
Agricultural Waste Control Regulation (AWCR)

Response Form

The Ministry of Environment (the ministry) is reviewing the [Agricultural Waste Control Regulation](#) (AWCR) with the intention of revising the regulation. The AWCR describes environmentally sound practices for using, storing and managing wastes (such as manure) and by-products (such as composted materials) from agriculture.

Comments regarding the proposed intentions of the ministry are being solicited and will be carefully considered in preparing regulatory amendments. The ministry welcomes all suggestions with respect to potential changes discussed in the intentions paper, or other aspects of the Agricultural Waste Control Regulation.

Comments to the ministry should be made on or before May 31, 2012.

The intentions paper, the response form for providing comments to the ministry, and links to related legislation are posted on the ministry's website: www.env.gov.bc.ca/epd/codes/.

Those interested are invited to submit comments on the ministry's intentions – using the instructions and questions provided on this response form. Individuals or organizations may also make written submissions to the ministry without following the format set out in the response form – as desired.

A summary report of comments and submissions received, including both printed and web-based responses, will be compiled and summarized without specific attribution by an independent contractor and posted on the Ministry of Environment website. Comments received will be treated with confidentiality by government staff and contractors. However, comments that you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information (FOI) request is made under the *Freedom of Information and Protection of Privacy Act*.

Following review of comments and submissions, the ministry will complete legal drafting of the proposed regulatory changes for legislative review.

If you have any questions or comments, check the website address above, or contact Cindy Bertram of C. Rankin & Associates who has been contracted to manage consultation comments, at:

Email: cindybertram@shaw.ca
Mail: PO Box 28159 Westshore RPO
Victoria B.C. V9B 6K8
Fax: (250) 598-9948

Completed response forms or submissions may be returned by any of the means listed above (email, fax or mail), or by directly submitting the web-based response form on the ministry website.

Thank you for your time and comments!

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Discussion Areas and Questions

The following discussion areas and questions are based on a policy intentions paper for consultation available from the Ministry of Environment website, www.env.gov.bc.ca/epd/codes/.

1. Ministry objectives for proposed revisions

The ministry is proposing revisions to the Agricultural Waste Control Regulation for regulating discharges to the environment from agricultural operations with the objectives of: establishing consistent standards and requirements; providing clear regulatory direction, appropriate to the degree of risk; reducing and removing wastes and toxins from the environment; focusing on desired environmental conditions rather than prescribed agricultural practices where appropriate; shifting to regulating discharges from agricultural operations by a code of practice (minister's regulation) and updating regulatory provisions to incorporate current and emerging trends and technologies (see section 3.1 of the intentions paper).

- 1.1 Do you have any general comments regarding the ministry's objectives for proposed revisions?

2. Revised definitions

The ministry intends to update definitions in the revised regulation to ensure that they are consistent with ministry intention, current practices and other legislation and regulations (see section 5.1 of the intentions paper).

- 2.1 Do you have any comments or suggestions regarding the **definition of agricultural operations** as applies to the regulation?
- 2.2 Do you have any comments or suggestions regarding the **definition of agricultural wastes** as applies to the regulation?
- 2.3 Do you have any comments or suggestions regarding the **definition of agricultural by-products** as applies to the regulation?

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- 2.4 Do you have any other comments or suggestions regarding definitions for the ministry to consider in revising the regulation?

3. On-farm transport of agricultural wastes and by-products

The ministry is considering including requirements for proper containment of agricultural wastes or by-products when being moved on-site or from site-to-site to ensure that no spills or leakage will result in runoff into watercourses, or off the property (see section 5.2 of the intentions paper).

- 3.1 Do you have any comments or suggestions regarding regulation of on-farm transport of wastes and by-products?

4. Storage of agricultural wastes and by-products

A. Storage facility requirements (see intentions paper section 5.3 A)

- 4.1 Do you have any comments regarding the proposed **definition** of a storage facility?
- 4.2 Do you have any comments regarding **requirements for storage** of agricultural wastes and by-products?
- 4.3 Do you have any comments regarding **setback distance requirements** for storage facilities?
- 4.4 Do you have any comments regarding **storage facility capacity requirements**?

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- 4.5 Do you have any comments regarding the proposed requirement that a **qualified professional design and sign-off** on the building of storage facilities for agricultural operations over a certain size, or intensity threshold?
- 4.6 Do you have any comments regarding **monitoring and testing** requirements for storage facilities?
- 4.7 Do you have any comments regarding the **proposed phase-in dates** for requirements addressing existing or new storage facilities?
- 4.8 Do you have any additional comments regarding appropriate requirements to ensure that storage facilities meet objectives for environmental protection?
- B. Field storage** (see intentions paper section 5.3 B)
- 4.9 Do you have any comments regarding the proposed requirements for **field storage** of solid agricultural wastes and by-products?
- 4.10 Do you have any comments regarding the ministry's intention to repeal the provision for **long term field storage** of up to nine months for agricultural wastes, and instead, if storing for longer than two weeks, must meet storage facility requirements?

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C. Rainy season field storage (see intentions paper section 5.3 C)

- 4.11 Do you have any comments regarding the ministry's intention to delete reference to field storage in the "rainy season" and to require that all materials be stored in a manner that prevents leachate generation, runoff and erosion at all times of the year?

5. Storage and use of wood waste

The ministry is considering strengthening the conditions governing the uses of wood waste in the revised regulation (see intentions paper section 5.4).

- 5.1 Do you have any comments or suggestions regarding appropriate requirements for **storage of wood waste**?
- 5.2 Do you have any comments or suggestions regarding appropriate requirements regarding **wood waste** use?

6. Composting agricultural waste

The ministry intends to revise provisions addressing the composting of agricultural wastes (see intentions paper section 5.5).

- 6.1 Do you have any comments regarding storage and setback **requirements for composting and curing sites**?
- 6.2 Do you have any comments regarding minimum **standards for treating agricultural wastes** to ensure that they are fully degraded?

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6.3 Do you have any comments regarding **testing of finished composted material**?

6.4 Do you have any comments regarding the ministry's proposal to include **composting requirements for mushroom material** in the composting section of the regulation?

7. On-farm disposal of mortalities and slaughter & poultry processing (slaughter) wastes

The ministry is proposing that requirements for disposing of mortalities and exempt slaughter wastes produced on the agricultural operation will be the same. Also, prior to disposal, slaughter wastes would be required to be contained to ensure there is no leakage (see intentions paper section 5.6).

7.1 Do you have any comments regarding requirements for managing mortalities and **“exempt” slaughter wastes** (see intentions paper section 5.6 A)?

7.2 Do you have any comments or suggestions regarding appropriate requirements for on-farm **composting** of mortalities and slaughter wastes (see intentions paper section 5.6 B)?

7.3 Do you have any comments or suggestions regarding appropriate requirements for on-farm **burial** of mortalities and slaughter wastes (see intentions paper section 5.6 C)?

7.4 Do you have any comments or suggestions regarding appropriate requirements for on-farm **incineration** of mortalities and slaughter wastes (see intentions paper section 5.6 D)?

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- 7.5 Do you have any comments regarding the **proposed phase-in dates** for on-farm disposal of mortalities and slaughter wastes requirements?

8. Access to water in feeding areas

The ministry is proposing revisions to the regulation that will define livestock grazing and seasonal feeding areas and will set requirements for access to watercourses (see intentions paper section 5.7).

- 8.1 Do you have any comments or suggestions regarding appropriate regulation of livestock grazing, protection of watercourses and identification of **grazing, seasonal feeding and high risk areas**?
- 8.2 Do you have any comments or suggestions regarding the ministry's proposal to include **confined livestock areas** in the definition of a "storage facility" with associated requirements?
- 8.3 Do you have any comments regarding the **proposed phase-in dates** for access to water in feeding areas requirements?

9. Land application of agricultural wastes and by-products

The ministry's intention is to provide clear and consistent guidance for "general requirements" involving land application of agricultural wastes and by-products while encouraging good judgment through, for example, effective nutrient management planning (see intentions paper section 5.8).

- 9.1 Do you have any comments or suggestions regarding the ministry's proposed general requirements and revisions governing all **land application of agricultural waste and by-products**?

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9.2 Do you have any comments or suggestions regarding requirements addressing **manure applications on crops grown for human consumption**?

9.3 Do you have any comments regarding the **proposed phase-in dates** for agricultural waste and by-products application requirements?

10. Nutrient management planning

The ministry is proposing that all agricultural operations who land apply agricultural wastes, by-products or other nutrient sources be required to undertake nutrient management planning to ensure that land application of nutrients from all sources (e.g., manure, composted materials and supplemental nutrients) do not exceed the crop requirements (see intentions paper section 5.9).

A. Risk-based approach (see intentions paper section 5.9 A)

10.1 Do you have any comments or suggestions regarding **factors and criteria** (such as geography and/or farm size) that could be used to identify and differentiate agricultural operations that may pose a higher risk to the environment?

B. Nutrient application assessment (see intentions paper section 5.9 B)

10.2 Do you have any comments or suggestions regarding use of a **nutrient application assessment screening tool** to determine appropriate nutrient management planning requirements for agricultural operations?

10.3 Do you have any comments or suggestions regarding **nutrient management planning requirements** for agricultural operations in areas identified as “high risk”?

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10.4 Do you have any comments or suggestions regarding requirements for and/or **certification of custom applicators for specified situations** (e.g., agricultural operations in areas identified as high risk)?

10.5 Do you have any comments regarding the **proposed phase-in dates** for nutrient management planning requirements?

11. Monitoring and testing

The ministry is proposing monitoring and testing requirements based on level of risk to the environment (see intentions paper section 5.10).

11.1 Do you have any comments or suggestions regarding monitoring and testing requirements for **agricultural operations in “low risk” areas**?

11.2 Do you have any comments or suggestions regarding monitoring and testing requirements for **agricultural operations that are responsible for preparing a nutrient management plan**?

11.3 Do you have any comments or suggestions regarding monitoring and testing requirements for **agricultural operations in high risk areas**?

12. Record keeping

12.1 Do you have any comments or suggestions regarding proposed record keeping requirements (see intentions paper section 5.11)?

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13. Additional considerations

A. Emerging technologies and treatment options (see intentions paper section 5.12 A)

- 13.1 Do you have any comments or suggestions regarding emerging technologies (such as anaerobic digestion or alkaline hydrolysis) and how they could or should be addressed in the revised regulation?

B. Sector specific requirements (see intentions paper section 5.12 B)

- 13.2 Do you have any comments or suggestions regarding additional sector specific requirements that could or should be addressed in the revised regulation?

C. Regulating under a Code of Practice

The ministry is proposing that the current regulation be repealed and a code of practice (as a Minister's regulation) be enacted to provide a consistent and updated regulatory underpinning for the regulation of agricultural wastes and by-products (see intentions paper section 5.12 C).

- 13.3 Do you have any comments or suggestions regarding the ministry's intention to repeal the existing regulation and establish a code of practice for the regulation of agricultural wastes and by-products?

14. Phase-in schedule for implementing the revised regulation

- 14.1 Do you have any additional comments or suggestions regarding proposed phase-in dates for particular requirements under a revised regulation (see intentions paper section 5.13, table 8)?

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15. Best management practices (BMPs)

The regulation is supported by guidance and direction related to practices and procedures for the management of agricultural waste and by-products (see intentions paper section 6).

- 15.1 Do you have any comments or suggestions regarding development and use of guidelines and/or best management practices for the management of agricultural waste and by-products?

16. Consultation with First Nations

- 16.1 Do you have any comments or suggestions regarding consultation with First Nations with respect to proposed revisions to the AWCR (see intentions paper section 7)?

17. Assuring compliance

Section 8 of the intentions paper outlines ministry intentions addressing awareness and compliance promotion, as well as compliance verification and enforcement, of the regulation.

- 17.1 Do you have any comments on or suggestions for the ministry to support **awareness of and compliance with** the regulation?

- 17.2 Do you have any comments on or suggestions for the ministry with respect to **compliance verification and enforcement** of the regulation?

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18. Protection of human health and the environment – meeting ministry objectives

18.1 In your view, how effectively do the ministry's intentions and proposals for revising the Agricultural Waste Control Regulation address the ministry's objectives of protecting the environment and encouraging the responsible management of agricultural waste and by-products?

Not effective at all	Significant gaps	Adequate	Quite effective	Very effective
Circle or highlight one				
1	2	3	4	5

What are the reasons for your choice? What suggestions do you have for the ministry to improve the effectiveness of the regulation?

18.2 Do you have any other comments or suggestions for the ministry regarding the regulation of agricultural waste and by-products?

Thank you for your time and comments!

Please remember to return this response form to the ministry on or before March 31, 2012.

If you wish, you may also provide contact information following. This information will be compiled separate from responses and used to inform respondents of posting of the summary of comments and subsequent actions to develop and implement the regulatory changes.

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(Optional) Contact Information

If you wish to receive further information concerning review and revision of the Agricultural Waste Control Regulation, please provide your contact information – **including an email address** – below. Note that all submissions will be treated with confidentiality by government staff and contractors however 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) and branch or section:
- Work for a public sector organization:**
Please describe (e.g., health authority, education institution, Crown corporation):
- First Nation**
Please describe:

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Involvement or work for an environmental or community interest group
Please describe:

Other interest:
Please describe:

Thank you once more for your time and interest in the AWCR review process.

If you have any further questions, please contact Cindy Bertram at: cindybertram@shaw.ca