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**Ontario Ministry of Agriculture, Food and Rural Affairs**

***Implementation of Prescribed Instrument Policies***

Source Protection Committee Chair Meeting

October 26, 2015

*Jason Jessel*

# Prescribed Instruments under the NMA

- OMAFRA has enhanced approval processes for ministry-issued prescribed instruments (PI), to ensure that PIs (existing and future) that regulate SDWT activities are identified and reviewed for compliance with SPP policies.
- OMAFRA has reviewed all SPP policies impacting prescribed instruments under the *Nutrient Management Act*; including:
  - Non-Agricultural Source Material Plans (**NASM Plans**),
  - Nutrient Management Strategies (**NMS**), and
  - Nutrient Management Plans (**NMP**).
- Policy specifics and mapping information is being used to determine instrument content requirements, based on the specific instrument location.

# Prescribed Instruments under the NMA

- Where SDWT policies apply, OMAFRA will identify and review **existing** PIs to ensure they contain appropriate conditions.
- OMAFRA will screen all **future** PI approval applications to determine location, and where relevant, applications will be required to comply with applicable policies and contain appropriate conditions.
- Where a PI is required under the NMA but not approved by OMAFRA, OMAFRA will request PIs for submission and assessment on a voluntary basis.
  - OMAFRA can only impose conditions on **approved** PIs.

# GIS

- OMAFRA will use GIS resources to determine overlap of IPZ's and WHPA's with declared farm units and will assess existing PIs and future PI applications for compliance with local SPP policies.



# Implementation Process

## PI approved by OMAFRA

(phased-in NMS and NASM plans)

- OMAFRA will review PI for compliance with local SPP and impose conditions (where appropriate) to comply with applicable policies (*Existing PIs*)
- OMAFRA will impose conditions to comply with applicable policies (*Future PIs*)

## PI not approved by OMAFRA

(all NMPs, non-phased in NMS and NASM plans)

- OMAFRA will request that the PI be updated for compliance with local policies and submitted to OMAFRA
- OMAFRA will assess the PI for compliance with applicable policies and encourage revisions where appropriate (*Existing PIs*)
- OMAFRA will work with clients to encourage compliance with SPP policies (*Future PIs*)

# Implementation Partners

## Farmer Role:

- Be aware of any local SPP polices that may impact land/farm operation that is subject to a NMS/P or NASM Plan on their operation.
- Obtain the services of a qualified NMP preparer or become certified to prepare their own NMP/S.
- Update or have updated the NMS/P or NASM Plan to ensure existing and future activities classified as SDWT comply with local SPP policies.
  - Submit the updated instrument to OMAFRA when requested for assessment.
- Work with the local RMO as necessary
- Manage in accordance with the PIs (and RMP or s57 prohibitions were applicable), including complying with any requirement(s) imposed by SPP policies.

# Implementation Partners cont'd

## **Certified NMP Preparer Role – Act as an ‘Agent’ to the Farmer:**

- Determine if any local SPP polices may impact land in a farm unit that is subject to a NMS/P or NASM Plan on their client’s operation.
- Update the NMS/P or NASM Plan to ensure existing and future activities classified as significant threats comply with local SPP policies.
  - Submit the updated instrument to OMAFRA when requested for assessment.
- Work with the farmer to ensure they understand the changes and requirements of the PI, and what is necessary to comply with it.
- Work with the local RMO as necessary
- Work with the farmer and OMAFRA to obtain an “Exemption” from a risk management plan policy (section 61 of Regulation 297/07) if appropriate (not applicable for PIs not approved by OMAFRA).



**Environmental Management Branch**

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**Farm Unit with Source Water Protection Conditions**

Dear ██████████:

Thank you for your letter dated May 14, 2015 with respect to the following conditions (numbered 3, 4, 5, and 6) of the Nutrient Management Strategy (NMS) approval Operation ID ██████████ signed on ██████████. These conditions were added to your NMS approval to ensure that the actions required to comply with the ██████████ Source Protection Plan (██████████) are completed:

3. The Owner, to the satisfaction of the Risk Management Official for the ██████████ ██████████ will delineate, on the grounds affected, the boundary of the Surface Water Intake Protection Zone 1 where intersects. The Owner will keep a record of the GPS points used to delineate these significant threat areas of the Intake Protection Zone 1 area.
4. Agricultural Source Material shall not be stored in the significant threat areas of the Surface Water Intake Protection Zone 1 in the circumstances where the storage is a significant drinking water threat as identified in the ██████████ Source Protection Plan. All locations of the temporary field storage will be recorded on the farmstead sketch and noted with the years in which the location was used.
5. The land within the Surface Water Intake Protection Zone 1 shall not be used to establish an outdoor confinement area or farm animal yard where this activity is a significant drinking water threat as identified in the ██████████ Source Protection Plan.
6. Agricultural Source Material shall not be land applied in significant threat areas of the Intake Protection Zone-1 area.

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Upon reviewing the letter and attached sketch, and based on email confirmation received on August 8, 2015 from the Risk Management Official for the [REDACTED] Source Protection Area, the submitted information appears to meet the requirements of Condition 3.

Conditions 4, 5, and 6 are also addressed in your letter. These conditions have requirements on your operation that must be complied with on an ongoing basis. If you have specific questions regarding these requirements, please contact [REDACTED], Risk Management Official and Risk Management Inspector for [REDACTED].

If you have any other questions about your NMS approval, please contact Trevor Robak, Nutrient Management Program Lead at 519-826-6369.

Sincerely,



Len Senyshyn, Director  
Section 3 *Nutrient Management Act, 2002*

[REDACTED]  
[REDACTED]  
[REDACTED]

# Enforcement

- MOECC will enforce prescribed instruments that OMAFRA has approved, to ensure compliance with local SPP policies.
- MOECC has incorporated Source Protection information as 'risk criteria' that will be used to select farms for inspection.

## Section 61 – Exemption (O. Reg 287/07)

- Any farmer that is affected by a RMP policy may be exempted from that policy provided they have obtained a PI which conforms to the desired goal or outcome of the policy.
- A **Statement of Conformity** must be issued (as per section 61) by the body that creates/amends the instrument; it must indicate that the instrument conforms to the significant drinking water threat (SDWT) policies in the source protection plan.
- OMAFRA will, where a PI is required under the NMA, issue all statements of conformity under section 61
- The process of obtaining conformity statements under s.61, in instances where a prescribed instrument is not created, issued or amended by OMAFRA (i.e. NMPs) is still under development.