLIS¹ Hullcar Review Recommendations Report (POLIS Report). This IP combines the results from two previous policy intentions paper consultations (January 2012 and July 2015) and a final policy document resulting from the agriculture industry working group (AgWG) consultations.

Many of the POLIS Report's recommendations have already been contemplated and addressed in the previous proposed requirements. New proposed policies resulting from the POLIS Report recommendations, that may be applicable to other areas of the province, as well as the Hullcar Valley, are highlighted in this IP. While many of the POLIS recommendations are for immediate actions, proposed changes to the AWCR are intended to prevent future issues.

The questions in this response form follow the sequence and structure of the Intentions Paper (fillable boxes are available for each question). Comments on the ministry's intentions are welcomed, using this response form or via a separate submission. All submissions and comments will be reviewed and considered by the ministry in moving forward with the proposed updates to the regulation. As well, all submissions will be reviewed for inclusion without attribution in a consultation summary report to be made public following the consultation period.

The ministry expects to amend and implement the revised regulation in 2018. A training and implementation period for the revised regulation will follow.

The ministry welcomes comments on the information and proposals outlined in the intentions paper posted on the ministry's website: <https://www2.gov.bc.ca/gov/content/environment/waste-management/industrial-waste/agriculture>

Those interested are invited to submit comments to the ministry using this form, or by separate submission if desired, by email to env.ag.reg.reviews@gov.bc.ca or print and send by mail to:

BC Ministry of Environment and Climate Change Strategy – AWCR Review

PO Box 9341 Stn Prov Govt

Victoria, BC V8W 9M1

Attn: Margaret Crowley

Responses received by **January 15, 2018** will be considered by the ministry in preparing the proposed revisions to the regulation.

If you have any questions or comments please email: env.ag.reg.reviews@gov.bc.ca

Thank you for your time and comments.

¹ POLIS Project on Ecological Governance Recommendations Report "From Crisis to Solutions: Towards Better Source Water Protection and Nutrient Management in the Hullcar Valley"

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1. General Considerations

The proposed requirements will apply to all agricultural operations in the province – from small to large, hobby to commercial. The intent of the revisions is to harmonize, not duplicate.

2. Updated Definitions

The updated regulation will outline new and revised definitions to clarify scope, intent and enforceability of regulatory provisions.

2.1 Do you have any comments regarding terms that need further clarification, or definitions proposed during the previous consultation? Previous intentions papers contain updated definitions (see <https://www2.gov.bc.ca/gov/content/environment/waste-management/industrial-waste/agriculture>). (IP3 page 3)

3. Risk-based approach

The updated regulation will use a risk-based approach that focuses on desired outcomes. Consideration of risk to the environment involves four factors: location, climate, weather conditions and farming operation or activity.

3.1 **General:** Do you have any general comments regarding the risk-based approach? (IP3 page 3)

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3.2 Level of protection more stringent: Do you have any comments regarding the definitions for *high risk areas* and *high risk conditions*, or the proposed requirements for a *level of protection more stringent* than the basic requirements? (IP3 page 3 - 4)

4. Emissions

4.1 General Prohibition: Do you have any comments regarding the general prohibition of emissions? (IP3 page 4)

4.2 Odour: Do you have any comments regarding the regulation of odour? (IP3 page 4)

5. Registration – Boilers and heaters

Boilers and heaters used for agricultural purposes will continued to be required to be registered. An exemption for small boilers and heaters is proposed.

5.1 **General:** Do you have any comments regarding the registration of boilers and heaters (including the exemption for small units, the fuel restrictions and emission standards)? (IP3 page 4)

5.2 **Testing and Record Keeping:** Do you have any comments regarding the opacity testing, particulate matter testing or record keeping requirements? (IP3 page 5)

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6. Minimum Setbacks

Minimum setback distances will continue to be required.

6.1 **General:** Do you have any general comments regarding minimum setbacks as outlined in the Intentions Paper? (IP3 page 6)

6.2 **Setbacks for manure, other agricultural by-products and other nutrient sources:** Do you have any comments on the existing or newly proposed setbacks in Table 2 of the Intentions Paper? (IP3 page 6)

6.3 **Setbacks for disposal of mortalities and solid and semi-solid wastes, confined livestock areas, seasonal feeding areas and grazing areas:** Do you have any comments on the existing or newly proposed setbacks in Table 3 of the Intentions Paper? (IP3 page 7)

7. Storage

The objective of the proposed storage requirements is protection of air quality, surface water quality and groundwater quality by limiting negative impacts that can be generated by storage.

7.1 Proposed storage requirements: Do you have any comments on the proposed storage requirements (including the exception for temporary off-site storage, the sufficient storage capacity requirement, the allowable storage methods, the requirements for transport of liquids and the protective measures for temporary field storage)? (IP3 page 7 - 8)

7.2 Storage in high risk areas: Do you have any comments on the proposed requirements for high risk areas? (IP3 page 8)

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7.3 **High risk conditions:** Do you have any comments on the proposed requirements for high risk conditions? (IP3 page 9)

7.4 **POLIS Recommendation:** Do you have any comments on the proposed new requirement for existing earthen storages over a vulnerable aquifer (in response to the *POLIS Report recommendation*)? (IP3 page 9)

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8. Agricultural composting

Agricultural composting refers to on-site composting of manure and other agricultural by-products, and can follow a natural, aerobic bio-degradation process. The Organic Matter Recycling Regulation's (OMRR) more restrictive requirements are not proposed for agricultural composting.

8.1 General: Do you have any comments regarding agricultural composting? (IP3 page 9)

8.2 High risk areas and conditions: Do you have any comments regarding the proposed requirements for agricultural composting in high risk areas and conditions? (IP3 page 9)

9. Nutrient management and land applications

9.1 General nutrient management: Do you have any comments regarding the newly proposed requirements for nutrient management? (IP3 page 10)

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9.2 Environmental risk indicators and matrix: (IP3 page 11)

a) Do you have any comments regarding environmental risk indicators, including the risk matrix in Table 4 and the proposed triggers for a nutrient management plan based on nitrogen or phosphorus?

b) Do you have any comments on the ministry's proposed additional criteria to trigger a nutrient management plan in response to the *POLIS Report recommendation* (IP3 page 12)?

c) Do you have any comments on the proposed requirements to enable a Director to require a nutrient management plan to be independently verified and approved by government in response to the *POLIS Report recommendation* (IP3 page 12)?

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d) Do you have any comments regarding the new proposal to implement a tracking and verification process for operations located in high risk areas in response to the *POLIS Report recommendation* (IP3 page 12)?

9.3 Land Applications:

a) Do you have any comments regarding the land application requirements (including proposed prohibited application requirements for high risk areas and conditions, proposed restricted application requirements for high risk areas and conditions, requirements for record keeping or Director requirements)? (IP3 page 13)

b) Do you have any comments on the ministry's proposed new requirement for **application of water for field irrigation** to match soil and crop needs (for fields over vulnerable aquifers) in response to the *POLIS Report recommendation* (see IP3 page 13)?

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c) Do you have any comments on the ministry’s response to the *POLIS Report recommendation* for a “**temporary environmental protection order (moratorium) on liquid animal waste spreading** on identified areas of concern in intensive livestock operations”? (IP3 page 14)

10. Storage and use of wood residue

10.1 **Terminology:** Do you have any comments regarding the proposed replacement of the term ‘wood waste’ with ‘wood residue’? (IP3 page 14)

10.2 **General:** Do you have any comments regarding the proposed general requirements or proposed allowable uses for wood residue (including the proposed prohibition for high risk uses)? (IP3 page 14 - 15)

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10.3 Minimum setbacks: Do you have any comments regarding the proposed minimum setbacks, including distances proposed in Table 5 of the Intentions Paper? (IP3 page 15)

11. Livestock and poultry operations

11.1 Confined livestock and poultry areas: Do you have any comments on the proposed provisions for management of livestock and poultry operations, including minimum setbacks? (IP3 page 15)

11.2 Feedlot-specific: Do you have any comments on the proposed requirements specific to feedlots? (IP3 page 16)

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11.3 Feedlot-specific (high risk areas): Do you have any comments on the proposed requirements for areas over vulnerable aquifers in response to the *POLIS Report recommendation?* (IP3 page 16)

11.4 Seasonal feeding areas, grazing areas and temporary holding areas: Do you have any comments on the proposed requirements for seasonal feeding areas, grazing areas and temporary holding areas? (IP3 page 16)

12. Managing mortalities and small slaughter operations processing wastes

12.1 General: Do you have any general comments on managing mortalities and processing wastes from small slaughter operations? (IP3 page 16)

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12.2 Burial of mortalities: Do you have any comments on proposed requirements for the burial of mortalities? (IP3 page 17)

12.3 Incineration of mortalities: Do you have any comments on incineration of mortalities, including the proposed opacity limits, particulate matter limits as per Table 6 of the Intentions Paper, or minimum setbacks? (IP3 page 18)

12.4 Composting of mortalities: Do you have any comments on the proposed requirements for composting of mortalities? (IP3 page 18 - 19)

13. Recordkeeping

13.1 **General:** Do you have any general comments on recordkeeping? (IP3 page 19)

14. Corrective Actions

14.1 **General:** Do you have any comments on corrective actions? (IP3 page 19)

Approach to Compliance

General: Do you have any comments on the approach to compliance outlined in the Intentions Paper? (IP3 page 20)

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Overall Summary Questions

S.1 Level of support: Please indicate your level of support for the proposed amendments to AWCR as described in the 3rd Intentions Paper.

(Select from the scale below; 1 = Not at all supportive; 6 = Extremely supportive)

	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Not at all supportive	1	2	3	4	5	6	Extremely supportive

S.2 Reasons: What are the reasons for your choice?

S.3 Summary comments: Do you have any further comments on the 3rd Intentions Paper?

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Contact Information

If you wish to receive further information concerning updates to the Agriculture Waste Control Regulation, please provide your contact information – including an email address – below.

All submissions will be reviewed for inclusion without attribution in a consultation summary report to be made public following the consultation period. Please note 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*.

Contact Name:

Business or Organization Name (if appropriate):

Email:

Mailing Address:

Telephone:

Background and Area of Interest

Please mark an “x” in the appropriate boxes if your primary interest in the ministry’s intentions relates to your:

- Work in the agricultural sector:**
Please describe your work and/or sector (e.g., field crops, poultry, dairy, berry crops, greenhouse, fruit grower):
- Work in the private sector consulting to or supporting the agricultural sector:**
Please describe the primary nature of your work (e.g., agrologist, supplier):
- Work for a government regulatory agency:**
Please describe (e.g., federal, provincial, municipal):
- Work for a public sector organization:**
Please describe (e.g., health authority, education institution, Crown corporation):
- First Nation**
Please describe:
- Involvement or work for an environmental or community interest group**
Please describe:
- Other interest:**
Please describe: