

PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE MINISTER OF
ENVIRONMENT AND CLIMATE CHANGE STRATEGY

Environmental Management Act

Ministerial Order No. M284

I, George Heyman, Minister of Environment and Climate Change Strategy, order that

- (a) B.C. Reg. 8/2019 is amended as set out in the attached Appendix 1,
- (b) the Code of Practice for Industrial Non-Hazardous Waste Landfills Incidental to the Wood Processing Industry, B.C. Reg. 263/2010, is amended as set out in the attached Appendix 2,
- (c) the Contaminated Sites Regulation, B.C. Reg. 375/96, is amended
 - (i) in section 6.4 (3) by striking out “section (1) (b)” and substituting “subsection (1) (b)”, and
 - (ii) by repealing section 7.1 (2),
- (d) the Code of Practice for Agricultural Environmental Management, B.C. Reg. 8/2019, is amended as set out in the attached Appendix 3, and
- (e) effective July 15, 2021, the Code of Practice for Agricultural Environmental Management is amended as set out in the attached Appendix 4.

July 7, 2021

Date



Minister of Environment and Climate Change Strategy

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Environmental Management Act*, S.B.C. 2003, c. 53, s. 22

Other: M260/2010; OIC 1480/96; M39/2019

R20492703

APPENDIX 1

1 Section 8 of Appendix 3 of B.C. Reg. 8/2019 is amended

(a) by repealing paragraph (a) and substituting the following:

(a) by repealing subsection (1) (a) and substituting the following:

(a) by a qualified professional who has successfully completed a course in nutrient management planning, offered in British Columbia and approved by a director, if a result referred to in section 53 (1) is

(i) 150 kg N/ha or more, for a nitrate test, or

(ii) 300 ppm or more, for a phosphorus test, and ,

, and

(b) in paragraph (d) by renumbering the subsection to be added as subsection (2.1).

APPENDIX 2

1 Section 1 of the Code of Practice for Industrial Non-Hazardous Waste Landfills Incidental to the Wood Processing Industry, B.C. Reg. 263/2010, is amended

(a) in the definition of “aquifer” by striking out “Water Act” and substituting “Water Sustainability Act”, and

(b) by repealing the definition of “ground water” and substituting the following:

“groundwater” has the same meaning as in the *Water Sustainability Act*; .

2 Section 6 (1) is amended in the definition of “water supply well” by striking out “ground water” and substituting “groundwater”.

3 Sections 17 (3) (a), 20 (2) (b), (3) and (5), 21 and 22 (1) are amended by striking out “ground water” wherever it appears and substituting “groundwater”.

APPENDIX 3

1 Section 1 of the Code of Practice for Agricultural Environmental Management, B.C. Reg. 8/2019, is amended

(a) by repealing paragraph (a) (viii) of the definition of “agricultural by-product” and substituting the following:

(viii) used soilless media, and ,

(b) in paragraph (b) of the definition of “agricultural by-product” by striking out “or” at the end of subparagraph (iii) and by adding the following subparagraphs:

(v) soil amendments within the meaning of, and used in accordance with, the Code of Practice for Soil Amendments, or

(vi) fish feces; ,

(c) *by repealing the definitions of “agricultural composting process”, “agricultural land base” and “agricultural operation” and substituting the following:*

“agricultural composting process” means a process, other than a process conducted in accordance with the requirements of the Organic Matter Recycling Regulation, whereby agricultural by-products, or agricultural by-products mixed with wood residue, are

- (a) mixed or layered, and
- (b) managed to decompose aerobically with either periodic turning or passive or forced aeration;

“agricultural land base” means the following:

- (a) if a person carries out agricultural operations on a single parcel of land, that parcel;
- (b) if a person carries out agricultural operations on more than one parcel of land, whether or not those parcels are adjacent to each other, the combined area of those parcels;

“agricultural operation” means the following:

- (a) an agricultural operation to which this code applies under section 2 (2) and (2.1);
- (b) an associated activity to which this code applies under section 2 (2) and (3);,

(d) *by adding the following definition:*

“fish feces” means raw or untreated solid excreta from finfish that

- (a) come from a land-based finfish aquaculture operation, and
- (b) do not contain carcasses, skin, bones, guts, scales, blood, fat, oil or grease; ,

(e) *in the definition of “grazing area” by striking out “pasture that is not confined by structures,” and substituting “pasture, whether or not confined by structures,”*

(f) *by repealing paragraphs (a), (c) and (h) of the definition of “nutrient source” and substituting the following:*

- (a) commercial fertilizers and soil conditioners;
- (c) mixtures produced using agricultural composting processes;
- (c.1) digestates from anaerobic digestion;
- (h) fish feces; ,

(g) *by repealing the definition of “outdoor agricultural composting pile” and substituting the following:*

“outdoor agricultural composting pile” means an agricultural composting process carried out by mixing or layering the components in a pile or windrow rather than in a structure; ,

(h) *by repealing paragraph (a) of the definition of “runoff”,*

(i) *in the definition of “seasonal high water table” by striking out “10-year average”,*

(j) *in the definition of “wastewater” by adding the following paragraph:*

(e) water from equipment, washing or other sources; , **and**

(k) *by adding the following definition:*

“**water table**” means the line between the unsaturated and saturated zones in soil; .

2 Section 2 is amended

(a) *in subsection (1) by striking out “described in subsection (3)” and substituting “and associated activities described in subsections (2.1) and (3)”;*

(b) *by repealing subsection (2) and substituting the following:*

(2) This code applies to a person who carries out an agricultural operation described in subsection (2.1) or an associated activity described in subsection (3)

(a) on an agricultural land base that is not zoned for residential purposes, and

(b) whether or not for a commercial purpose. ,

(c) *by adding the following subsection:*

(2.1) Subject to subsection (4), rearing or keeping livestock, poultry or insects, or growing and harvesting agricultural products, is an agricultural operation for the purposes of this code if done for one or more of the following purposes:

(a) for consumption or use by humans, including as food, fibre or fuel;

(b) for use as animal feed;

(c) for use as breeding stock or to produce seedlings or flowers;

(d) for work or recreational purposes, in the case of livestock or poultry;

(e) for use in landscaping or for ornamental purposes, in the case of plants, including trees. ,

(d) *in subsection (3) by striking out “the following are agricultural operations for the purposes of this code:” and substituting “if done together with an agricultural operation referred to in subsection (2.1), this code applies to the following activities:”;* **and**

(e) *by repealing subsection (3) (a) and (b) and substituting the following:*

(a) storing nutrient sources;

(b) storing agricultural by-products that are not a source of nitrogen or phosphorus;

(b.1) storing the primary products of livestock, poultry, insects, plants and fungi; .

3 Section 3 (2) is repealed and the following substituted:

(2) A person must be registered, and registration must be effective, under section 4 of the Waste Discharge Regulation before using a boiler or heater for the purposes of an agricultural operation unless either of the following provisions of this code applies:

(a) section 4 [*deemed registration for use of boiler or heater*];

(b) section 5 [no registration required if small capacity or fuelled by electricity].

4 Section 5 is amended

(a) by renumbering the section as section 5 (1), and

(b) by adding the following subsection:

(2) A person is not required to be registered under section 4 of the Waste Discharge Regulation if the person uses only boilers and heaters that are fuelled by electricity.

5 Section 8 is amended

(a) by renumbering the section as section 8 (1), and

(b) by adding the following subsection:

(2) Despite subsection (1), this Division does not apply to a person who uses a boiler or heater that is fuelled only by electricity.

6 Section 17 is amended in Item 1 of the table by adding “or nutrient sources other than agricultural by-products” after “agricultural by-products”.

7 Section 19 is amended

(a) by renumbering the section as section 19 (1), and

(b) by adding the following subsection:

(2) A person who, for the purposes of an agricultural operation, performs an activity in relation to which a setback is increased or imposed under subsection (1) must ensure a setback of at least the distance as increased or imposed under that subsection.

8 Section 27 (3) is amended by striking out “only if the following conditions” and substituting “only if all of the following conditions”.

9 Sections 27 (3), 34 (d), 40 (d), 46 (b), 49 (1), 51 (1), 52 (1), 62 (b), 68 (d), 71 (1) and 77 are amended by striking out “seasonal high” wherever it appears.

10 Section 32 is repealed and the following substituted:

Allowable storage and use of solid agricultural by-products

32 (1) A person may store and use solid agricultural by-products for the purposes of an agricultural operation only as follows:

(a) solid agricultural by-products that are produced on the person’s agricultural land base may be stored on that agricultural land base;

(b) solid agricultural by-products that are not produced on the person’s agricultural land base may be brought onto and stored on the person’s

agricultural land base only if subsequently used in agricultural operations carried out on that agricultural land base;

- (c) solid agricultural by-products may be stored only in a permanent storage structure or as temporary field storage;
- (d) manure and bedding from fur bearing animals may be stored in on-ground under-pen storage for no more than 7 months.

(2) A person may carry out an agricultural composting process using solid agricultural by-products for the purposes of an agricultural operation only as follows:

- (a) solid agricultural by-products that are produced on the person's agricultural land base may be used in an agricultural composting process carried out on that agricultural land base;
- (b) solid agricultural by-products that are not produced on the person's agricultural land base may be brought onto the person's agricultural land base and used in an agricultural composting process only if the products of the agricultural composting process are subsequently used in agricultural operations carried out on that agricultural land base.

11 Section 34 (a) is repealed and the following substituted:

- (a) that any leachate generated during storage is
 - (i) collected or contained, and
 - (ii) not discharged directly to land or water; .

12 Section 37 is amended

(a) in subsection (1) (c) (ii) by striking out “if permitted under” and substituting “if storage is allowed under”, and

(b) in subsection (2) (a) by adding “and the date that storage began” after “being stored”.

13 Section 40 (a) is repealed and the following substituted:

- (a) that only agricultural by-products and wood residue are used in the agricultural composting process;
- (a.1) that no non-agricultural waste materials are added to the agricultural composting process except as allowed under sections 67 (1), 71 and 72 [mortalities or processing waste];
- (a.2) that any leachate generated during the agricultural composting process is
 - (i) collected or contained, and
 - (ii) not discharged directly to land or water; .

14 Section 42 (2) (a) is amended by adding “and the date that composting began” after “being composted”.

15 Section 43 (1) (b) is repealed and the following substituted:

- (b) distributes from the person's agricultural land base any manure or product of an agricultural composting process that was produced on that agricultural land base.

16 *The following Division is added to Part 6:*

Division 2.1 – Other Nutrient Sources

Allowable storage and use of other nutrient sources

- 43.1** (1) Subject to subsection (2), a person may do one or both of the following, but only if the nutrient sources are subsequently used in agricultural operations:
- (a) bring nutrient sources onto the person's agricultural land base;
 - (b) store nutrient sources on the person's agricultural land base.
- (2) Subsection (1) does not apply to the following types of nutrient sources:
- (a) commercial fertilizers and soil conditioners;
 - (b) agricultural by-products.

General storage requirements for other nutrient sources

- 43.2** A person who stores nutrient sources to which section 43.1 applies must ensure all of the following:
- (a) that any leachate generated during storage is
 - (i) collected or contained, and
 - (ii) not discharged directly to land or water;
 - (b) that runoff is diverted away from the storage structure or storage area;
 - (c) that the storage structure or storage area is maintained so as to prevent contaminated runoff, leachate, wastewater and solids from escaping;
 - (d) that if contaminated runoff, leachate, wastewater or solids escape from storage, they do not enter a watercourse, cross a property boundary or go below the water table;
 - (e) that air contaminants from stored nutrient sources do not cross a property boundary;
 - (f) that nutrient sources are stored in a manner that will deter the attraction of, and access by, domestic pets, wildlife and vectors.

17 *Section 45 is repealed and the following substituted:*

Allowable storage and use of wood residue

- 45** A person may do one or both of the following, but only if the wood residue is subsequently used in agricultural operations:
- (a) bring wood residue onto the person's agricultural land base;
 - (b) store wood residue on the person's agricultural land base
 - (i) in a permanent storage structure, or
 - (ii) as temporary field storage for a period of no more than 12 months.

18 Section 47 is amended

- (a) *in subsection (1) (e) by striking out “a purpose permitted under” and substituting “a purpose referred to in”,*
- (b) *in subsection (2) by striking out “would not be permitted under” and substituting “would contravene”, and*
- (c) *by repealing subsection (2) (d) and substituting the following:*
 - (d) as a component of compost; .

19 Section 57 is amended by adding the following subsection:

- (3) A person who prepares a nutrient management plan must sign and date the completed plan.

20 Section 59 (3) is repealed and the following substituted:

- (3) On making any significant change to the person’s agricultural operations, a person who must have a nutrient management plan prepared must have a qualified professional or experienced person, as applicable under and in compliance with section 57 [*preparation of nutrient management plan*],
 - (a) review the plan and make any necessary changes identified by the review, and
 - (b) sign and date the plan on completing the review and any changes.
- (4) A nutrient management plan expires 5 years after the later of the dates referred to in section 57 (3) and subsection 3 (b) of this section.

21 Section 62 (d) is repealed and the following substituted:

- (d) that if contaminated runoff, leachate or solids escape from the area, they are
 - (i) collected and contained, and
 - (ii) not discharged directly to land or water.

22 The heading to Division 2 of Part 7 is repealed and the following substituted:

Division 2 – Mortalities and Processing Waste .

23 Section 67 (1) is amended by striking out “through agricultural composting processes” and substituting “by adding the mortalities or processing waste to an agricultural composting process”.

24 Section 71 is amended

- (a) *by striking out “through agricultural composting processes” in both places and substituting “by adding the mortalities or processing waste to an agricultural composting process”,*
- (b) *by repealing subsection (1) (e) and (f), and*
- (c) *by adding the following subsection:*

- (3) A person who disposes of mortalities or processing waste by adding the mortalities or processing waste to an agricultural composting process must keep a record of all of the following:
 - (a) the type and source of the mortalities or processing waste being composted;
 - (b) whether any of the mortalities or processing waste being composted contains specified risk material within the meaning of the Code of Practice for the Slaughter and Poultry Processing Industries.

25 Section 72 is amended

(a) by renumbering the section as section 72 (1), and

(b) by adding the following subsection:

- (2) A person who uses an outdoor agricultural composting pile to dispose of mortalities or processing waste through an agricultural composting process must do all of the following:
 - (a) monitor the pile at least once each week to ensure compliance with this code;
 - (b) keep a record of
 - (i) the location of the pile,
 - (ii) the date the pile was formed, and
 - (iii) the results of weekly monitoring under paragraph (a).

26 Section 73 is amended

(a) in subsection (2) (c) by adding “, if the wastewater contains specified risk material” after “domestic ruminants”, and

(b) by repealing subsection (4) and substituting the following:

- (4) A person who applies the product of an agricultural composting process to land must ensure all of the following:
 - (a) that, if the product contains specified risk material, the product is not applied to land used to grow crops for human consumption or to graze domestic ruminants;
 - (b) that composted mortalities and processing waste are applied to land only when fully composted;
 - (c) that composted mortalities and processing waste from livestock are applied to land only on, and are not removed from, the agricultural land base on which the composting occurred;
 - (d) that composted mortalities and processing waste from poultry are
 - (i) applied to land only on, and are not removed from, the agricultural land base on which the composting occurred, or
 - (ii) removed from the agricultural land base on which the composting occurred only if the composted mortalities and processing waste
 - (A) are first mixed with poultry manure, and

- (B) form no more than 10% of the total volume of the mixture.
- (5) A person who applies wastewater or the product of an agricultural composting process to land must keep a record of all of the following:
 - (a) the location of the fields to which the wastewater or product was applied;
 - (b) the date of the application;
 - (c) whether any of the applied wastewater or products contain specified risk material and, if so, the location of the fields to which that wastewater or those products have been applied.

27 Section 77.1 is repealed and the following substituted:

Adverse effects of pesticide application

- 77.1** (1) A person who applies pesticides for the purposes of an agricultural operation must ensure all of the following:
- (a) that contaminated runoff does not enter a watercourse or groundwater, or cross a property boundary;
 - (b) that pesticide spray drift does not enter a watercourse or groundwater;
 - (c) that all precautions that are reasonably necessary to prevent an unreasonable volume of pesticide spray drift from crossing a property boundary are taken, unless the person in possession of the property into which the drift crosses allows otherwise.
- (2) A person who applies pesticides for the purposes of an agricultural operation must keep a record of all of the following:
- (a) the date, time and location of application;
 - (b) the temperature, precipitation, wind speed and wind direction at the time of application;
 - (c) the name of each targeted pest;
 - (d) for each pesticide applied,
 - (i) the product trade name and pest control product registration number, and
 - (ii) the application method and rate of application.

28 Section 82 (b) is amended by striking out “permit members of the public” and substituting “allow members of the public”.

29 Item 3 of section 1 of Schedule A is amended in Column 1 by striking out “Shuswap Lake Basin” and substituting “Shuswap Lake Basin and Shuswap River Watershed”.

APPENDIX 4

1 Section 1 of the Code of Practice for Agricultural Environmental Management, B.C. Reg. 8/2019, is amended by repealing the definition of “experienced person” and substituting the following:

“experienced person” means a person who

- (a) has successfully completed a course in nutrient management planning, offered in British Columbia and approved by a director, and
- (b) has at least 4 years'
 - (i) experience in carrying out agricultural operations, or
 - (ii) experience and post-secondary training in agricultural sciences combined; .

2 *Section 57 (1) (a) is amended by adding “who has successfully completed a course in nutrient management planning, offered in British Columbia and approved by a director,” after “a qualified professional”.*

3 *Sections 58 (2) (a) (ii) and 60 (1) (b) are amended by adding “, as described in section 57 (1) (a),” after “a qualified professional”.*