

Nutrient Management Newsletter

Spring 2011

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Training Tidbits

This is the first year that Prescribed Materials Application Business (PMAB) Licences and/or Broker Certificates start to expire. To renew, you must pass an exam (75 per cent or higher). However, taking the course again as a refresher is highly recommended. New material, which the exam will test for, has been added to these courses. This includes changes to the non-agricultural source material (NASM) regulation (General Regulation (O. Reg. 267/03) under Nutrient Management Act, 2002 (NMA)).

The best way to prepare for this exam is to review the updated competency documents for the certificate or licence found on the website at www.ontario.ca/nmtraining. Please ensure you are studying from the 2010 version of the competencies.

Book your exam by calling 1-855-648-1444 or register online using www.ridgetownc.com/ce (click on the link for nutrient management exams).

Renewals for Agricultural Operation Strategy or Plan Development Certificate (AOSPDC) and Agricultural Operation Planning Certificate (AOPC)

Agricultural Operation Strategy or Plan Development Certificate (AOSPDC)

AOSPDC certificates are for consultants preparing Nutrient Management Strategies (NMS) and Nutrient Management Plans (NMP) for operations they do not own, operate or are employed by. They are valid for five years from the date of issue. It is your responsibility to know the expiry date of your certificate. Six months before your expiry date, you should start the renewal process.

To renew your certificate you must write and pass an exam (75 percent or greater). Once the exam is passed, you can submit an application for renewal. Be sure to allow sufficient time to renew your certificate because you do not want to let your certificate expire. The application form can be found at www.ontario.ca/nmtraining. Although it is not required, it is highly recommended that you take the required courses again before writing the exam. The Regulations and Protocol Course is available online and is a good refresher. Reviewing the core competency documents is a good way to study for this exam. The course schedule and core competency documents can be found at www.ontario.ca/nmtraining.

To register for an exam contact the University of Guelph Ridgetown College toll free at 1-855-648-1444 or locally at 519-674-1500 ext 63592. **Please note, the registration deadline is five business days prior to the exam date.**

Agricultural Operation Planning Certificate (AOPC)

AOPC certificates are for farmer/farm employees preparing their own NMS and NMP. They are valid for five years from the date of issue. It is your responsibility to know the expiry date of your certificate. Six months before your expiry you should start the renewal process.

To renew your certificate you must have taken a Regulations and Protocols Course after September 2005. It is highly recommended that you take this course again as the regulations have been updated several times since then. You can take this course online and it would be a good refresher. To register for the online course call Ridgeway Campus at 1-855-648-1444 or visit www.nutrientmanagement.ca.

The application for an AOPC renewal can be found at www.ontario.ca/nmtraining.

Non-Agricultural Source Material (NASM) Update

Nutrient Management Act (NMA) Approved Storage versus Certificate of Approval (C of A) Approved Storage for NASM

Any facility that intends to store non-agricultural source material (NASM) requires approval under either the Nutrient Management Act (NMA) or the Environmental Protection Act (EPA). For each there are different requirements.

A storage intended to store NASM and built under the NMA must be:

- Built after June 30, 2003 and meet all the requirements of Part 4, O. Reg 267/03; and
- Engineered and constructed to contain prescribed materials.

A request for NASM storage approval under the NMA must be submitted to OMAFRA's Approvals Branch in Guelph and include the number of the previously approved Nutrient Management Strategy. Supporting information may be requested. This may include a copy of the site characterization study, proof of structural integrity and a review of the construction process. Visit www.ontario.ca/omafra or call 1-877-424-1300 for more information.

A storage intended to store NASM and regulated under the EPA includes the following steps:

- The approval for this storage is issued by the Environmental Assessment and Approvals Branch of MOE;
- The proponent must submit a completed Certificate of Approval application to the local Ministry of the Environment (MOE) district office. The district office forwards the application to the Environmental Assessment and Approvals Branch of MOE who may require:
 - public consultation (i.e. a public meeting);
 - proof of proper engineering by a certified engineer to confirm the structural integrity of the storage and verify it as secure for storing NASM.

Visit www.ontario.ca/environment for more information or call the Ministry of the Environment's Public Information Centre at 1-800-565-4923 for more information.

Progress of NASM Certification

Number of Certified NASM Plan Developers as of April 11, 2011	22
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In order to be certified, candidates must take courses, pass an exam (75 per cent or greater) and must obtain 80 per cent on two assignments. A list of NASM Plan Developer Certificate holders can also be found on the OMAFRA website at www.ontario.ca/nmtraining.

Milking Centre Washwater (MCW)

Farm operations are now required to comply with requirements under Part VII.I of the Regulation for managing milking centre washwater (MCW) when they:

1. Build a new or replace a milking parlour or milkroom;
2. Expand an existing milking parlour or milkroom if the storage capacity of the bulk tank is increased;
3. Undertake any construction relating to a new, replacement or existing sediment tank, treatment trench system or milking centre washwater storage facility.

WHEN USING NMAN ...

With Nutrient Management Strategy (NMS) submissions for dairy operations, please ensure the milking centre washwater volumes are consistent with the volumes presented in the Regulation. When using NMAN to prepare the NMS, preparers may need to make small adjustments in the volumes of washwater generated to be consistent with calculation of storage capacity requirements in s. 61.8.

Farm operations that have a Nutrient Management Strategy (NMS) are required to comply by January 1, 2016 or when they undertake a project that involves one of the three scenarios listed above, whichever comes first.

An existing dairy producer who is not required to prepare a NMS under the Regulation and does not apply for a building permit for one of the three situations outlined above is not affected by the new Regulation. However, operators should always follow best management practices and dispose of milking centre washwater in an environmentally safe manner. Options for management of MCW in the Regulation include:

- a. **Storage:** for liquid, in a permanent nutrient storage facility and for solid, when specific conditions are met;
- b. **Treatment and disposal** of MCW through a sediment tank and treatment trench (i.e. septic systems) that meets requirements of the Building Code or
- c. **Land application** of MCW and the sludge pump-out from the sediment tank is allowed providing it meets the criteria set out in s.61.10 of the Regulation or through a Certificate of Approval (C of A) issued under the Environmental Protection Act.

For upcoming information visit www.ontario.ca/omafra or call 1-877-424-1300 for more information.

Q Questions from Consultants

What are the requirements for an approval or registration of a farm unit if there is a change of ownership on a farm that has a Nutrient Management Strategy (NMS)?

Change in ownership without splitting the farm unit

A change in ownership of generating facilities ceases the NMS if the owner **does not** comply with the approved NMS. In such a case, the new owner of the operation is required to:

- Notify the Director of the change no later than 15 days after it occurs, and submit a **new NMS for approval within three months after the change occurs.**

If the new owner complies with the existing approved NMS, he/she is required to file a notice of the change with the Director no later than 15 days after the changes occurs.

Change in ownership that involves a split of the farm unit

Where an operation with an approved NMS splits the farm unit, (e.g., a dairy operation with the dairy barn on one parcel and a heifer barn on a different parcel sells the heifer barn), the vendor (the owner/operator of the approved NMS) **must:**

- Update and continue to comply with the existing strategy, if the change **does not adversely affect** the capacity of a person to implement the strategy. In such a case, the person who owns or controls the operation must inform the Director of the change in ownership no later than 15 days after it occurs.

Alternatively, if the change adversely affects the capacity of a person to implement the strategy, then the strategy ceases and the **vendor must:**

- Notify the Director of the change no later than 15 days after it occurs; and
- Submit a new NMS (prepared by a certified person) for approval no less than three months after the change.

The **purchaser must:**

- Notify the Director of the change no later than 15 days after it occurs, and
- Submit a new NMS (prepared by a certified person) for approval no less than three months after the change occurs.

Q A farm has a Nutrient Management Strategy (NMS) and a Nutrient Management Plan (NMP) because the farm operation had 300 or more Nutrient Units (NU). The farm changes the livestock species and no longer has 300 Nutrient Units. No building permit was required to make the change to a new livestock venture. What are the requirements for this farm to be in compliance with the NMA?

As part of the Annual Review requirements, the operation would update the NMS to accurately reflect the current operation (s) on the farm. The annual review would indicate the date and changes made to the operation and changes planned for the upcoming year. The person who owns or controls the agricultural operation is required to complete this Annual Review and Update by February 15 of each year the NMS is in effect.

When the NMS expires the farm operator would register the farm unit with OMAFRA as outlined in Part 9 of the Nutrient Management Protocol assuming approval is not required (i.e. no building permit is being sought for livestock housing or manure storage facilities, no municipal wells are within 100 m of the farm unit and no off-farm material is being received on the farm for a mixed anaerobic digestion (AD) system regulated under the NM Regulation). In addition to registering the operation with OMAFRA, the owner or operator of the farm operation is required to have a NMS filed on the farm. This filed NMS must be prepared by a certified individual. While registration and having the NMS on file are the usual outcomes after five years, there are three circumstances where approval of the NMS by OMAFRA is required. They are:

- At the time of expiry, if the owner or operator is planning to build a facility to house livestock or store manure;
- If the farm is located within 100 m within a municipal well; or
- The operation receives off-farm material for treatment in a mixed AD facility regulated under the NM Regulation.

The Nutrient Management Plan (NMP) would also be updated annually to reflect the change in the operation (i.e. a lower volume of manure for application since there are now less than 300 NU on the farm). The farm operation must comply with the NMP as long as it is in force regardless of the number of nutrient units generated.

After the Nutrient Management Plan (NMP) expires at the end of five years, the operation will still require a NMP. We recognize that this is different from some of the advice provided earlier, but on further examination, we found that an earlier understanding of the impact of the cessation was in error. We apologize for the confusion.

Q A farm operation with a valid Nutrient Management Strategy (NMS) and a Nutrient Management Plan (NMP) sells the livestock and no longer generates prescribed materials. What are the requirements for this farm operation?

The operator would update the NMS to reflect that no livestock are present and keep a record of the date and changes made by February 15 of the year in which the change happened. The farm operator would update the NMP to reflect any changes required and would follow this NMP until it expires.

If at any time in the future, the farm unit generates agricultural source material after it meets one of the phase in triggers i.e. building permit, 300 Nutrient Units or greater, storage made of earth or mixed Anaerobic Digestion (AD) facility, the operation would need to manage the prescribed materials generated in accordance with a Nutrient Management Strategy.

WE WANT TO HEAR FROM YOU!

**Do you have questions? Need more information?
Have a comment about what you would like to see
in the next issue? Please contact your area
environmental specialist at:**

**Andrew Barrie - OMAFRA
P.O. Box 189,
220 Trillium Crt, Bldg 3
Walkerton, Ontario N0G 2V0
Email: andrew.barrie@ontario.ca
Telephone (519) 881-1457**

If you have additional questions, please contact your local OMAFRA Environmental Specialist.