

APPENDIX

SPOTLIGHT ON THE NUTRIENT MANAGEMENT ACT, 2002

Plenty of general and technical information on this legislation is available in print and on the Internet. In this section, we'll simply highlight key features regarding who's responsible for what in the provincial government, requirements if your operation comes under the act, and a reminder of what constitutes "normal" farm practices.

The Nutrient Management Act (NMA), 2002 is intended to provide for the management of materials containing nutrients in ways that will enhance protection of the natural environment and provide a sustainable future for agricultural operations and rural development.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and Ministry of the Environment (MOE) jointly manage a comprehensive program to support the NMA.

Geri Kamentz and Paul Mistele of the OFA executive support BMPs for Nutrient Management Planning.

Geri:
"Ontario farmers are recognized as industry leaders throughout the world, leading in innovation efficiency and environmental responsibility. These BMPs are the tools that can help us make that happen."

Paul:
"These best management practices will once again underscore the positive relationship that Ontario farmers have with the environment."



OMAFRA and MOE Joint Responsibility

- Policy and program development
- Research and science
- Field assistance
- Outreach and information

OMAFRA Responsibility

- Approvals
- Information management
- Training, education and certification

MOE Responsibility

- Compliance, including inspections and complaint response
- Investigations and enforcement

DEFINITIONS

Nutrient management planning is the key responsibility for those who need to be compliant, and involves the completion of a nutrient management strategy and/or plan.

A nutrient management strategy (NMS) document accounts for all the manure generated, stored and transferred by a farm unit.

A nutrient management plan (NMP) accounts for the application of manure and agricultural source materials to land on a field-by-field basis.

TRAINING AND CERTIFICATION

Anyone preparing a nutrient management strategy or plan for a farm operation captured under the NMA needs to be certified by OMAFRA. You can do your own plan if you get certified by taking ministry-sponsored training courses.

A consultant that has a Nutrient Management Planning Certificate from OMAFRA can develop a NMS document and/or NMP for your operation.

ROLE OF ENFORCEMENT (ABATEMENT AND EDUCATION)

The MOE is responsible for compliance under the Environmental Protection Act, the Ontario Water Resources Act, the Pesticides Act and the Nutrient Management Act. All of this legislation, plus any associated regulations, protocols, and approvals, apply to agricultural operations.

MOE’s compliance program is staffed with Agricultural Environmental Officers (AEOs) – provincial officers with specialized agricultural training. An AEO may visit your farm for a number of reasons, including:

- ▶ to perform an inspection to assess compliance with legislative requirements
- ▶ to respond to a complaint received by the ministry either from the public or through a referral from another agency (regardless of whether an NMS/P is in place), or
- ▶ to respond to a report of an environmental incident or spill.

The MOE’s on-farm compliance approach engages farmers actively to resolve issues. As the requirements are often complex, AEOs work directly with farmers to achieve compliance with the law.

YOUR FARM SIZE AND THE ACTIVITY ON YOUR FARM DETERMINE HOW YOU ARE AFFECTED BY THE NUTRIENT MANAGEMENT ACT AND AMENDED O.REG. 267/03

FARM SIZE	REFER TO NUMBERS ON NEXT CHART
≤ 5 Nutrient Units (NUs)	1
Between 5 and 300 NUs	Triggers (see below)
Existing ≥ 300 NUs OR Expanding to ≥ 300 NUs (without building permit)	2
≥ 300 NUs with construction of livestock barn or manure storage	3a
TRIGGERS FOR OPERATORS BETWEEN 5 AND 300 NUs	REFER TO NUMBERS ON NEXT CHART
None of the 4 triggers below apply	1
Building permit with barn/storage OR Building an earthen storage PLUS, if:	3
Application of agricultural source materials within 100 m of a municipal well	3a
Application of non-agricultural sourced materials within 100 m of municipal well	3b
Application of non-agricultural sourced material (NASM)	3c

- | | |
|----|--|
| 1 | <ul style="list-style-type: none"> ✓ Must follow three requirements for all agricultural operations: <ol style="list-style-type: none"> i. no application of non-agricultural sourced materials within 20 m of top of bank of surface water ii. no application of sewage biosolids between Dec 1 to Mar 31, or when ground is frozen or snow-covered iii. high-trajectory guns capable of spraying liquid more than 10 m are banned for land application of material with > 1% dry matter content. ✓ OMAFRA also recommends that you... <ul style="list-style-type: none"> • use OMAFRA-supported BMPs • manage to reduce opportunity for adverse effect • keep good records. |
| 2 | <ul style="list-style-type: none"> ✓ Must have a NMS prepared by a certified person and registered with OMAFRA. ✓ Must have a NMP on file at the farm unit. ✓ Must keep good records. ✓ Must follow the three requirements for all farms (as listed in 1). |
| 3 | <ul style="list-style-type: none"> ✓ Must have a NMS prepared by a certified person and registered with OMAFRA's Nutrient Management Branch (NMB) Approvals Unit. No NMP is required, but it is strongly recommended that one be written and followed, kept on farm and updated annually. ✓ Must keep good records. ✓ Must follow three requirements for all farms (as listed in 1). |
| 3a | <ul style="list-style-type: none"> ✓ Must have a NMS and NMP prepared by a certified person and kept on farm. ✓ The NMS must be approved by OMAFRA's NMB Approvals Unit. ✓ The NMP must be followed and updated annually. ✓ Must keep good records. ✓ Must follow three requirements for all farms (as listed in 1). |
| 3b | <ul style="list-style-type: none"> ✓ Must have a NMS and NMP prepared by a certified person and kept on farm. ✓ Both the NMS and NMP must be approved by OMAFRA's NMB Approvals Unit. ✓ The NMP must be followed and updated annually. ✓ Must keep good records. ✓ Must follow three requirements for all farms (as listed in 1). |
| 3c | <ul style="list-style-type: none"> ✓ Must have a valid Certificate of Approval, keep good records and follow three requirements for all farms (as listed in 1). ✓ As of January 1, 2007, must have a NMS and NMP prepared by a certified person, and both must be approved by OMAFRA's NMB Approvals Unit. |

To view current, legally correct compliance information for the Nutrient Management Act, look up: <http://www.omafra.gov.on.ca/english/agops/index.html>

For More Information

PUBLICATIONS BY THE ONTARIO MINISTRY OF AGRICULTURE, FOOD AND RURAL AFFAIRS

The Ontario Ministry of Agriculture, Food and Rural Affairs has extensive information on nutrient management planning, manure and soil testing, soil fertility, farmstead planning, manure storage and management, manure agreements, and more. Specific information on the Nutrient Management Act, 2002, its regulation and protocols is also available.

For information or to obtain copies of ministry publications, please call 1-888-466-2372 from within Ontario or OMAFRA's TTY line at 519-826-7402 for the hearing impaired; e-mail your requests to products@omafra.gov.on.ca or visit the OMAFRA website at www.omafra.gov.on.ca. Orders can be faxed to 519-826-3633 or mailed to Government Information Centre, OMAFRA, 1 Stone Road West, Guelph, ON N1G 4Y2.

Publications:

www.omafra.gov.on.ca/english/products/product.html

Nutrient Management Act:

www.omafra.gov.on.ca/english/agops/index.html

ONTARIO GOVERNMENT CONTACTS

Ontario Ministry of Agriculture, Food and Rural Affairs
Agricultural Information Contact Centre
1-877-424-1300
www.omafra.gov.on.ca

Ontario Ministry of the Environment
Public Information Centre
1-800-565-4923
www.ene.gov.on.ca

DISCLAIMER

This publication reflects the opinions of the contributing writers and/or editors, and is based on information available as of the publication date. It may not reflect the programs and policies of the supporting agencies. References to particular products should not be regarded as endorsements.

Printed 2006

Acknowledgements

FUNDING

The Best Management Practices program is a partnership of Agriculture and Agri-Food Canada, the Ontario Federation of Agriculture and the Ontario Ministry of Agriculture, Food and Rural Affairs.

Additional funding for this publication has been provided by the Ontario Ministry of Agriculture, Food and Rural Affairs (Nutrient Management Program) and Agriculture and Agri-Food Canada (Canada-Ontario Environmental Farm Plan).

Special thanks go to all those who extended their expertise, resources and time to make this publication possible.

CONTRIBUTORS

Contributing Authors and Task Team Members:

Grand River Conservation Authority: Anne Loeffler

Ministry of the Environment: Harald Schraeder

Ontario Federation of Agriculture: Paul Mistele

Ontario Ministry of Agriculture, Food and Rural Affairs: Jim Arnold, Christine Brown, Harold Cuthbertson, Peter Doris, Hugh Fraser, Don Hilborn, Andrew Jamieson, Sharon Johnston, Jackie McCall, Dale McComb, Kevin McKague, Keith Reid, Arlene Robertson, Donna Speranzini, Bob Stone, Ted Taylor, and Christoph Wand

Ontario Soil and Crop Improvement Association: Andrew Graham, Greg Kitching

Rural Ontario Municipalities Association: Bill Semeniuk

Consultants: Gabrielle Ferguson, Stephen Redmond

Technical Coordinators: Christine Brown, Arlene Robertson, Bob Stone, Ted Taylor

Visual Coordinators: Christine Brown, Ted Taylor

Photographers: Doug Aspinall, Jennifer Birchmore, Christine Brown, Robert Chambers, Jake DeBruyn, Don Hilborn, John Johnson, Kerry Little, Jackie McCall, John Smith, Arlene Robertson, Bob Stone, Ted Taylor, OMAFRA. Also Andrew Graham, Ontario Soil and Crop Improvement Association; Anne Loeffler, Grand River Conservation Authority; Craig Merkley, Upper Thames River Conservation Authority; Kelly Daynard, Ontario Farm Animal Council; Gary Struthers, Ontario Federation of Agriculture

Graphic Artist: David Rouleau, OMAFRA

Watercolour Illustrations and Sketch Artist: Irene Shelton, Winduncroft Studio, Belwood

Editor: Alison Lane

Designer: Marie-Claude Carignan, Neglia Design Inc.

Canada

Ontario

OFA Ontario
Federation of
Agriculture