

Report To: Halton-Hamilton Source Protection Committee
Report No.: SPC-24-03-07
From: Martin Keller, Senior Manager, Watershed Planning and Source Protection
Date: March 19, 2024
Subject: Update – Draft Policy Package –ASM

Recommendation

THAT the Halton-Hamilton Source Protection Committee endorse the draft policies as presented in report SPC-24-03-07 Draft Policy Package –ASM

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 Agricultural Source Material (ASM) with the Municipal Working Group on January 17, 2024.

Report

Staff have drafted proposed policies for the application, handling, and storage of Agricultural Source Material (ASM) in response to changes to the Technical Rules released in December 2021. Reports addressing policy revision for ASM have been presented to the Halton-Hamilton Source Protection Committee (HHSPC) at the December 5, 2023 committee meeting (report SPC-23-12-06). Comments received from the HHSPC regarding the proposed prohibition and RMP policies for the application, handling, and storage of ASM were presented and discussed at the January 17, 2024 Municipal Working Group meeting.

Municipal Working Group members maintain support for the proposed policies with the intent to prohibit (in WHPA-A) and manage through RMP (outside WHPA-A), the application, handling, and storage of ASM. The proposed policies will ensure any potential significant threats not covered under the Nutrient Management Act are addressed and provide RMOs/RMIs a means to ensure that any existing nutrient management strategies and plans for ASM have been implemented.

Appendix A provides the comments from the Source Protection Committee and the Municipal Working Group related to the application, handling, and storage of agricultural source material.

Appendix B contains all proposed policies for the application, handling, and storage of agricultural source material. 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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Appendix A

Application, Handling and Storage of Agricultural Source Material (ASM)

Comments: Prohibition of Application, Handling & Storage of ASM

Tool	Proposed Policy	Comments from SPC (Dec 5, 2023)	Comments from Municipal Working Group (Jan 17, 2024)	Staff Comments & Rationale for Proposed Policy
Application Handling and Storage of ASM Prohibition (S.57) RMP (S.58)	T-20.1-C – Existing and Future threat; application, handling and storage of ASM in WHPA-A (Prohibition) T-20.2-C – Existing and Future threat; application, handling and storage of ASM outside WHPA-A (RMP)	<ul style="list-style-type: none">- ASM storage construction with in 100m of a municipal well is prohibited in the Nutrient Management Act.- Temporary storage is the only real gap in our existing policy but is prohibited under the Nutrient Management Act within 100m of a well.	<ul style="list-style-type: none">- The intent of the prohibition and RMP policies, is to ensure that all potential risks, not covered under the Nutrient Management Act	<ul style="list-style-type: none">- Proposed Prohibition and RMP policy would create consistency among neighbouring Source Protection Plans- The policies would create a level of accountability and an avenue for RMOs to investigate adherence to Nutrient Management Plans/Strategies, rather than waiting for MECP inspection triggered by complaint.- Nutrient Management Act only covers farms that generate more than 5 Nutrient Management Units, proposed policy would address those that are not governed through the NMA.

Appendix B

Proposed Policies: Application, Handling and Storage of Agricultural Source Material (ASM)

Policy ID	T-20.1-C
Threat	Application, Handling and Storage of agricultural source material (ASM)
Policy Tool	Prohibition
Policy Implementer	Risk Management Official
Policy	<p>Where the existing and potential future application, handling and storage of agricultural source material (ASM) is or would be a significant drinking water threat in WHPA-A,</p> <ol style="list-style-type: none"> The activity is designated for the purpose of Section 57 of the CWA and shall be prohibited. The risk management official shall document in their annual report, in accordance with Section 65 of Ontario Regulation 287/07, actions taken regarding the application, handling and storage of ASM 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 (S.57 prohibition policy)</p> <p>Part b – Must conform with – legally binding. List F (monitoring policy)</p>
Where Policy Applies	See Figures 2 to 11. WHPA-A
When Policy Applies	Existing/Future
Notes	

Policy ID	T-20.2-C
Threat	Application, Handling and Storage of agricultural source material (ASM)
Policy Tool	Risk Management Plan
Policy Implementer	Risk Management Official
Policy	<p>Where the existing and potential future application, handling and storage of agricultural source material (ASM) is or would be a significant drinking water threat outside WHPA-A,</p> <ol style="list-style-type: none"> The activity is designated for the purpose of Section 58 of the CWA and a Risk Management Plan shall be required. A risk management official shall establish risk management plans and the content shall be based upon the regulatory requirements of a nutrient management plan and strategy under the <i>Nutrient Management Act</i> and be scoped to address these specific threats. S.61 of Ontario Regulation 287/07 allows for exemption from a Risk Management Plan if proper notice of an existing prescribed instrument is provided to the RMO and they are satisfied with measures taken to protect drinking water sources. the risk management official shall document action taken regarding risk management plans for the application and storage of agricultural source material 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 I (Appendix C – Compliance Lists)</p> <p>Part b – Must conform with (legally binding). See Appendix C - List H (Part c is a monitoring policy)</p>
Where Policy Applies	<p>See Figures 2 to 11.</p> <p>WHPA-B – V. score 10; WHPA-E – V. score 9 & 8.1</p>
When Policy Applies	Existing and future
Notes	Primarily, manure is the agricultural source material associated with drinking water threats.

Policy ID	T-21-C
Threat	Application of agricultural source material (ASM) to land; and storage of ASM
Policy Tool	Prescribed instrument
Policy Implementer	Ministry of Agriculture, Food and Rural Affairs
Policy	<p>Where the existing and potential future application or storage of agricultural source material are or would be significant drinking water threats and are managed by nutrient management plans and strategies,</p> <ul style="list-style-type: none"> a. the Ministry of Agriculture, Food and Rural Affairs shall ensure that the nutrient management plans and strategies are inclusive of measures to protect drinking water sources that, when implemented, will ensure that the application and storage of agricultural source material never become or cease to be significant drinking water threats. Contingency plans required for nutrient management plans and strategies must contain the requirement for notification of the Spills Action Centre if a leak is discovered from an agricultural source material storage facility or if there is a spill. b. the Ministry of Agriculture, Food and Rural Affairs shall document the number and locations of nutrient management plans and strategies that were reviewed or approved, and the actions taken to attain compliance with this policy and report this information to the Source Protection Authority by February 1 of each year.
Legal Effect	Part a - Must conform with - legally binding. List C (Appendix C - Compliance Lists). (Part b is a monitoring policy)
Where Policy Applies	See Figures 2 to 11. WHPA-A & B – V. score 10; WHPA-E – V. score 9 & 8.1
When Policy Applies	Existing and future
Notes	Nutrient management plans and strategies are existing requirements that the agricultural community uses to guide its operations.

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> <p>a. 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.</p> <p>b. 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.</p>
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

Policy ID	T-23-S
Threat	Application of agricultural source material (ASM) to land, storage of ASM, ASM generation (yards or confinement), ASM generation (grazing and pasturing)
Policy Tool	Incentives
Policy Implementer	Ministry of the Environment, Conservation and Parks
Policy	<p>As an incentive to reduce the existing significant risks from the application and storage of agricultural source materials, and from land used for livestock grazing, pasturing land, 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 continue to provide ongoing funding for stewardship projects on properties where these activities are a significant threat. if funding is provided by the Ministry of the Environment, Conservation and Parks, the Halton Region and Hamilton Region Conservation Authorities shall implement the incentive program. by February 1 of each year, the Halton Region and Hamilton Region Conservation Authorities shall advise the Source Protection Authority of the amount of funding received from provincially funded programs for agricultural stewardship projects.
Legal Effect	<p>Part a - Strategic - non-legally binding. List K (Appendix C - Compliance Lists);</p> <p>Part b - Must comply with - legally binding. List E (Appendix C - Compliance Lists)</p> <p>(Part c 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 & 8.1</p>
When Policy Applies	Existing