



February 22, 2019

Greg DeVos
Food Safety and Environmental Policy Branch
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Re: Conservation Ontario's comments on the proposed regulatory amendments to Ontario Regulation 267/03 under the *Nutrient Management Act* (ERO#013-4388)

Thank you for the opportunity to provide comments on the Proposed Regulatory Amendments to Ontario Regulation 267/03 under the *Nutrient Management Act*. Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). These comments are not intended to limit consideration of comments shared individually by CAs through the consultation process for the proposed regulatory amendments.

CAs are active in the promotion and delivery of services and programs that conserve natural resources in support of Agricultural Producers. Under the *Conservation Authorities Act* and as source protection authorities under the *Clean Water Act*, CAs implement a range of actions that contribute to maintaining a clean and safe food and water supply as well as a sustainable agricultural economy for the people of Ontario. As well, several CAs provide risk management services per Part IV of the *Clean Water Act* for protecting municipal drinking water sources. These services include the negotiation of risk management plans to manage certain activities, including agricultural activities, near municipal wellheads and intakes.

Conservation Ontario is supportive of the *Nutrient Management Act* and its purpose to manage nutrients in ways that protect drinking water quality, improve soil and ecosystem health.

Conservation Ontario is further supportive of the Province's efforts to reduce administrative burden and streamline requirements that include lowering operating costs and improving competitiveness of agri-business in Ontario. The Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) and Ministry of Environment Conservation and Parks (MECP) are commended for efforts to reduce burden while ensuring that the requirements of the *Nutrient Management Act* are outcome-focused, evidence-based and continue to protect the environment.

The following provides Conservation Ontario's specific comments on the proposed amendments and questions outlined in the 'Nutrient Management General Regulation Amendment Proposal' document:

1. Reducing Administrative Burden – Five-Year Nutrient Management Strategy (NMS) Cessation

The proposed removal of the current five-year NMS automatic cessation will reduce administrative burden. At the same time, it is crucial that there are measures in place to ensure that municipal drinking water sources remain protected in vulnerable areas delineated under the *Clean Water Act*. In these areas, some activities (such as nutrient storage and application) could pose significant-level threats to municipal drinking water sources. The threats are addressed through various policy tools including risk management plans under the *Clean Water Act*, or NMS and nutrient management plans (NMP) under the *Nutrient Management Act*.

O. Reg. 287/07 S. 61 under the *Clean Water Act* allows for an exemption from a risk management plan, if a prescribed instrument such as a NMS or NMP applies to a significant threat activity. In such cases, the prescribed instrument is the only means to ensure that the local drinking water source is protected. The NMS and NMP must meet the requirements of applicable local source protection plan policies, so that municipal drinking water sources are protected. The current five-year expiry/renewal period provides an opportunity for review of the instruments to ensure that this protection is continued, including a check of any new activities on the property which could pose a threat to municipal drinking water sources. It is recommended that the current five-year expiry period be retained for those few farm properties where activities may pose significant threats to municipal drinking water sources per Ontario's *Clean Water Act*. This will help to ensure that the NMS and NMP are reviewed to ensure compliance with local source protection plan policies.

If the proposal for removal of the five-year cessation is finalized, Conservation Ontario recommends the following steps be in place for those few farm properties where activities may pose significant threats: (a) the applicable NMS and NMP should include conditions that ensure the sustained protection of municipal drinking water sources **and** (b) inspections by the Province should take place regularly to ensure that the NMSs and NMPs are being followed. These steps will reduce administrative burden on Agricultural Producers while also ensuring the protection of municipal drinking water sources, especially where an exemption per S. 61 of O. Reg. 287/07 applies.

We strongly support OMAFRA's intention to provide Agricultural Producers with more explicit guidance on the contents of annual reviews/updates and what is expected of agricultural operations to help ensure this requirement is met to the satisfaction of compliance staff. To support annual reviews and updates, we encourage the Province to develop an annual reporting template and completed example reports.

2. Streamlining Requirements to Provide More Business Opportunities – Land Application of Manures from Non-Grazing Animals

Conservation Ontario is not opposed to the re-classification of low-risk manures from non-farm grazing animals to Non-Agricultural Source Material (NASM) Category 1, however, it is suggested that a threats assessment be performed to ensure that there is no increased risk of pathogen transmission to livestock and/or native fish and wildlife or to drinking water. For example, it is yet to be determined how this re-classification will influence the implementation of source protection plan policies under the *Clean Water Act*. More specifically, if the land application of this type of material is a significant drinking water threat under the *Clean Water Act*, but a NASM Plan and OMAFRA approval is no longer required, due consideration must be given to managing this activity to reduce the risk to sources of municipal drinking water.

Thank you for the opportunity to provide comments on the proposed regulatory amendments to Ontario Regulation 267/03 under the *Nutrient Management Act*. Overall, Conservation Ontario is supportive of the intent of the amendments which support the reduction of administrative burdens and improving agri-business opportunities while protecting the environment and municipal drinking water sources in Ontario. Should you have any questions about this letter please feel free to contact myself at extension 229, or, for specific clarifications on the *Clean Water Act* related comments please contact Chitra Gowda, Source Water Protection Lead (ext. 225); and for agricultural-environment management questions please contact Jo-Anne Rzdaki, Business Development and Partnerships (ext. 224).

Sincerely,

A handwritten signature in black ink that reads "Nicholas Fischer". The signature is written in a cursive, flowing style.

Nicholas Fischer
Policy and Planning Officer

c.c. All CAOs/GMs