

Report To: Halton-Hamilton Source Protection Committee
Report No.: SPC-24-03-04
From: Martin Keller, Senior Manager, Watershed Planning and Source Protection
Date: March 19, 2024
Subject: Draft Policy Package – Commercial Fertilizer

Recommendation

THAT the Halton-Hamilton Source Protection Committee endorse the draft policies as presented in report SPC-24-03-04 Draft Policy Package – Commercial Fertilizer

Executive Summary

Following the December 5, 2023 Halton-Hamilton Source Protection Committee meeting, staff presented and discussed SPC comments on the proposed draft policies for the application, handling and storage of commercial fertilizer with the Municipal Working Group on January 17, 2024. Staff recommend maintaining prohibition of the handling and storage of commercial fertilizer as it is valuable to introduce prohibition to protect from future impacts to our drinking water sources.

Report

Staff have drafted revised policies for the application, handling, and storage of commercial fertilizer in response to changes to the Technical Rules released in December 2021. Reports addressing policy revisions for commercial fertilizer have been presented to the Halton-Hamilton Source Protection Committee (HHSPC) in September 2023 (report SPC-23-09-05) and December 2023 (report SPC-23-12-05). Comments received from the Source Protection Committee at the September 26, 2023 meeting regarding the prohibition of the application of commercial fertilizer in WHPA-A were taken into consideration and discussed with the Municipal Working Group at the October 18, 2023 Municipal Working Group meeting. Staff revised the draft policy and with the support of the Municipal Working Group, proposed a risk management plan policy for the application of commercial fertilizer in WHPA-A. The amended draft policies were presented to the Source Protection Committee at the December 5, 2023 committee meeting. Staff maintain the recommendation for using a prohibition policy for the future handling and storage of commercial fertilizer in WHPA-A. Ortho imagery analysis shows few locations/buildings in a WHPA-A where an existing threat could occur or where a future threat could be established. Eliminating any future handling and storage of fertilizer in WHPA-A through prohibition in this instance is a justified tool to protect from future impacts to our drinking water sources.

Appendix A provides the comments from the Source Protection Committee and the Municipal Working Group related to the handling and storage and application of commercial fertilizer.

Appendix B contains all proposed policies for the application, handling, and storage of commercial fertilizer. No changes have been made to the proposed draft policies and reflect what was presented to the SPC at the December 5, 2023 committee meeting.

Signed & respectfully submitted:



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Mardi Bergen
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Appendix A

Application, Handling and Storage of Commercial Fertilizer

Comments: Prohibition of Exposed Salt Storage

Tool	Proposed Policy	Comments from SPC (Dec 5, 2023)	Comments from Municipal Working Group (Jan 17, 2024)	Staff Comments & Rationale for Proposed Policy
Handling and Storage of Fertilizer Prohibition (S.57)	T-25.1-C – Future significant threat; handling and storage of commercial fertilizer (>2500kg) in a WHPA-A	<ul style="list-style-type: none">- Fertilizer is often stored in buildings that are not specifically built for fertilizer storage.- 2500kg is enough to cover 5 hectares (corn field) and is not a large quantity (in relation to field size).- If a building exists and is suitable for storage and fertilizer is stored properly, is it still a threat.- There is incentive for fertilizer owners to manage the storage properly because if it gets wet it is not useable.- Prohibition is overkill.	<ul style="list-style-type: none">- Storage of commercial fertilizer in WHPA-A, in quantities large enough to be a significant drinking water threat is unlikely.- Prohibition will ensure drinking water sources are protected from future threats.	<ul style="list-style-type: none">- Prohibition only applies to future threats and does not impact existing storage.- Ortho imagery reveals there are no existing buildings that could be used for the purpose of fertilizer storage in WHPA-A.- Valuable to introduce prohibition to protect future impacts to our drinking water sources.

Appendix B

Proposed Policies: Application, Handling and Storage of Commercial Fertilizer

Policy ID	T-25.1-C
Threat	Handling and Storage of commercial fertilizer
Policy Tool	Prohibition
Policy Implementer	Risk Management Official
Policy	<p>Where the handling and storage of commercial fertilizer would be a significant drinking water threat in WHPA-A,</p> <ul style="list-style-type: none"> a) the activity shall be designated for the purpose of Section 57 of the CWA and shall be prohibited; and b) the Risk Management Official shall document in their annual report, in accordance with Section 65 of Ontario Regulation 287/07, actions taken to prohibit the application, handling and storage of commercial fertilizers and submit this report to the Source Protection Authority by February 1 of each year.
Legal Effect	<p>Part a - Must conform with - legally binding. List G (Appendix C – Compliance Lists).</p> <p>(Part b is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <ul style="list-style-type: none"> • WHPA-A, V. score 10.
When Policy Applies	Future

Policy ID	T-25.2-C
Threat	Application of commercial fertilizer
Policy Tool	Risk Management Plan
Policy Implementer	Risk Management Official
Policy	<p>Where the existing or future application of commercial fertilizer is or would be a significant drinking water threat,</p> <ul style="list-style-type: none"> a) the activity shall be designated for the purpose of Section 58 of the CWA and a Risk Management Plan shall be required; b) the Risk Management Plan should include terms and conditions that are, at minimum, equivalent to terms and conditions in a Nutrient Management Plan; and c) the risk management official shall document action taken regarding risk management plans for the application, handling and storage of commercial fertilizer in their annual report in accordance with Section 65 of Ontario Regulation 287/07, and the official shall submit this report to the Source Protection Authority by February 1 of each year.
Legal Effect	<p>Part a - Must conform with - legally binding. List H (Appendix C - Compliance Lists).</p> <p>(Part c is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <ul style="list-style-type: none"> • WHPA-A & WHPA-B – V. score 10; WHPA-E – V. score 9-10
When Policy Applies	Existing and future

Policy ID	T-25.3-C
Threat	Handling and Storage of commercial fertilizer
Policy Tool	Risk Management Plan
Policy Implementer	Risk Management Official
Policy	<p>Where the handling and storage of commercial fertilizer is or would be a significant drinking water threat,</p> <ol style="list-style-type: none"> the activity shall be designated for the purpose of Section 58 of the CWA and a Risk Management Plan shall be required if one of the following apply: <ol style="list-style-type: none"> The handling and storage in a WHPA-A is an existing significant drinking water threat; or The handling and storage in a WHPA-B is or would be a significant drinking water threat; The Risk Management Plan should include terms and conditions that are, at minimum, equivalent to terms and conditions in a Nutrient Management Plan; and The risk management official shall document action taken regarding risk management plans for the application, handling and storage of commercial fertilizer in their annual report in accordance with Section 65 of Ontario Regulation 287/07, and the official shall submit this report to the Source Protection Authority by February 1 of each year.
Legal Effect	<p>Part a - Must conform with - legally binding. List H (Appendix C - Compliance Lists).</p> <p>Part b - Must conform with - legally binding. List H (Appendix C - Compliance Lists).</p> <p>(Part c is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <ul style="list-style-type: none"> WHPA-A (Existing) & WHPA-B – V. score 10 (Existing/Future)
When Policy Applies	Existing and future

Policy ID	T-26-C
Threat	Application of commercial fertilizer
Policy Tool	Prescribed instrument
Policy Implementer	Ministry of Agriculture, Food and Rural Affairs
Policy	<p>Where the existing and future application of commercial fertilizer would be a significant drinking water threat,</p> <ul style="list-style-type: none"> a) the Ministry of Agriculture, Food and Rural Affairs shall ensure that nutrient management plans required under the Nutrient Management Act include measures that, when implemented, will ensure that this activity never becomes or ceases to be a significant drinking water threat; and b) the Ministry of Agriculture, Food and Rural Affairs shall document the number and locations of properties where nutrient management plans were reviewed, and the measures included that will ensure that this activity never becomes a significant drinking water threat and report this information to the Source Protection Authority by February 1 of each year.
Legal Effect	<p>Part a - Must conform with - legally binding. List C (Appendix C - Compliance Lists).</p> <p>(Part b is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <p>WHPA-A & B – V. score 10; WHPA-E – V. score 9</p>
When Policy Applies	Existing and Future

Policy ID	T-27-C
Threat	Application of commercial fertilizer to land and storage of commercial fertilizer
Policy Tool	Education and outreach
Policy Implementer	City of Hamilton, Regional Municipality of Halton
Policy	<p>Where the existing and future application, or handling and storage of commercial fertilizer would be significant drinking water threats,</p> <p>a) the City of Hamilton and the Region of Halton shall continue their established, related education and outreach programs. In addition, within two years of the date that the updated Source Protection Plan comes into effect, the City of Hamilton and the Region of Halton, in collaboration with the Halton Region and Hamilton Region Conservation Authorities, are requested to develop and implement education and outreach programs for newly identified threats to promote best management practices regarding these activities for the protection of source water; and</p> <p>b) the City of Hamilton and the Region of Halton shall document any new and existing education and outreach programs established regarding the application, handling or storage of commercial fertilizer, and report this information to the Source Protection Authority by February 1 of each year.</p>
Legal Effect	<p>Part a - Must comply with - legally binding. List E (Appendix C - Compliance Lists)</p> <p>(Part b is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <ul style="list-style-type: none"> • Application of commercial fertilizer: WHPA-A & B – V. score 10; WHPA-E – V. score 9. • Storage of commercial fertilizer: WHPA-A & B – V. score 10.
When Policy Applies	Existing and future

Policy ID	T-28-C
Threat	Application of commercial fertilizer to land and storage of commercial fertilizer
Policy Tool	Best management practice
Policy Implementer	Municipal planning authority
Policy	<p>For golf course properties located where the existing and future application, or storage and handling of commercial fertilizers would be significant drinking water threats,</p> <ul style="list-style-type: none"> a) the municipal planning authority shall encourage all operators to obtain and retain Audubon Co-operative Sanctuary Certification. b) the municipal planning authority shall document the number of golf course operators approached and the number of golf courses with an Audubon Co-operative Sanctuary Certificate and report this information to the Source Protection Authority by February 1 of each year.
Legal Effect	<p>Part a - Must comply with - legally binding. List E (Appendix C - Compliance Lists)</p> <p>(Part b is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <ul style="list-style-type: none"> • Application of commercial fertilizer: WHPA-A & B – V. score 10; WHPA-E – V. score 9. • Storage of commercial fertilizer: WHPA-A & B – V. score 10.
When Policy Applies	Existing and future
Notes	The Audubon Co-operative Sanctuary Certification is an award-winning education and certification program that provides guidance on environmental protection practices.

Policy ID	T-53-C
Threat	Multiple
Policy Tool	Land use planning
Policy Implementer	Municipal planning authorities
Policy	<p>To facilitate the effective implementation of policies for significant drinking water threats and assist in municipal decision-making,</p> <ul style="list-style-type: none">a. the municipal planning authorities are requested to require proponents to disclose whether any of the following activities are expected to occur on the property where they would be significant drinking water threats, proposed storage location, where applicable, as well as the substances utilized or stored and their volume:<ul style="list-style-type: none">i. the establishment, operation or maintenance of a system that collects, stores, transmits, treats, or disposes of sewageii. the application or storage of agricultural source materialiii. the application, or handling and storage of commercial fertilizeriv. the application, or handling and storage of pesticidev. the application, or handling and storage of road saltvi. the storage of snowvii. the handling and storage of fuelviii. the handling and storage of a dense non-aqueous phase liquidix. the handling and storage of an organic solventx. the use of land as livestock grazing or pasturing land, an outdoor confinement area or a farm-animal yardxi. the establishment and operation of a liquid hydrocarbon pipeline.b. the City of Hamilton, the Region of Halton, and the County of Wellington are requested to require a full disclosure report as part of a complete application under the Planning Act.c. Repealed.d. the municipal planning authority shall report to the Source Protection Authority by February 1 of each year on actions taken to amend municipal documents/processes to require disclosure of threat activities and the number of disclosure reports that were received in the previous year.

Legal Effect	Parts a and b Must conform with - legally binding. List A (Appendix C - Compliance Lists) (Part d is a monitoring policy)
Where Policy Applies	See Figures 2 to 11.
When Policy Applies	Future

Policy ID	T-22-S
Threat	Application of agricultural source material (ASM) to land; storage of ASM; application of non-agricultural source material (NASM) or biosolids to land; storage of NASM; application of commercial fertilizer to land; storage of commercial fertilizer; ASM generation (yards or confinement); ASM generation (grazing and pasturing)
Policy Tool	Other tools: compliance inspections of agricultural operations
Policy Implementer	Ministry of the Environment, Conservation and Parks
Policy	<p>To monitor compliance with nutrient management plans and strategies, non-agricultural source material plans, and Ontario Regulation 267/03 requirements for properties located within vulnerable areas where there are now or potentially would be significant drinking water threats due to the application and storage of agricultural source materials, non-agricultural source materials, commercial fertilizer, and land used for outdoor confinement areas and farm-animal yards,</p> <ol style="list-style-type: none"> the Ministry of the Environment, Conservation and Parks is requested to conduct regular compliance inspections of agricultural operations where significant drinking water threats occur, and shall guide farmers to improve compliance performance, when needed. the Ministry of the Environment, Conservation and Parks shall document the number and location of inspections that were compliant and non-compliant with nutrient management plans and strategies, and non-agricultural source material plans and the actions taken, and report this information to the Source Protection Authority by February 1 of each year.
Legal Effect	Part a - Strategic - non-legally binding. List K (Appendix C - Compliance Lists) (Part b is a monitoring policy)
Where Policy Applies	<p>See Figures 2 to 11.</p> <ul style="list-style-type: none"> Application of ASM to land, storage of ASM, application of NASM, storage of NASM, ASM generation (yards or confinement), ASM generation (grazing and pasturing): WHPA-A & B – V. score 10; WHPA-E – V. score 9 & 8.1. Application of commercial fertilizer: WHPA-A & B – V. score 10; WHPA-E – V. score 9. Storage of commercial fertilizer: WHPA-A & B – V. score 10.
When Policy Applies	Existing and future

