

## INTRODUCTION

The Ministry of Environment and Climate Change Strategy (the ministry) will be revising the [Organic Matter Recycling Regulation](#) (OMRR) made under the [Environmental Management Act](#) and the [Public Health Act](#). Enacted in 2002, the OMRR governs the construction and operation of composting facilities, and the production, distribution, sale, storage, use, and land application of biosolids and compost. The OMRR was developed to facilitate the recycling of organic material while protecting human health and the environment.

This intentions paper is the result of policy development following three previous policy intentions papers ([October 2006](#)<sup>1</sup>, [July 2011](#)<sup>2</sup> and [September 2016](#)<sup>3</sup>) with consultations, a follow up [Summary of Public Input and Policy Update](#)<sup>4</sup> (March 2017), and policy work completed this past year by the ministry.

This intentions paper builds on areas for review that were identified in the 2016 policy intentions paper and the 2017 Summary of Public Input and Policy Update, with specific updates addressing:

- opportunities for increased public transparency and information sharing;
- additional requirements for improved notification including with local government;
- requirements for engagement with First Nations; and,
- requirements for authorization.

This intentions paper summarizes and describes the ministry's proposed revisions to the OMRR and provides further opportunity for consultation as part of the ministry's [review process](#)<sup>5</sup>.

The purpose of this intentions paper is to seek comments and feedback on the proposed revisions from all interested parties, including: First Nations, local governments, stakeholders and the public.

**Instructions on how to provide comments are provided on the last page of this intentions paper.**

**Comments should be provided by November 8, 2018.**

### OMRR Review – Key Points

- ➔ Organic matter is a valuable resource.
- ➔ Composting and use of organic matter under the OMRR provides for recycling of nutrients and helps divert organic material from disposal, reduces burden on landfills, and supports the ministry's service plan targets for organic waste disposal restrictions.
- ➔ The OMRR sets standards and requirements that must be met before organic matter can be recycled.

The regulatory review will ensure the OMRR remains protective of human health and the environment.

Proposed revisions to the OMRR intend to:

- ➔ Reflect present day practices and advances in science, and increase harmonization with federal and provincial regulations, requirements and standards.
- ➔ Promote best achievable technology and practices.
- ➔ Increase clarity around requirements and expected end results and provide clear and effective guidance.
- ➔ Increase transparency and enhance First Nations engagement through increased information sharing and better engagement around organic matter management in BC.

<sup>1</sup> [https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/2006\\_intentions\\_paper.pdf](https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/2006_intentions_paper.pdf)

<sup>2</sup> [https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/2011\\_intentions\\_paper.pdf](https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/2011_intentions_paper.pdf)

<sup>3</sup> [https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/omrr\\_ip\\_sept\\_22.pdf](https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/omrr_ip_sept_22.pdf)

<sup>4</sup> [https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/omrr\\_consultation\\_summary\\_mar\\_2017.pdf](https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/omrr_consultation_summary_mar_2017.pdf)

<sup>5</sup> <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/policy-legislation/legislation-regulation/environmental-protection-regulatory-review>



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*The ministry will be revising the Organic Matter Recycling Regulation (OMRR)* September 2018

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Comments and feedback will be reviewed by the ministry. **All information received during consultation will be considered by the ministry when revising the regulation. The ministry expects to amend and implement the revised regulation in 2019.**

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## BACKGROUND INFORMATION

### *Management and Recycling of Organic Matter*

Organic matter can originate from plants, animals or humans, as well as from residential, commercial, institutional, or industrial sources. Examples of organic matter include: food scraps, grass clippings, and animal manure and human waste. A feature of organic matter is that it is biodegradable, and therefore amenable to composting. Organic matter can be recycled to create products for beneficial uses.

Organic matter suitable for composting under the [OMRR](#)<sup>6</sup> is described in Schedule 12 and includes: food waste, animal bedding, biosolids, brewery and winery wastes, domestic septic tank sludge, fish and hatchery wastes, manure, milk processing waste and whey, plant matter derived from processing plants, poultry carcasses, red-meat waste, untreated and unprocessed wood residuals, and yard waste.

Any facilities composting organic matter under the OMRR must meet the standards and requirements specified in the regulation, including with respect to construction and operation. Compost, biosolids and biosolids growing medium (BGM) must satisfy quality criteria, requirements and standards in the OMRR in order to be eligible for recycling through distribution, sale, use or land application under the regulation. The OMRR was designed to enable organic matter to be recycled (through composting and land application) while protecting human health and the environment.

At present, the OMRR provides standards that regulated parties (also referred to as proponents or dischargers) must meet to be in compliance. The OMRR contains provisions for medical health officers (under the [Public Health Act](#)<sup>7</sup>) and ministry directors to review, and direct or deny, the land application of managed organic matter<sup>8</sup>. The OMRR requires permits for composting facilities that process food waste or biosolids and have a design production capacity of 5,000 or greater tonnes (dry weight) of finished compost per year. Other management options for organic matter, such as waste-to-energy processes, are not included in the OMRR as they are less common and tend to be site-specific, making them unsuitable for capture under the regulation and better-suited for site-specific authorization under permits, approvals and operational certificates under the [Environmental Management Act](#)<sup>9</sup>.

The OMRR currently does not apply to:

- composting of agricultural wastes (such as farm animal manures, used mushroom medium and agricultural vegetation waste) on farms, if done in accordance with the [Agricultural Waste Control Regulation](#)<sup>10</sup>;
- operation of a mushroom composting facility, which is governed under the [Mushroom Compost Facilities Regulation](#)<sup>11</sup>;
- land application of soil amendments governed under the [Code of Practice for Soil Amendments](#)<sup>12</sup> which includes: primary or secondary pulp or paper mill wastewater treatment residuals, treated water residuals, and fly ash derived from wood burning; or
- the composting of slaughter and poultry processing waste according to the [Code of Practice for the Slaughter and Poultry Processing Industries](#)<sup>13</sup>.

<sup>6</sup> [http://www.bclaws.ca/civix/document/id/complete/statreg/18\\_2002](http://www.bclaws.ca/civix/document/id/complete/statreg/18_2002)

<sup>7</sup> [http://www.bclaws.ca/civix/document/id/complete/statreg/08028\\_01#division\\_d2e7493](http://www.bclaws.ca/civix/document/id/complete/statreg/08028_01#division_d2e7493)

<sup>8</sup> “Managed organic matter” is defined in OMRR as “Class A biosolids, Class B biosolids or Class B compost.”

<sup>9</sup> [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/03053\\_00](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/03053_00)

<sup>10</sup> [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/10\\_131\\_92](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/10_131_92)

<sup>11</sup> [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/31\\_413\\_98](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/31_413_98)

<sup>12</sup> [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/210\\_2007](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/210_2007)

<sup>13</sup> [http://www.bclaws.ca/civix/document/id/complete/statreg/246\\_2007](http://www.bclaws.ca/civix/document/id/complete/statreg/246_2007)

### **Ministry Service Plan Targets**

The ministry's current service plan targets include performance measures for organic waste disposal restrictions and best achievable technology practices. Service plan targets are relevant considerations in the regulatory review of the OMRR and are summarized below:

- Organic waste represents up to 40 percent of all waste currently sent for disposal. The ministry continues to work toward the long-term target of 75 percent of BC's population being covered by organic waste disposal restrictions by 2020. Restrictions to organic disposal will divert more organic waste to alternative management options, including activities under the provisions of the OMRR.
- BC is continuing to progress toward the per capita municipal solid waste disposal target of 350 kilograms per person by 2020. Diversion of organic waste from the landfill is critical in supporting this target. Keeping organic materials out of the landfill also prolongs landfill life and reduces the production of greenhouse gases (GHGs), particularly methane.
- The ministry routinely reviews its policies, regulations, fees and fines to include best available information, and best achievable technologies and practices. The ministry leads these efforts by incorporating world-leading approaches and best achievable technologies into environmental guidelines, policies and regulations; and, by engaging with environmental groups, First Nations, industry and the public on the development of regulatory requirements and standards.

### **Provincial Review of the Professional Reliance Model**

At present, the OMRR includes provisions for reliance on qualified professionals with respect to both composting facilities and land application. The OMRR relies on qualified professionals to prepare plans and specifications for composting facilities (including environmental impact studies, operational, leachate management and odour management plans, facility designs and site preparation plans), and qualified professionals are also relied on to prepare land application plans (including to establish beneficial use, suitable application rates and minimized potential for adverse impacts to human health and the environment).

The Province recently completed a review of [professional reliance](#)<sup>14</sup> in the natural resource sector assessing current legislation governing qualified professionals in this sector and the role professional associations play in upholding the public interest. The professional reliance review is a top priority for the Province as part of seeking the application of the highest professional, technical and ethical standards to resource management in British Columbia. The Province is also interested in being able to assure the public that a strong transparent process is in place to uphold the highest environmental standards.

In May 2018, the Province received an independent [Final Report of the Review of Professional Reliance in Natural Resource Decision-Making](#)<sup>15</sup> ("final report") following a public consultation and engagement process, engagement with First Nations, and a legislative and jurisdictional review. The final report provides a total of 121 recommendations, including those addressing improving laws, regulations and authorizations and recommendations specific to natural resource management regimes, including the *Environmental Management Act* and the OMRR. The recommendations made in the final report are being reviewed by the Province.

As indicated by the ministry in previous OMRR policy intentions papers, the ministry's intention is to strengthen requirements for professional reliance in the OMRR, and this will include aligning with the Province's response to recommendations contained in the final report. The ministry welcomes any feedback on the Professional Reliance review (see page 40).

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<sup>14</sup> <https://engage.gov.bc.ca/professionalreliance/>

<sup>15</sup> [https://engage.gov.bc.ca/app/uploads/sites/272/2018/06/Professional\\_Reliance\\_Review\\_Final\\_Report.pdf](https://engage.gov.bc.ca/app/uploads/sites/272/2018/06/Professional_Reliance_Review_Final_Report.pdf)

### ***Province of British Columbia’s Relationship with Indigenous Peoples***

As part of committing to true and lasting reconciliation with Indigenous Peoples in British Columbia, the Province is moving forward on the Truth and Reconciliation Commission Calls to Action and is reviewing policies, programs, and legislation to find ways to bring the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into action in British Columbia. In May 2018, the Province released the [Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples](#)<sup>16</sup> (“draft principles”). The draft principles will renew the Crown-Indigenous relationship and support the shift toward a government-to-government relationship with First Nations.

The [mandate](#)<sup>17</sup> and ministerial objectives for the Ministry of Environment and Climate Change Strategy include commitments to UNDRIP. The ministry’s review of the OMRR has been updated over the past year to become better aligned with the Province’s commitments to true and lasting reconciliation with Indigenous Peoples. To guide policy development in this regulatory review, the ministry has embraced the draft principles, including the following specific points:

- Enable traditional Indigenous knowledge to be incorporated into resource management; and,
- Build processes and approaches aimed at securing consent, as well as creative and innovative mechanisms that will help build deeper collaboration, consensus, and new ways of working together.

The Final Report of the Review of Professional Reliance in Natural Resource Decision-Making (referred to in the preceding section) includes recommendations specific to engagement with First Nations. The ministry will be considering the Province’s response to the recommendations made in the final report and intends to align proposed changes to professional reliance within the OMRR with the Province’s response.

### ***Canada-wide Approach for the Management of Wastewater Biosolids***

The Canadian Council of Ministers of the Environment (CCME) is an intergovernmental forum of environment ministers from the federal, provincial and territorial governments addressing collective action on environmental issues of national and international concern.

In 2012, CCME developed a national approach to encourage the beneficial use and sound management of biosolids. Ministers approved the [Canada-wide Approach for the Management of Wastewater Biosolids](#)<sup>18</sup>, which includes the following principles:

1. Municipal biosolids, municipal sludge and treated septage contain valuable nutrients and organic matter that can be recycled or recovered as energy.
2. Adequate source reduction and treatment of municipal sludge and septage should effectively reduce pathogens, trace metals, vector attraction, odours and other substances of concern.
3. The beneficial use of municipal biosolids, municipal sludge and treated septage should minimize the net greenhouse gas emissions.
4. Beneficial uses and sound management practices of municipal biosolids, municipal sludge and treated septage must adhere to all applicable safety, quality and management standards, requirements and guidelines.

CCME also developed a [guidance document](#)<sup>19</sup> providing detailed information to support the Canada-wide approach. The guidance includes best management practices for beneficial use and sound management options for biosolids, including composting, use in soil products, and land application.

<sup>16</sup> [https://news.gov.bc.ca/files/6118\\_Reconciliation\\_Ten\\_Principles\\_Final\\_Draft.pdf?platform=hootsuite](https://news.gov.bc.ca/files/6118_Reconciliation_Ten_Principles_Final_Draft.pdf?platform=hootsuite)

<sup>17</sup> <https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/heyman-mandate.pdf>

<sup>18</sup> [https://www.ccme.ca/files/Resources/waste/biosolids/pn\\_1477\\_biosolids\\_cw\\_approach\\_e.pdf](https://www.ccme.ca/files/Resources/waste/biosolids/pn_1477_biosolids_cw_approach_e.pdf)

<sup>19</sup> [https://www.ccme.ca/files/Resources/waste/biosolids/pn\\_1473\\_biosolids\\_guidance\\_eng\\_1.0.pdf](https://www.ccme.ca/files/Resources/waste/biosolids/pn_1473_biosolids_guidance_eng_1.0.pdf)

Canada does not have federal biosolids regulations applicable to biosolids originating within Canada, and provinces have jurisdiction on the use and disposal of wastewater solids. Each province is responsible for setting its own policies for municipal biosolids. The Province of British Columbia supports the CCME principles for management of wastewater biosolids and intends for regulatory amendments to the OMRR to be in alignment with the Canada-wide approach. Examples of proposed amendments to the OMRR that would align with the Canada-wide approach include:

- Setting best practices requirements (e.g., setbacks, application techniques) for land application (Section 7.3);
- Specifying agronomic requirements (Section 7.3); and,
- Enabling land application of biosolids for the purpose of reclamation at mine sites (see Section 7.5).

## PREVIOUS OMRR POLICY INTENTIONS PAPERS

Previous policy intentions papers for the OMRR regulatory review were published in [September 2016](#)<sup>20</sup>, [July 2011](#)<sup>21</sup> and [October 2006](#)<sup>22</sup>. The 2016 policy intentions paper presented potential revisions to the OMRR under consideration at that time, including in relation to comments received on the 2011 and 2006 policy intentions papers. The 2006 and 2011 intentions papers and summarized comments can be viewed at the ministry's [OMRR website](#)<sup>23</sup>.

As part of the ministry's [review process](#)<sup>24</sup> consultation feedback received on the 2016 policy intentions paper was reviewed and a summary of comments with ministry response was presented in the [Summary of Public Input and Policy Update](#)<sup>25</sup> published in March 2017. The Summary of Public Input and Policy Update addressed consultation feedback and comments, updated proposed policy and identified potential areas for further exploration or policy development, including:

- Enhancing First Nations engagement;
- Strengthening qualified professional requirements;
- Improving the authorization process for land applications of managed organic matter;
- Creating more rigorous biosolids processing requirements; and,
- Considering more stringent requirements for use of surface application methods for land application of biosolids.

The above areas were further considered and evaluated as part of policy development work completed this past year in advancing the regulatory review of the OMRR.

## PROPOSED OMRR REVISIONS

This policy intentions paper presents the ministry's policy intentions for proposed revisions to the OMRR. This policy intentions paper reflects details and further policy development completed since March 2017, including in topic areas that had been identified for further exploration or policy development in the Summary of Public Input and Policy Update. This policy intentions paper is developed for the purpose of consultation.

The ministry's proposed revisions to the OMRR are intended to address advances in science, feedback from stakeholders, policy direction, and operational issues or gaps that have been identified through implementation of the OMRR. Proposed OMRR revisions will be in keeping with the ministry's approach to develop legislation, regulation and policies based on evidence and sound scientific knowledge and expertise.

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<sup>20</sup> [https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/omrr\\_ip\\_sept\\_22.pdf](https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/omrr_ip_sept_22.pdf)

<sup>21</sup> [https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/2011\\_intentions\\_paper.pdf](https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/2011_intentions_paper.pdf)

<sup>22</sup> [https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/2006\\_intentions\\_paper.pdf](https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/2006_intentions_paper.pdf)

<sup>23</sup> <https://www2.gov.bc.ca/gov/content/environment/waste-management/food-and-organic-waste/regulations-guidelines>

<sup>24</sup> <https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/policy-legislation/legislation-regulation/environmental-protection-regulatory-review>

<sup>25</sup> [https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/omrr\\_consultation\\_summary\\_mar\\_2017.pdf](https://www2.gov.bc.ca/assets/gov/environment/waste-management/organic-waste/omrr_consultation_summary_mar_2017.pdf)

In developing proposed policy, the ministry considered technical information and stakeholder input received since 2016 including from a First Nations engagement Pilot Project (see Section 2), policy research, a literature review, sampling information, comments heard during presentations, jurisdictional scans, and informal focused stakeholder meetings.

This policy intentions paper is also informed by recent Provincial initiatives and objectives, including the Province's commitments to UNDRIP (see page 5). The Province's response to the Final Report of the Review of Professional Reliance in Natural Resource Decision-Making (see page 5) will also have bearing on the OMRR regulatory review; however, this intentions paper does not include details about proposed qualified professional requirements as the ministry will await the Province's response to recommendations made in the final report.

While the policy topics for regulatory review and many policy intentions remain largely the same as indicated in the ministry's Summary of Public Input and Policy Update of March 2017, the following specific policy intentions and details have changed or are new policy proposals which were not discussed in previous intentions papers:

- Improving government authority with a shift from a notification process to a registration process (Section 1);
- Classifying composting facility size by the amount of feedstock received (i.e., input) rather than the amount of compost produced (i.e., output) (Section 1);
- Requiring that a notice of operation be given by facilities producing BGM and using more than 5 m<sup>3</sup> of biosolids at a site per calendar year (Section 1.1);
- Specifying requirements for engagement with First Nations (Section 2);
- Enabling substitutions (Section 3);
- Enabling fee payments for substitutions and registrations (Section 4);
- Addition of new feedstocks for composting, including raw domestic sludge and used mushroom growing substrate and (Section 5);
- Establishing timelines for composting facilities under permit, approval or operational certificate to adopt higher performance standards (Section 6.2);
- Improving standards for compost quality criteria, including a new limit of 0.25 percent by wet weight for plastics (Section 6.3);
- Specifying mandatory setbacks for composting operations (Section 6.4); and
- Enabling a director to request post-application sampling for each site and occurrence of the land application of managed organic matter (Section 7.4).

The ministry's proposed policy intentions for amendments to the OMRR are described within the ten sections that follow. This intentions paper forms the basis for consultation with stakeholders on the proposed policy approach. Interested parties should review the paper posted on the government website and provide feedback within the 60 day consultation period. The policy intentions paper is a discussion document, with policy to be finalized based on feedback and further research.

Instructions on how to provide comments are provided on the last page of this intentions paper. Comments should be provided by November 8, 2018.

## 1. Authorization Processes Under the OMRR

At present, activities under the OMRR are authorized through compliance with requirements of the regulation; and, while composting facilities processing food waste or biosolids and having a design production capacity of 5,000 tonnes or greater (dry weight) per year are required to obtain a permit, operational certificate or approval, other composting facilities and land application of managed organic matter are subject to notification processes.

Feedback received from stakeholders and First Nations on the 2016 policy intentions paper indicated that existing requirements for notification and information transparency under the OMRR are lacking and there is a need for the regulation to provide increased transparency around composted matter, composting facilities, BGM facilities and land application of organic matter. First Nations specifically requested enhanced notification and engagement with First Nations communities, particularly around land application of biosolids.

The ministry reviewed the feedback provided by stakeholders and First Nations and is proposing to amend policy to reflect the input that was received. The ministry is proposing to enhance regulatory requirements to improve government authority, notification and information submission, and to support engagement with First Nations, including by introducing a **registration process** under the OMRR, where authority to discharge under the OMRR would result from registration, for those facilities that are currently required to give notice.

The ministry is proposing a **registration process** that would incorporate greater information sharing and transparency than currently results from giving notice and compliance with the OMRR. A **registration process** would include application for registration with information submission and online posting of submitted information. It is proposed that registrations would require sign off by a qualified professional and would be evaluated by the ministry.

Registration would be required prior to the commencement of discharge or activities. Registration would take effect on the date that a director notifies the applicant in writing that required information has been received in an acceptable form and manner. The ministry is proposing that the **registration process** would not involve a statutory decision, other than where a director chooses to specify more stringent standards or requirements, or where a substitution is authorized.

The following is an overview of proposed changes to the authorization of activities under the OMRR where registration would be required in place of notification:

- The existing requirement for composting facilities to give notice under the OMRR would be replaced by a **registration process** under the OMRR (see Section 1.2); and,
- The existing requirement to give notice under the OMRR for land application of managed organic matter (Class A biosolids, Class B biosolids and Class B compost) would be replaced by a **registration process** (see Section 1.3).

In addition, the ministry is proposing to introduce a **requirement to give notice** that would apply to BGM facilities using 5 m<sup>3</sup> or more of biosolids at a site per calendar year (see Section 1.4). At present, BGM facilities are not required to give notice or register and must be in regulatory compliance to be authorized.

Table 1 below summarizes the proposed requirements for authorization under the OMRR. Note that Table 1 addresses composting of organic matter listed in Schedule 12 of the OMRR. The OMRR does not govern composting of materials that are

**Authorization processes** can differ not only in what authority or powers a director may have within an authorizing process, but also in which timeframes information may be requested by a director.

- ➔ A **registration process** includes submitting a form, providing required information and paying a fee. Acknowledgement by a director is needed for authorization to be in place. Additional information may be requested by a director.
- ➔ A **notification process** includes submission of notice in writing and/or information as described in the regulation and within a certain timeframe. Fees may not apply. Ministry acknowledgement may not be needed for a discharge to proceed, but the ministry may request additional information within a certain timeframe.

not listed in Schedule 12. Composting of materials not listed in Schedule 12 would require an application for a permit, approval or operational certificate, or a substitution (see Section 3).

Table 1: Overview of proposed authorization processes under the OMRR

Description		Authorization Process (in addition to complying with the OMRR)	
		Current	Proposed
Facilities	Composting facilities processing food waste or biosolids, and: <i>Current:</i> with a design production capacity of 5,000 tonnes or greater of finished compost per year (dry weight) <i>Proposed:</i> receiving 15,000 tonnes or greater (wet weight) of feedstock per year (see Section 1.1)	Permit, approval, operational certificate	No change
	All other composting facilities (i.e., not captured by above row)	Notification	<b>Registration</b>
	BGM facilities (using 5 m <sup>3</sup> or more of biosolids)	comply with the OMRR	<b>Notification</b>
	BGM facilities (using less than 5 m <sup>3</sup> of biosolids)	comply with the OMRR	No change
Land Application	Land application of managed organic matter (Class A biosolids, Class B biosolids and Class B compost)	Notification	<b>Registration</b>
	Land application of retail grade organic matter (Class A compost, BGM)	comply with the OMRR	No change

While there are no changes proposed to the current requirement of the OMRR (section 3.1) for composting facilities processing food waste or biosolids over a specified amount to obtain a permit, approval or operational certificate, the ministry is proposing to change the measurement around which composting facility requirements are set (see Section 1.1).

As noted in Table 1, the ministry is not proposing any changes to authorization processes that currently apply to land application of retail grade organic matter (Class A compost and BGM), which currently are subject to compliance with the OMRR but are not required to give notice. Also, as indicated in the Summary of Public Input and Policy Update of March 2017, the ministry is not proposing to require notification for large volume applications of Class A compost or BGM as had previously been considered in the 2016 policy intentions paper.

### 1.1. Composting facilities thresholds; waste management plans

At present, requirements for composting facilities are set based on either design production capacity or annual production capacity, both being measures of the amount of finished compost produced and indicating facility size. In considering how to add clarity to the definition of production capacity, the ministry concluded that while production (measured in dry weight) could be a suitable measure for composting facility annual reporting, regulatory requirements for composting facilities should be determined based on annual incoming wet weight of feedstock, as measured in wet tonnes, which is easier to measure, record and regulate, and which helps reduce the likelihood of composting facilities accepting more material than can be processed in one year. The ministry is proposing to replace requirements in the OMRR based on the amount of **compost produced** with requirements based on the amount of **feedstock received** by a composting facility.

The ministry is not intending for a greater or fewer number of composting facilities to require a permit, approval or operational certificate, as the proposed value of feedstock received has been chosen to roughly correlate with a typical sized facility currently required to obtain a permit, approval or operational certificate.

The ministry is proposing:

- Composting facility requirements would be based on the total annual mass of **feedstock received** by a composting facility rather than based on the annual mass of **compost produced** by a composting facility;
- The annual mass of **feedstock received** would be measured in wet tonnes of feedstock received in a calendar year;
- The existing requirement for composting facilities that process food waste or biosolids and having a design production capacity of 5,000 tonnes or greater of finished compost per year (dry weight) to obtain a permit, approval or operational certificate, would be replaced by: Composting facilities that process food waste or biosolids and which receive a “total annual mass of 15,000 tonnes or greater (wet weight) of feedstock per calendar year” to obtain a permit, approval or operational certificate; and,
- It is proposed that composting facility **planning** requirements would be set based on the total annual mass of wet tonnes of feedstock received per calendar year rather than the annual production capacity (see Section 6.1).

Another proposed revision to authorization of composting facilities under the OMRR, that would apply to all composting facilities, regardless of whether they obtain authority to discharge through an application for registration, permit, approval, operational certificate and/or by being in compliance with the OMRR, is as follows:

- A composting facility authorized under the OMRR may not be authorized in a manner that would conflict with a waste management plan approved under the *Environmental Management Act*.

The intent of this provision is to eliminate conflict between discharges, activities and operations occurring under a regulation, and a waste management plan under the Act.

### 1.2. Registration of composting facilities

At present, composting facilities are authorized by complying with the requirements of the OMRR. In addition, composting facilities that process food waste or biosolids and with a design production capacity of 5,000 tonnes or greater (dry weight) of finished compost per year are required to obtain a permit, approval or operational certificate. Along with obtaining a permit, these facilities must also comply with applicable requirements of the OMRR.

Under the OMRR, composting facilities that process food waste or biosolids and with a design production capacity of less than 5,000 tonnes (dry weight) of finished compost per year, and composting facilities that process any other acceptable feedstocks under the OMRR, regardless of design production capacity, must submit a notification of operation towards obtaining authorization. The OMRR currently requires these composting facilities to give notice in writing to a director and the Provincial Agricultural Land Commission (if the facility is located in an agricultural land reserve or forest reserve land), at least 90 days before beginning operation.

In addition, the OMRR can require some information, such as plans, reports and specifications, to be prepared as part of notification; however, not all plans, reports and specifications required to be prepared under the regulation are required to be submitted as part of notification. While the environmental impact study report (currently applicable to composting facilities with an annual production capacity of 20,000 tonnes or more), is required to be submitted to a director at least 90 days before commencement of construction or modification of a composting facility, other plans and specifications are not required to be submitted unless specifically requested by a director.

The ministry is proposing to receive, acknowledge and support transparency of information and improve government authority under the regulation by introducing revisions that would require all composting facilities that do not require a permit, approval or operational certificate to follow a registration process instead of a notification process under the OMRR. **The requirement to give notice of operation would be replaced by a registration process for all composting facilities that do not require a permit, approval or operational certificate.**

The ministry is proposing to increase transparency by requiring all plans, reports and specifications required under the OMRR, and any additional information requested by a director, to be submitted as part of the registration process. In addition to the information currently required from proponents under the OMRR, the ministry is proposing to expand information submission requirements, as described in Section 1.2.1.

The ministry is also proposing that registration information, including plans, reports and specifications, be kept up to date, and the ministry, First Nations, local regional district(s), and the Provincial Agricultural Land Commission (where required) be notified of any change within 30 days of the change.

To align with the Province's initiatives towards increasing transparency, submitted information would be made available online to the public. Online posting will enable members of the public to view information content, including in relation to composted matter and composting facilities. All submitted information will be managed in accordance with the *Freedom of Information and Protection of Privacy Act* (FOIPPA).

With regard to existing facilities, the ministry is intending that existing composting facility operations would be provided a timeframe of two years to complete the registration process, including being in compliance with the proposed information submission requirements. The ministry is also proposing that existing composting facilities would be subject to the requirement that all plans, reports and specifications be kept up-to-date when the changes to the regulation come into effect.

The following sections describe the proposed registration process and how it would apply to composting facilities.

### **1.2.1. Registration process for composting facilities**

The ministry is proposing to require submission of a registration form as part of the registration process. Examples of information that would be input in the registration form are listed in the adjacent text box. The ministry's [Waste Discharge Authorizations](#)<sup>26</sup> website provides some examples of authorizations obtained through a registration process and the types of information provided with a registration.

In addition to the registration form, the ministry is proposing

## **Composting Facility Registration**

The registration process would include submission of a registration form, payment of a fee, and submission of required information.

Examples of information that would be input into a registration form include:

- ➔ Full legal name and address of registered party(ies) and their local contact information
- ➔ Composting facility and discharge(s) location(s)
- ➔ Name of the registered landowner
- ➔ Composting facility description, types of wastes received, total annual mass (wet weight) of feedstock received per calendar year, annual design production capacity, applicable process criteria and quality criteria requirements, and sampling program including frequency, protocols, and record-keeping
- ➔ Intended distribution of compost
- ➔ A sign off by a qualified professional that the registration meets the OMRR

Information submission requirements would include:

- ➔ Site plan
- ➔ A copy of personnel training program plan
- ➔ A copy of facility environmental management plan
- ➔ A copy of plans and specifications
- ➔ Proof that the local regional district has been notified of intent to register
- ➔ If a local service area bylaw applies to the construction or operation of a composting facility, provide a copy of the bylaw.
- ➔ Proof that local First Nations communities have been notified of the intent to register (see Section 2.0)
- ➔ If the facility is located in an agricultural land reserve or forest reserve land, proof that the Provincial Agricultural Land Commission has been notified of the intent to register at least 90 days before beginning operation
- ➔ Any additional information or relevant record with respect to the registration requested by a director.

<sup>26</sup> <https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization>

payment of a registration fee of \$400 at the time of registration. Annual fees would also apply in the amount of \$200 per calendar year (Section 4).

Information that would be submitted at the time of registration would include proof of notice being given to the local regional district and First Nations communities of the intent to register, and proof of application for development permits (if applicable) and copies of any applicable bylaws. These enhancements to the existing notification requirements under the OMRR are intended to support notification, increased information transparency and engagement with First Nations.

The ministry is not intending to change the role of the Provincial Agricultural Land Commission, or their powers, under the regulation.

It is the ministry's intention that registration would take effect on the date that a director notifies the applicant in writing that required information has been received in an acceptable form and manner.

It is proposed that construction of a new composting facility or modification of an existing composting facility would not be authorized until the registration is effective; or, until notice is received from a director that construction may begin.

### ***1.2.2. Notification of changes to registration***

In addition to requiring information submission at the time of registration, information required for registration would be required to be kept up-to-date. It is also proposed that the ministry, First Nations, local regional district(s), and the Provincial Agricultural Land Commission (where required), be notified in writing of any change within 30 days of the change having occurred.

Respecting composting facility registrations, changes to a registration may include, but are not limited to:

- A change in name of the authorized party(ies)
- A change in legal address or mailing address of either the discharger or registered owner
- A change in the qualified professional
- A change in the boundaries of the site
- Changes to the total annual mass (wet weight) of feedstock received per calendar year and/or design production capacity, greater than 10 percent
- Changes in the types of organic matter that is or will be processed into compost, e.g., addition of a new feedstock or elimination of an existing feedstock
- A change in the proportion of any type of organic matter feedstock of greater than 10 percent, e.g., from 50 percent yard waste, 30 percent food waste and 20 percent biosolids by weight, to 30 percent yard waste, 50 percent food waste and 20 percent biosolids by weight
- Changes in the types or classes of compost produced

With respect to transfer of ownership, the ministry is proposing to add a provision to the OMRR that would enable registration of a composting facility to be transferred from registered party(ies) to new party(ies), provided that the application for transfer is made at least 30 days before the transfer is to occur, and that all applicable changes to information required for registration is provided in the application. The ministry is proposing that fees applicable to an application to transfer a permit would apply to an application to transfer a registration under the OMRR. The [current fee](#)<sup>27</sup> for application for a permit transfer is \$400 and this is proposed to be the fee for transfer of a registration.

<sup>27</sup> <https://www2.gov.bc.ca/gov/content/environment/waste-management/waste-discharge-authorization>

### 1.3. Registration of land application of managed organic matter

At present, the OMRR requires proponents to give notification in writing for land application of managed organic matter (Class A biosolids, Class B biosolids, and Class B compost) at least 30 days before the land application; and, notice must be given to a director, the local medical health officer (if application is planned for agricultural land or in a watershed), and to the Provincial Agricultural Land Commission (if application is planned for agricultural reserve land or forest reserve land).

A director may within 30 days after receipt of notification request additional information about a land application plan, and may specify particular requirements in order to protect human health or the environment. As well, a medical health officer may within 30 days after receipt of notification information deny the proposed land application or require particular conditions to be met.

While the OMRR currently requires that notice of land application be given to the ministry, the regulation does not require plans, reports and specifications required under the regulation, including land application plans, to be submitted to the ministry with the notification.

The ministry is proposing to receive, acknowledge and support transparency of information and to improve government authority under the regulation by introducing revisions that would require land application of managed organic matter to follow a registration process. The requirement to give notice in writing would be replaced by a registration process for land application of managed organic matter. The registration would be in the name of both the generator of the managed organic matter as well as the registered owner of the land upon which the managed organic matter will be applied; and, both the generator and landowner would be authorized as dischargers for the land application occurrence. The ministry is proposing that a registration for land application would be valid for a minimum of one calendar year. The option to register for a five year period would also be available, provided that the land application plan is updated annually.

Registration would require submission of a registration form and payment of a registration fee. The ministry is proposing to increase transparency by requiring all plans, reports and specifications required under the OMRR, and any additional information requested by a director, to be submitted as part of the registration process.

The ministry's authorization database indicates that existing notifications for land application or managed organic matter are issued for limited time periods. The ministry is proposing that the registration process would apply to land application of managed organic matter as soon as the revised regulation comes into effect and that existing notifications would be left as is until expiration.

The ministry is also proposing that registration information, including plans, reports and specifications, be kept up to date and the ministry, First Nations, local regional district(s), the local medical health officer, and the Provincial Agricultural Land Commission (where required) be notified of any change within 30 days of the change. To increase public transparency and information sharing, all submitted information will be made available online to the public. Online posting will enable members of the public to view information content. All submitted information will be managed in accordance with the FOIPPA.

#### 1.3.1. Registration process for land application of managed organic matter

The ministry is proposing to require submission of a registration form as part of the process for registration. Examples of information that would be included in the registration form are listed in the text box below. The ministry is proposing that the registration would be in the name of both the generator and the landowner where managed organic matter will be applied, and that both parties would be the authorized dischargers registered under the OMRR.

#### **Retail-grade organic matter**

- Class A compost
- Biosolids Growing Medium

#### **Managed organic matter**

- Class A biosolids
- Class B biosolids
- Class B compost

In addition to the registration form, the ministry is proposing payment of a registration fee. Dischargers would have the option of either registering for one calendar year, for which the fee would be \$400; or, registering for five calendar years, for which the fee would be \$1200 (see Section 4).

Information would also be submitted with the registration form, and examples of information that would be submitted are provided in the following text box. The proposed information submission requirements would include providing proof that the local regional district and First Nations communities have been notified of the intent to register, and where the land application is to agricultural land or in a watershed (used as a water supply system or containing a well recharge zone), providing proof that the medical health officer has been notified and provided a copy of the land application plan. If the land application is within an agricultural land reserve or forest land, proof that the Provincial Agricultural Land Commission has been notified and provided a copy of the land application plan would also be an example of information to be submitted.

In addition, if a registration is for land application of managed organic matter containing biosolids and occurring on private land, proponents would be required to undertake an improved process for enhanced engagement with First Nations prior to registration. This **pre-registration engagement and notification** would include requirements specified within the regulation, including:

- A 60 day pre-registration period including engagement with First Nations and notification of the local regional district, medical health officer (if on agricultural land or in a watershed used as a water supply system or containing a well recharge zone), and Provincial Agricultural Land Commission (if within agricultural land reserve or forest reserve land);
- Opportunity for First Nations, the local regional district and agencies to review and comment on the draft Land Application Plan associated with the registration; and,
- Submission of a Land Application Plan Review Report with the application for registration.

Enhanced engagement standards would be specified in the revised OMRR and details would be provided in guidance. These enhancements to the existing notification requirements under the OMRR are intended to support notification, increased information transparency and engagement with First Nations.

If a registration is for land application of managed organic matter containing biosolids on Crown land, the ministry is proposing that existing notification and engagement processes specified by Crown agencies will be followed.

### **Land Application Registration**

The registration process includes submission of a registration form, payment of a fee, and submission of required information.

Examples of what a registration form may include:

- ➔ Full legal name and address of registered party(ies) and their local contact information
- ➔ Street address and legal description of the land application location
- ➔ Receiving site/land description
- ➔ Information about what land application of managed organic matter will be used for
- ➔ Description of managed organic matter to be applied, including composition, feedstocks, quality criteria, and sampling results
- ➔ Intended dates and application rate(s)
- ➔ Map or site plan identifying bounds of the site
- ➔ A sign off by a qualified professional that the registration meets the OMRR

Information submission requirements would include:

- ➔ Registration form and fee
- ➔ Site plan
- ➔ A copy of the land application plan
- ➔ Description of confirmatory sampling plan (see Section 7.4)
- ➔ Proof that the local regional district has been notified of intent to register
- ➔ Proof that local First Nations communities have been notified of the intent to register. If managed organic matter contains biosolids, copy of the Land Application Plan Review Report
- ➔ If land application is to agricultural land or in a watershed (used as a water supply system or containing a well recharge zone), proof that medical health officer has been notified of the intent to register.
- ➔ If land application is to agricultural land reserve or forest reserve land, proof that the Provincial Agricultural Land Commission has been notified.
- ➔ Any additional information requested by a director.

The ministry is not intending to change the role of the medical health officer or the Provincial Agricultural Land Commission, or their powers, under the regulation.

It is the ministry's intention that registration would take effect on the date that a director notifies the applicant in writing that required information has been received in an acceptable form and manner. It is proposed that land application of managed organic matter would not be authorized until the registration is effective.

The ministry is proposing that a registration for land application would be valid only during the calendar year in which the registration is effective if the application is for one year; or, for five calendar years including the year of registration if the registration is for five years.

### **1.3.2. Notification of changes to registration**

As indicated in Section 1.3, the ministry intends to amend the OMRR to require that all submitted information be kept up-to-date, and it is proposed that the ministry, First Nations, local regional district(s), the medical health officer (where required) and the Provincial Agricultural Land Commission (where required), be notified in writing of any change within 30 days of the change having occurred.

Respecting registration of land application of managed organic matter and the associated land application plan, changes to registration may include, but are not limited to:

- A change in name(s) of the authorized party(ies).
- A change in legal address or mailing address of authorized party(ies).
- A change in the qualified professional.
- A change in the boundaries of the site, including whether any additions of Agricultural Land Reserve land.
- Changes made in information respecting the use of the application site, including the type of crop that will be grown on the site, if any, including whether the site will be used to grow food crops, tree crops or forage crops, or will be used for domestic animal grazing, or if the site will be used to grow a food crop for human consumption and whether the crop will have harvested parts above the ground or below the ground or both, and crop rotation on the site.
- Changes to the description of the managed organic matter to be applied.
- Changes to the intended dates for each land application during the time period to which the land application plan relates.
- Changes to the application rate or total tonnes to be applied.

With respect to transfer of ownership, the ministry is proposing to add a provision in the OMRR that would enable registration of land application of managed organic matter to be transferred from the registered party(ies) to new person(s), provided that the application for transfer is made at least 30 days before the transfer is to occur, and that all applicable changes to information required for registration is provided in the application.

The ministry is proposing that fees applicable to an application to transfer a permit would apply to an application to transfer a registration under the OMRR (see Section 4).

### **1.4. Notification requirements for biosolids growing medium facilities**

The ministry intends that the requirement to give notice in writing under the OMRR would apply to BGM facilities.

At present, the OMRR does not define facilities producing BGM as dischargers and notice of operation is not required to be given by these facilities; therefore, the ministry is lacking information on how many, when or where BGM facilities captured under the OMRR may be operating or for what intended purposes. The regulation is also unclear on what feedstocks may be appropriate for the production of BGM.

To track these facilities, the ministry is proposing to amend the definition of “discharger” in the OMRR to include “an owner of a facility that produces BGM” and to require that notice of operation be given by facilities producing BGM and

**using more than 5 m<sup>3</sup> of biosolids at a site per calendar year.** The ministry is not proposing payment of any application fees with notification, nor are any associated annual fees being proposed at this time.

The ministry is also proposing to clarify in the regulation that BGM may only be derived from certain materials, including: Class A biosolids or Class B biosolids which meet the pathogen and vector reduction requirements for Class A biosolids; Class A compost or Class B compost which meets the pathogen and vector attraction reduction requirements for Class A compost; clean untreated and unprocessed wood waste; wood residuals; or clean soil and sand.

The proposed notification requirements for facilities producing BGM include:

- Give notice in writing to a director, the Provincial Agricultural Land Commission (if the facility is located in an agricultural land reserve or forest reserve land), least 30 days before beginning operation;
- Provide the facility location, amount BGM to be produced, and name of a contact person;
- Specify the type and amounts of feedstocks received, and intended dates, use and distribution of the BGM; and,
- Provide any additional information or relevant record with respect to the notification requested by a director.

The ministry is intending for BGM facilities to keep records, and this will be described in guidance.

Existing BGM facilities would be provided a timeframe of two years to provide notification and come into compliance with the proposed notification requirements.

Temporary facilities for the production of BGM would be exempted from the requirement to provide notification. A “temporary” facility is characterized as a facility or site that mixes biosolids with other media to produce BGM for a one-time application at that site, and is generally in operation for less than 9 months, consistent with storage requirements for managed organic matter under Section 19 of the OMRR.

To improve public transparency, information submitted as part of notification would be made available online to the public. Online posting will enable members of the public to view information content. All submitted information will be managed in accordance with the FOIPPA.

The ministry is proposing that notification information, including plans, reports and specifications, be kept up-to-date and the ministry and Provincial Agricultural Land Commission (where required) be notified of any change within 30 days of the change.

## ***2. Engagement with First Nations***

The ministry received feedback from stakeholders and First Nations indicating that there is a need for increased transparency around composted matter, composting facilities, BGM facilities and land application.

Feedback received from First Nations also indicated that existing regulatory processes authorizing land applications under the OMRR do not provide opportunity for site specific information pertaining to the land to be considered, and there is a need for enhanced engagement with First Nations in this respect.

In addition, First Nations have requested enhanced transparency and engagement specific to land applications of organic matter containing biosolids and being deposited on their traditional territories.

The ministry considered feedback received following the release of the 2016 policy intentions paper, and has also reviewed recommendations from a biosolids land application plan pilot project (see text box on page 18). The ministry also considered the Province of BC’s commitment to find ways to bring the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into action in British Columbia (see page 5).

To guide policy development, the ministry embraced the [Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples](#)<sup>28</sup> (“draft principles”), including the following specific points:

- Enable traditional Indigenous knowledge to be incorporated into resource management; and,
- Build processes and approaches aimed at securing consent, as well as creative and innovative mechanisms that will help build deeper collaboration, consensus, and new ways of working together.

In moving forward with revisions to the OMRR, the ministry believes that the regulation can be amended to support the draft principles. The ministry is proposing to enhance transparency and engagement with First Nations through the regulation by proposing that proponents provide notification to First Nations communities as follows:

- For composting facilities, proponents would be required to notify local First Nations communities of the intent to register, and to provide notification of any change in the registration within 30 days of the change;
- For proposed land applications, proponents would be required to notify local First Nations communities of the intent to register, and to provide notification of any change in the registration within 30 days of the change;
- For land application of managed organic matter containing biosolids and occurring on private land, proponents would be required to undertake an improved process for enhanced engagement with First Nations prior to registration. This pre-registration engagement and notification would include requirements specified within the regulation and would include:
  - A 60 day pre-registration period including engagement with First Nations and notification of the local regional district, medical health officer (if on agricultural land or in a watershed), and Provincial Agricultural Land Commission (if within agricultural land reserve or forest reserve land);
  - Opportunity for First Nations, local regional district and agencies to review and comment on the draft Land Application Plan associated with the registration; and,
  - Submission of a Land Application Plan Review Report with the application for registration.
- For land application of managed organic matter containing biosolids and occurring on Crown land, proponents would follow existing notification and engagement processes followed by Crown agencies.

The ministry will be developing guidance that will describe how to address enhanced engagement to achieve notification (including around traditional territory values, hunting and spiritual areas, and valuable resources such as groundwater and wildlife), including through new government-to-government engagement tools.

Guidance documents to support First Nations and proponents in notification and engagement with respect to activities under the OMRR will be developed in accordance with legal requirements, ministry policy and government direction.

As indicated on page 5 of this intentions paper, the Province is reviewing recommendations contained in the Final Report of the Review of Professional Reliance in Natural Resource Decision-Making. The final report includes recommendations specific to First Nations governments. The ministry intends to align with the Province's response to the final report.

<sup>28</sup> [https://news.gov.bc.ca/files/6118\\_Reconciliation\\_Ten\\_Principles\\_Final\\_Draft.pdf?platform=hootsuite](https://news.gov.bc.ca/files/6118_Reconciliation_Ten_Principles_Final_Draft.pdf?platform=hootsuite)

### ***Pre-Registration Notification and Engagement Pilot Project***

The Summary of Public Input and Policy Update (March 2017) identified enhancing First Nations engagement as an area for further exploration and policy development as part of the OMRR regulatory review. To explore better ways to engage local First Nations within the land application process, from December 2017 to April 2018, the ministry undertook a Biosolids Land Application Plan Pilot Project as part of the ministry's regulatory review process.

The purpose of the pilot project was to consider First Nations engagement and local government feedback on the existing land application notification process, and to assess potential improvements for better engagement and improved participation in developing a Land Application Plan (LAP) within the current process under the OMRR.

The pilot project involved using a land application project to solicit feedback from participants, including local First Nations, the local regional district, the biosolids generator, and other regulatory agencies. Strengths and weaknesses of the current approach under the OMRR were documented from the various perspectives.

Based on the feedback received, a revised engagement process was recommended. The recommended engagement process included the following suggested revised process:

- ➔ Prior to registration, the proponent undertakes pre-registration steps, which include:
  - The proponent notifies potentially impacted First Nations and local governments, and agencies of the opportunity to participate in the land application review and revision
  - The proponent provides a draft LAP to participating parties and works with parties to revise the LAP to address comments, within a specified time period
- ➔ Following completion of the pre-registration engagement, the proponent prepares a LAP Review Report, which summarizes First Nations and local government engagement, and communication and mitigation measures developed in relation to the LAP. The proponent may then submit the revised LAP along with the LAP Review Report with the application for registration under the OMRR. A copy of the registration, revised LAP, and LAP Review Report is also submitted to parties that participated in pre-registration engagement.
- ➔ The ministry's registration process is followed (See Section 1.3).

The ministry has considered the feedback received on the pilot project and from engaging with First Nations communities, stakeholders and agencies to inform this review of the OMRR, and is proposing policy for enhanced notification and engagement.

### ***3. Substitutions under the OMRR***

At present, approvals or permits are required for organic materials and processes not covered by the OMRR and where allowed under the *Environmental Management Act*. This includes biosolids that do not meet the pathogen limits or maximum substance concentrations specified by the OMRR, and for the application of biosolids or compost to soils that contain elevated concentrations exceeding maximum substance concentrations specified in the OMRR.

It is proposed that the revised regulation will continue as described above; however, the regulation would introduce a process enabling a director to substitute one requirement for another under the OMRR under certain conditions.

The ministry is proposing that an applicant may apply for a substitution by completing a form; or, a director may on their own initiative substitute a different requirement for a requirement contained in the regulation. A substitution may be considered where necessary to protect human health or the receiving environment, or where the intent of the OMRR will be met by the substituted requirement. Substitutions are not intended to apply to the application of biosolids or compost to soils that contain elevated metal<sup>29</sup> concentrations exceeding specified standards (see Section 7.1).

<sup>29</sup> referred to as "substance" in the OMRR

It is proposed that:

- Local First Nations communities would be required to be notified when an application for a substitution is made;
- The ministry would charge a fee for processing substitutions (see Section 4);
- Substitutions would be transferable on a case-by-case basis, depending on case-specific circumstances; and,
- If a substitution is granted, the decision in relation to the substitution is subject to appeal under the *Environmental Management Act*.

#### **4. Fee Payments**

At present, application fees and annual fees are associated with permits, approvals or operational certificates for composting facilities that process food waste or biosolids and have a design production capacity of 5,000 tonnes or greater (dry weight) of finished compost per year. The ministry is not proposing any changes to existing application fees or annual fees associated with obtaining a permit, approval or operational certificate.

At present, the OMRR does not require payment of application fees or annual fees for any of the following:

- Composting facilities that process food waste or biosolids, and possess a design production capacity of less than 5,000 tonnes (dry weight) of finished compost per year, or composting facilities that process any other acceptable feedstocks under the OMRR regardless of design production capacity;
- BGM facilities; or,
- Land application of managed organic matter or retail grade organic matter.

The ministry is proposing to introduce fee payment requirements for registrations, substitutions, and annual fees as summarized in Table 2. The proposed changes will be consistent with the [Permit and Approval Fees and Charges Regulation \(PAFCAR\)](#)<sup>30</sup>. The payment of fees would be for administrative purposes and would allow the ministry to account for a portion of the costs associated with collecting and managing information, including information handling and review, information systems and online posting.

Under the proposed changes, BGM facilities would be required to provide notification as described in Section 1.4; however, there would be no fees associated with notification or annual fees associated with these facilities.

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<sup>30</sup> [http://www.bclaws.ca/civix/document/id/complete/statreg/299\\_92](http://www.bclaws.ca/civix/document/id/complete/statreg/299_92)

Table 2: Proposed changes related to fee payments under the OMRR

Fee	Proposed fee payment
Registration fees	<p>While fees are not currently charged under the OMRR for notification, with the proposed registration process would require payment of a registration fee.</p> <p>The ministry is proposing the following fees associated with the registration process:</p> <ul style="list-style-type: none"> <li>• A registration fee of \$400 would apply to composting facilities, which is comparable to the fee charged for other applications for registration under the EMA.</li> <li>• Registration fees would apply to land application. Party(ies) would have the option of either registering for one calendar year, for which the fee would be \$400; or, registering for five calendar years, for which the fee would be \$1200.</li> <li>• An application fee of \$400 would apply when information is submitted as part of providing notification of changes to registration information.</li> <li>• An application fee of \$400 would apply when an application is made to transfer a registration.</li> </ul>
Substitution fees	<p>It is proposed that an application for a substitution (see Section 3) would be subject to a \$150 hourly fee if the applicant requests a substitution of requirements under the OMRR. This fee is intended to cover the time a public service employee is engaged in considering or processing that application.</p>
Annual fees	<p>Currently no annual fees are charged under the OMRR for notifications, but annual fees are charged for composting facility permits and operational certificates.</p> <p>The ministry is proposing to introduce annual fees that would apply to registrations as follows:</p> <ul style="list-style-type: none"> <li>• An annual base fee of \$200 would apply to composting facilities; and,</li> <li>• An annual base fee would not apply to registration of land application of managed organic matter, as the registration fee of either \$400 for one year or \$1200 for five years would cover the associated annual fee.</li> </ul>

## 5. Organic Matter Suitable for Composting

The OMRR sets out a list of organic matter that may be composted (Schedule 12) under the regulation into Class A compost or Class B compost. The ministry is seeking comments regarding potential definitions and inclusion of the following organic materials in Schedule 12.

### 5.1. Untreated and unprocessed wood

The OMRR currently includes “untreated and unprocessed wood residuals” as organic matter suitable for composting.

The ministry intends to amend column 1 of the table in Schedule 12 by renaming “untreated and unprocessed wood residuals” as “*wood residue*.” The ministry intends to amend Column 2 of the table in Schedule 12 by adding the following constituents to the category of “*wood residue*”: means wood or a wood product that is chipped or ground and originates from wood processing, the clearing of land (with the majority of greenery removed and no soil present), or

trimming or pruning activities. The ministry will update guidance with information about what is considered clean<sup>31</sup> wood. The ministry intends to include in the regulation that treated wood would be excluded from the proposed definition of “*wood residue*”.

“*Wood residue*” must:

- (a) Not contain composite wood products including plywood, particle board, fibreboard, hardboard, oriented strandboard, laminated lumber, laminated wood, veneer, laminate flooring, or engineered wood products; and,
- (b) Not be contaminated with, or have been treated or coated with, antisapstain, preservative, fire retardant, glue, adhesive, laminate, bonding agents, resin, paint, stain, varnish or any substance harmful to humans, animals, plants or the environment.

### 5.2. Domestic composting toilet sludge; domestic wastewater treatment plant sludge

The ministry intends to amend Schedule 12 of the OMRR to include *domestic composting toilet sludge* defined as “sludge removed from a composting toilet used for receiving and treating domestic sewage.”

The OMRR currently allows composting of “domestic septic *tank* sludge” and “biosolids” within provisions of the OMRR. However, it does not currently enable composting of other “*domestic wastewater treatment plant sludge*” (i.e., undigested, or raw sludge). While in the Summary of Public Input and Policy Update (March 2017), the ministry indicated that undigested or raw sewage sludge would not be considered for inclusion in Schedule 12, the ministry has reconsidered this position and is now proposing to include the broader category of domestic wastewater treatment plant sludge for inclusion in Schedule 12 of the OMRR.

### 5.3. Non-recyclable paper material

At present the OMRR does not contain provisions for composting of “*non-recyclable paper material*.” Enabling this material to be categorized as organic matter suitable for composting under the OMRR could provide an additional feedstock for composting and support operation of composting facilities. In addition, “*non-recyclable paper material*” contaminated with food waste (and that is not acceptable for paper recycling), could be recycled as compost. This could support landfill disposal restrictions.

The ministry intends to amend Schedule 12 of the OMRR to include “*non-recyclable paper material*”, defined as “*paper material contaminated with organic matter that cannot be reasonably recycled into a paper product, and is not contaminated with any substance harmful to humans, animals, plants or the environment*”. The ministry will update guidance with examples of paper and cardboard materials that may be considered suitable for composting.

### 5.4. Compostable plastic

At present, the OMRR does not contain provisions for composting of “*compostable plastic*.” Enabling this material to be categorized as organic matter suitable for composting under the OMRR could provide an additional feedstock for composting and support operation of composting facilities.

The ministry intends to add “*compostable plastic*” to Schedule 12, defined as organic matter suitable for composting based on the following proposed requirements:

- Compostable plastic would be required to meet the BNQ 9011-911/2007 or BPI-ASTM D6400 and/or ASTM D6868 standards in order to be defined as compostable plastic; and,

<sup>31</sup> Clean (non-contaminated and untreated) wood from lumber manufacture, e.g., shavings, sawdust, chips, hog fuel, ground mill ends and land clearing waste which has been ground with the majority of the greenery removed and no soil present but does not include construction and demolition debris.

- Composting facilities seeking to include compostable plastic as a feedstock suitable for composting would be required to meet time and temperature standards applicable to the compostable plastics being accepted.

The ministry will update the regulation and/or guidance as appropriate. Specific clarification will be provided around biodegradable materials as compared to compostable materials, where biodegradable materials are not necessarily compostable; however, compostable materials are biodegradable.

### 5.5. *Used mushroom growing substrate*

At present, the OMRR does not contain provisions for composting of “*used mushroom growing substrate*” which is an organic growing medium used to produce mushrooms, and which may be suitable for composting after being used. Enabling “*used mushroom substrate*” to be categorized as organic matter suitable for composting would support composting.

## 6. *Composting Facilities*

The operation of composting facilities and the products they produce must safeguard human health and the environment.

In addition to the proposed enhancements to increase transparency, notification, engagement, and information submission and updating described in Sections 1 and 2 of this intentions paper, the ministry is proposing to address standards, practices and expectations of composting facilities through broadened facility planning requirements, requirements for best achievable technologies at facilities, updated expectations for compost quality and safety, and added setback requirements.

### 6.1. *Facility environmental management plan*

Current composting facility planning requirements are described in Sections 23 and 24 of the regulation, as well as in supporting guidance, including the [Compost Facility Requirements Guideline](#)<sup>32</sup>.

At present, composting facilities with an annual production capacity of 20,000 tonnes or greater are required to have a qualified professional prepare an environmental impact study report, which includes design, odour, leachate collection and treatment, and siting information; and, the report must be submitted to a director at least 90 days before

### *Odour Management at Facilities*

As composting operations have the potential to produce objectionable odours, it is important that odour is managed effectively. The expectation of present day composting facilities is that odour must be managed within property boundaries. Facilities should mitigate odour production and maximize odour control to solve any odour problems.

Proposed regulatory updates for improved odour management at facilities include:

- ➔ Composting facilities would complete an odour management plan as part of the Facility Environmental Management Plan (FEMP).
- ➔ Facilities receiving a total annual mass of 15,000 tonnes or greater (wet weight) of feedstock per calendar year would prepare an environmental impact study (EIS) that undertakes odour modelling studies. The most complete technical evaluation currently available to define the potential for offsite odours is to develop a computer-based odour model specific to the composting facility and site. Odour modeling allows facilities to be designed to limit off site odour, and enables odour evaluation based on monitoring and odour complaints or incidents.
- ➔ Facilities required to prepare an EIS will also be required to track and address odour complaints and incidents, develop a monitoring and maintenance plan and submit an annual report.
- ➔ The regulation would require composting facilities to comply with their plans including the odour management plan. The director will be able to request additional requirements with respect to plans, including odour management at the facility.
- ➔ Ministry guidance will be updated to address odour management plan and odour modelling studies requirements, and will provide details on expectations including for tracking and addressing odour complaints, and the annual monitoring and maintenance report.

<sup>32</sup> <https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/organics/biosolids/compost-facility-req.pdf>

commencement of construction.

In 2016, the ministry had proposed to extend composting facility planning requirements to larger facilities. In response to feedback received on the 2016 intentions paper the ministry is now proposing that composting facility planning requirements would apply to all facilities regardless of size; and, requirements would be tiered, depending on the total annual mass (wet weight) of feedstock received per calendar year by the facility.

Since 2016, consultation feedback has also indicated that improved measures are needed to address odours generated by composting facilities, not only in processing activities but also in feedstocks received and stored on site. To reflect the consultation feedback received, the ministry is intending to specify odour management requirements directly within the regulation, with supporting information to be provided in updated guidance documents.

The ministry is proposing the following policy intentions to consolidate and amend the OMRR composting facility planning requirements, and specify odour management plan provisions in the regulation:

- All composting facilities would be required to prepare a “facility environmental management plan”:
  - Composting facilities receiving less than 15,000 tonnes (wet weight) of feedstock per calendar year, or processing only wood residue and/or yard waste would require a “light” facility environmental management plan that consolidates the **odour management plan**, operating plan, and leachate management plan;
  - Composting facilities receiving a total annual mass of 15,000 tonnes or greater (wet weight) of feedstock per calendar year would require a “full” facility environmental management plan that consolidates the **environmental impact study, odour management plan**, operating plan, and leachate management plan;
  - The environmental impact study for composting facilities receiving a total annual mass of 15,000 tonnes or greater (wet weight) of feedstock per calendar year would require completion of an **odour management plan** that includes odour modelling, odour impact assessment, a monitoring and maintenance plan, and a process for tracking and addressing odour complaints, and facilities would be required to submit an annual monitoring and maintenance report to the ministry for the previous calendar year by March 31 of each year;
- The facility environmental management plan would be required to be prepared by a qualified professional(s); and,
- Composting facility operators would be required to comply with the facility environmental management plan.

The proposed FEMP required based on the facility type and description is summarized in Table 3 below.

Table 3: Proposed facility planning requirements based on facility description

Facility description	Proposed Planning Requirement
Composting facilities processing food waste or biosolids and receiving a total annual mass of 15,000 tonnes or greater (wet weight) of feedstock per calendar year	As required by permit, approval, operational certificate
Composting facilities <i>not</i> processing food waste nor biosolids and receiving a total annual mass of 15,000 tonnes or greater (wet weight) of feedstock per calendar year	Full FEMP
Composting facilities receiving less than 15,000 tonnes (wet weight) of feedstock per calendar year	Light FEMP
Composting facilities processing only wood residue and/or yard waste only	Light FEMP

The ministry intends that the current OMRR provision enabling a director to request additional information with respect to an environmental impact study or to specify particular or additional requirements (Section 23(5)) would be applicable

to the FEMP. A director would have the ability to specify standards or monitoring requirements that must be addressed in plans, specifications and/or reports. The ministry's role would not include approving the FEMP.

As explained in Sections 1.1 and 1.2, a registration process would apply to composting facilities and the registration process would require information submission at the time of registration, including submission of the FEMP. Submitted information will be posted online. As well, information required for registration, including the FEMP, would be required to be kept up to date and notification of any changes provided within 30 days of the change. All submitted information will be managed in accordance with the FOIPPA.

As indicated in Section 1.2, existing facilities would be provided a timeframe of two years to complete the registration process, including following the proposed information submission requirements, which includes submission of a FEMP. The ministry will be updating the Compost Facility Requirements Guideline with a full description of FEMP requirements, including details on odour modelling, impact assessment, monitoring plans, and process for tracking and addressing odour complaints.

## 6.2. Best practices

Composting facility standards contained in the OMRR are minimum requirements to operate in BC. Proponents are encouraged to make the best use of resources, employ best management practices (BMPs), and implement [best achievable technology](#)<sup>33</sup> (BAT) in the design of all composting facilities, in order to most effectively manage discharges to the environment.

BMPs are intended to be effective and practical measures to prevent or limit harmful impacts to the environment, and can include: programs, technology, processes, siting, operating methods, measures or devices that control, prevent, remove or reduce pollution. BAT is technology which can achieve the best waste discharge standards and that has been shown to be economically feasible through commercial application.

The ministry is proposing to revise the OMRR to include specific provisions related to BMPs and BAT at composting facilities. Composting facility operations may include feedstock receiving areas, storage areas and processing areas, including for pre-processing, composting, curing, and final screening and storage. Composting activities may occur on open and uncovered land that may be exposed to weather; or, may occur within fully or partially enclosed structures. Composting facilities have the potential to impact water quality through discharge of leachate or runoff, or through facility site development. Composting facilities also have the potential to create objectionable odours.

When the revised regulation comes into effect, all composting facilities would have the option to adopt best practices and higher performance standards as appropriate to the facility, as determined by a qualified professional. The ministry's expectation is that composting facilities will implement BMPs and BAT towards attaining higher performance standards, including with respect to leachate and runoff management, and odour control.

The ministry intends to establish phased-in requirements for updated standards and practices at composting facilities that process food waste or biosolids, and which receive 15,000 tonnes or greater (wet weight) of feedstock, in one calendar year, as follows:

- Within five years of the revised regulation coming into effect, all **new** composting facilities or facilities which increase their design capacity would be required to compost in-vessel or contain facilities and operations within fully enclosed structures, including receiving, processing and storage. These facilities would be required to use technologies such as negative pressure, biofilters, paved flooring, leachate collection, aeration and treatment systems, suction fans and other emission control technologies; and,
- Within ten years of the revised regulation coming into effect, all **existing** composting facilities as described above would be required to compost in-vessel or contain facilities and operations within fully enclosed structures,

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<sup>33</sup> [www2.gov.bc.ca/assets/gov/environment/waste-management/industrial-waste/industrial-waste/pulp-paper-wood/best\\_achievable\\_control\\_tech.pdf](http://www2.gov.bc.ca/assets/gov/environment/waste-management/industrial-waste/industrial-waste/pulp-paper-wood/best_achievable_control_tech.pdf)

including receiving, processing and storage. These facilities would be required to use technologies such as negative pressure, biofilters, paved flooring, leachate collection, aeration and treatment systems, suction fans and other emission control technologies.

The ministry is **not proposing** for the above timelines to apply to registered composting facilities. Details and expectations about the proposed phased-in requirements will be provided in fact sheets and guidance.

In considering BAT at composting facilities, the ministry is also proposing to include expectations for odour management, not only for facility planning (Section 6.1), but also the following specific provisions in the regulation:

- Composting facilities would be required to describe how air contaminants from the facility will be managed, treated and discharged in a manner that does not result in any air contaminants outside the property boundary.

In addition to the odour management discussed in Section 6.1, the following requirements for best practices at composting facilities would also be included in the regulation:

- As indicated in the 2016 intentions paper, the ministry intends to clarify requirements for vector attraction reduction, including requiring any materials, products or substances at the composting facility (including retail grade organic matter, managed organic matter, compost, municipal solid waste, residuals and any other waste) to be managed and stored in a manner that prevents access by, and attraction of, wildlife, domestic animals, birds and associated vectors.

Ministry guidance will be updated to address the revisions to the regulation and to provide supporting information for BMPs applicable to composting facilities.

### **6.3. Compost quality criteria and safety**

The OMRR includes standards that apply to feedstock received by a composting facility. The ministry is proposing the following standards that would apply to organic matter suitable for composting under the OMRR (Schedule 12):

- Measure and record the amount (wet tonnes) and type of organic matter accepted by a composting facility, including the total amount of materials received, processed and stored at any time; and,
- Invasive species or noxious weeds found in yard waste will be prohibited from being composted as current composting practices do not effectively kill these organisms.

The OMRR also includes standards that apply to finished compost. The ministry intends to amend the OMRR to include the following provisions with respect to compost quality and safety:

- Add a definition to the regulation that clarifies that “residuals” include contaminating materials such as rocks, plastic, metal and garbage;
- Replace the 1 percent by weight limit on foreign matter content for retail-grade and managed organic matter with a new limit by weight of 0.5 percent dry weight for foreign matter content, to support compost quality; and,
- Introduce a plastic limit in Section 2 of Schedule 4, as less than or equal to 0.25 percent dry weight.

See Section 7.1 for additional information related to proposed updates to the quality criteria contained in Schedule 4.

As discussed in Section 8, it is the ministry's intention to harmonize the OMRR with other national standards (such as the Canadian Council of Ministers of the Environment (CCME) [Guidelines for Compost Quality](#)<sup>34</sup>) and federal regulations (such as the federal [Fertilizer Act and Regulations and trade memoranda](#)<sup>35</sup>). In addition to harmonized requirements, the ministry intends to amend the OMRR and update guidance to improve clarity in definitions and consistency in references to the following terms:

- Add clarity to the definitions of curing, maturity and finished compost/product;
- The ministry would refer to existing definitions in other national standards and regulations to add clarity to respiration and curing time as being measures of compost maturity (see Section 9.1);
- "Finished product" would refer to material that meets the standards in the regulation for pathogen and vector attraction reduction requirements, including the following requirement for compost maturity: the temperature rise of the compost above ambient temperature is less than 8°C;
- Methods for respiration and curing times would not be specified in the regulation; however, a director would have the ability to specify a method for respiration and specify an adequate curing time (see also Section 9.1);
- As stated in the 2016 intentions paper, the ministry intends to delete references in the regulation to the carbon to nitrogen ratio for composting from the regulation, but adequate carbon to nitrogen ratio will need to be committed to in composting facility plans. The carbon to nitrogen ratio will be referred to in updated guidance (for example, with respect to odour management); and,
- The definition of leachate would be clarified to include liquid effluent resulting from finished compost, as well as from feedstock and feedstock undergoing processing.

Facilities processing only yard waste would be subject to separate less rigorous provisions and would not be required to measure respiration or curing times. The following policy provisions are proposed:

- Require yard waste composting facilities to maintain records of temperature and turning in order to enable compliance assessment; and,
- Facilities would not be required to submit records, but would be required to retain records for a period of seven years for inspection at any time.

Supporting information on compost quality and safety, and background information on regulatory requirements will be provided in updated guidance to be developed by the ministry.

#### 6.4. Setbacks

At present, the OMRR includes setback requirements for the land application of Class B biosolids and Class B compost, but mandatory buffers or setbacks are not specified in the regulation for siting of composting facilities. The ministry's Compost Facility Requirements Guideline provides suggested minimum composting facility buffer zone distances, and a director has the ability under Section 24(4) of the regulation to request additional buffer information.

In 2016, the ministry elected that existing guidance combined with municipal and/or regional district zoning and related bylaws would be sufficient to enable adequate siting of composting facilities. Introducing mandatory buffers or setback provisions in the regulation were not considered in the regulatory review at that time.

However, since the release of the 2016 intentions paper, the ministry has re-considered this position in light of consultation feedback received. Further evaluation suggests that specifying mandatory setbacks within the OMRR would establish reasonable expectations for facility siting, set minimum provincial standards, provide inter-regional consistency, and align with other provincial regulations and legislation. Setbacks are intended to be prescribed minimum distances between the composting facility property boundary and identified areas. Setbacks would provide a minimum

<sup>34</sup> [http://www.ccme.ca/files/Resources/waste/compost\\_quality/compostgdlns\\_1340\\_e.pdf](http://www.ccme.ca/files/Resources/waste/compost_quality/compostgdlns_1340_e.pdf)

<sup>35</sup> <http://www.inspection.gc.ca/english/plaveg/fereng/ferenge.shtml>

distance between facilities and potentially sensitive environments and would limit potential public exposure to residuals and odours.

At present, setbacks for composting facilities are described in guidance. The ministry is proposing to replicate the following setbacks described in guidance as mandatory setbacks in the regulation that would apply to new composting facilities or expansions of existing facilities:

- A minimum distance of 30 metres to the nearest watercourse; and,
- A minimum distance of 30 metres to the nearest water supply well.

In addition, setbacks currently contained in guidance would be specified in the OMRR for storage of processed organic material:

- A minimum distance of 15 metres to the nearest watercourse; and,
- A minimum distance of 30 metres to source water used for domestic purposes.

The registration would be required to demonstrate how all applicable setbacks are being met.

## 7. Land Application and Distribution of Organic Matter

### 7.1. Updates to quality criteria

The OMRR sets out requirements for the production and use of compost, biosolids and BGM. The regulation also includes process and quality criteria and distribution requirements (Sections 10 and 11, and Schedule 11) which set expectations for the different classes of materials and products produced.

The ministry is proposing to update the following standards contained in the OMRR and to add standards for Class A biosolids.

- Published in 1997, the Trade Memorandum T-4-93, Standards for Metals in Fertilizers and Supplements (T-4-93, 1997) was updated by the federal government on September 20, 2017 and renamed “Safety Guidelines for Fertilizers and Supplements (T-4-93, 2017)<sup>36</sup>”. The 2017 memorandum metals standards are based on the same premise as the 1997 memorandum, which is the maximum acceptable cumulative addition to soils over a 45 year time period and the product’s maximum recommended annual application rate. The metal standards, as calculated in the 2017 memorandum include standards for copper and chromium. The ministry is proposing to update the table in section 1 of Schedule 4 to specify maximum substance concentrations for Class B compost, Class B biosolids and Class A biosolids, as follows (mg metal /kg of dry product = µg/g):
 

○ Arsenic	75 µg/g
○ Cadmium	20 µg/g
○ Chromium	1060 µg/g
○ Cobalt	151 µg/g
○ Copper	757 µg/g
○ Mercury	5 µg/g
○ Molybdenum	20 µg/g
○ Nickel	181 µg/g
○ Lead	505 µg/g
○ Selenium	14 µg/g
○ Zinc	1868 µg/g
- The ministry is also proposing to update Schedule 4 quality criteria listed in columns 1 and 2 of the current OMRR table applicable to Class A compost and BGM, respectively, so that the maximum allowable substance concentrations align with those contained in Schedule 10.1 of the OMRR. This update to Schedule 4 standards would

<sup>36</sup> <http://www.inspection.gc.ca/plants/fertilizers/trade-memoranda/t-4-93/eng/1305611387327/1305611547479>

support protection of human health and the environment, as these materials can be distributed as retail grade organic matter.

- As indicated in Section 6.3, the ministry is proposing to update Section 2 of Schedule 4 by replacing the 1 percent by weight limit on foreign matter content for retail-grade and managed organic matter with a new limit by weight of 0.5 percent for foreign matter content, and to introduce a plastic limit of less than or equal to 0.25 percent dry weight.

Consultation feedback received on the 2016 intentions paper indicated support in principle for introducing standards for **contaminants of emerging concern (CECs)**, provided that any regulatory standards were evidence-based and scientifically grounded. Like metals in biosolids, CECs can come from human sources and may be found in biosolids. CECs may include constituents of personal care products, pharmaceuticals, flame retardants, and endocrine disrupting compounds.

The ministry has reviewed the evidence of currently available scientific information in considering revising standards for CECs. The principles of the CCME Canada-wide approach for the management of wastewater biosolids were also considered (see page 6). Currently available scientific information indicates that there is not enough information to determine if biosolids contain unsafe concentrations of CECs when applied according to the regulation, guidance and best practices. Current information does indicate that land application provides many benefits, including providing nutrients and improving soil structure.

The ministry concludes that more information and data collection is needed before any standards for CECs can be considered for inclusion within the OMRR. The ministry is proposing to enable a director to request sampling of biosolids for specific CECs (see Section 8) to potentially inform future conclusions. Research evaluating any potential harmful impacts from land application of biosolids is ongoing and the ministry will continue to use the most currently available scientific information to inform ministry policy to ensure that standards reflect up-to-date science and are protective of human health and the environment.

## **7.2. Labeling and disclosure**

In response to public interest, the ministry is proposing to increase transparency around land application and labelling of organic matter by requiring additional information disclosure related to biosolids. The ministry is proposing to amend the OMRR to specify that producers of compost that is derived from biosolids (Class A or Class B) or domestic wastewater treatment plant sludge (see page 22), or that producers of BGM would be required to disclose to users that the product is derived from biosolids irrespective of the volume of compost, biosolids or BGM distributed (i.e., even if less than 5 m<sup>3</sup>).

Best practices and examples for how to address disclosure requirements will be described in updated guidance that will be developed by the ministry.

## **7.3. Best practices for land application**

Best management practices (BMPs) for land application can be implemented to minimize odors and protect human health and the environment. Examples of BMPs include:

- applying biosolids at agronomic loading rates;
- incorporating managed organic matter into the soil;
- limiting soil pH;
- restricting public access and other site restrictions;
- using setbacks; and,
- covering transport vehicles with covers both before and after delivery of biosolids.

The ministry intends to amend the OMRR to include BMPs that are currently in guidance, so that they are clarified in the regulation. The ministry proposes to increase clarity around agronomic requirements and land application through the following proposed amendments:

- Define “agronomic rate” and requirements based on nitrogen and in alignment with the proposed changes to the [Agricultural Waste Control Regulation](#)<sup>37</sup>;
- Specify agronomic requirements that would be specific to land applications made in support of plant growth for agricultural operations, or for forestry or silviculture operations;
- Clarify that application rates of managed or retail grade organic matter would not be allowed to exceed agronomic requirements (based on nitrogen), regardless of whether the application is intended as a soil conditioner or fertilizer, unless warranted for specific site activities such as reclamation application; and,
- Confirm that applications of managed and retail grade organic matter are intended for land application to support plant growth or for forestry and silviculture operations and would not be used as fill material.

The ministry is proposing to amend the OMRR so that composting facilities located on agricultural land reserve and applying Class A compost on their own land (within the property boundary for the composting facility) would be required to:

- Ensure the land application is occurring in an agronomically sound manner;
- Maintain records of land application rates;
- Provide an annual report (to be prepared by a qualified professional) which includes information about the land application use, and application rates and dates; and,
- Provide any other information requested by a director.

It is also proposed that the regulation would make it clear that land application must not allow a contaminated site to be created.

At present, the OMRR includes setback requirements for the land application of Class B biosolids and Class B compost; however, there are no setback requirements specified for Class A biosolids. Note that existing setbacks applicable to Class B biosolids and Class B compost are primarily in place to address the higher fecal coliform levels found in these materials.

The ministry has heard from stakeholders that there is a need for setbacks for Class A biosolids to mitigate odour concerns at properties adjacent to or neighbouring land application sites, and to address potential contamination concerns of water courses or drinking water sources.

The ministry is proposing to add minimum setback requirements to address potential nutrient impacts as well as to address the risk of odour, as follows:

- Add a setback requirement of 15 m from watercourses and drinking water sources for Class A biosolids; and
- All managed organic matter land applied on agricultural land would remain subject to a minimum setback of 30 metres from a potable water source or irrigation well, and 30 metres from a watercourse.

<sup>37</sup> <https://www2.gov.bc.ca/gov/content/environment/waste-management/industrial-waste/agriculture>

Note that as per the proposed changes to the Agricultural Waste Control Regulation (AWCR) (see Section 9.3), on agricultural operations, all materials produced and used in accordance with OMRR, would also be subject to additional setbacks. Proposed changes to the AWCR include setbacks for all nutrient sources including Class A compost and BGM. The new regulation will require a three metre setback from watercourses and 30 metre setback from drinking water sources. The Ministry will clearly outline this in supporting guidance for both regulations.

The setbacks contained within the OMRR are intended to be considered minimum standards, and qualified professionals preparing land application plans should ensure appropriate buffers are in place to ensure protection of human health and the environment.

Another measure to increase protection of human health and the environment is the use of waiting periods to allow additional time for further degradation of materials. At present, the OMRR specifies waiting periods for Class B biosolids and Class B compost; however, there is no waiting period specified for Class A biosolids.

The ministry intends to amend the OMRR in relation to waiting periods after land application as follows:

- Specify a 30 day waiting period for Class A biosolids prior to domestic animal grazing; and
- Waiting periods for growing and harvesting of food crops and plant material for human consumption that replicate current waiting periods for Class B biosolids and Class B compost, as specified in Schedule 8, Section 1 of the OMRR.

With regard to current OMRR requirements for storage of managed organic matter, the ministry is proposing to clarify the definitions of run-off and leachate in the regulation, and to extend storage requirements to apply to retail grade organic matter in addition to managed organic matter. Best practices around storage will be described in updated guidance.

To align with proposed field storage requirements outlined for the Agricultural Waste Control Regulation, the Ministry intends to add a prohibition in the OMRR against storing managed organic matter and Class A compost directly on coarse soils (e.g., coarse sands, loamy sands) over vulnerable aquifers. The ministry will clearly outline this in supporting guidance and maps. The proposed changes are intended to reduce the risks associated with the downward migration of nutrients from storage piles into groundwater.

#### **7.4. Compliance**

At present, as per Section 5 of the OMRR, application of managed organic matter to land is subject to implementation of a land application plan prepared and signed by a qualified professional; and, the OMRR requires a discharger to obtain written certification from a qualified professional that the land application was done in accordance with the land application plan, for each site and occurrence that managed organic matter is land applied. While the OMRR requires confirmation that the land application plan was followed, at present the OMRR does not require dischargers to certify whether land application is occurring in compliance with the OMRR.

As land application plans identify criteria to protect human health and the environment, the ministry intends to revise the regulation to require that proponents be in compliance with their land application plans. The ministry also intends to amend the OMRR to require the following:

- Specify that a land application plan include a contingency plan<sup>38</sup>; and,
- In the event that sampling and monitoring results suggest non-compliance with Schedule 10.1 of the OMRR, or as indicated by the director, the discharger must notify the director and take remedial action.

As indicated in Section 1, land application plans would be required to be prepared for land application of managed organic matter.

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<sup>38</sup> For example, to address issues such as: exceedance of pathogen limits; or exceedance of agronomic rates or metal limits.

To verify whether land application is safeguarding human health and the environment, the ministry intends to update the existing requirements for written certification as follows:

- The discharger would obtain a **Land Application Plan (LAP) Certification** for each site and for each occurrence of land application;
- The LAP Certification would be completed by a qualified professional and must include details of the application as well as a description of the confirmatory sampling program;
- Confirmatory sampling would involve sampling for fecal coliform densities as follows: two samples shall be taken during the two-month period prior to the land application date. At least one of them shall be taken during the one-month period before the land application date;
- The LAP Certification would indicate whether the occurrence of land application is in regulatory compliance; and,
- The LAP Certification would be submitted to the ministry (and medical health officer or Provincial Agricultural Land Commission where required) within 30 days of completion of land application, or once per calendar year, whichever occurs first.

The ministry will be developing guidance that describes requirements for what to include in the LAP Certification.

As stated in Section 1, the ministry intends to amend the OMRR to require that all information submitted to the ministry be kept up to date and the ministry notified of any change within 30 days of the change; and, this provision would apply to land application plans.

### **7.5. Mine site reclamations and landfill closures**

Organic matter can be used to reclaim areas which have been disturbed through mining or other industrial activities, including for the purposes of improving soil quality. Currently under the OMRR, land application and distribution of managed organic matter may only occur at those sites meeting specified soil quality standards. In certain circumstances, as in the case of specific mine site reclamations or landfill closures, it may be reasonable for managed organic matter to be applied and distributed to sites that may already exceed the specified soil quality standards. In these circumstances it would be reasonable to enable land application that would otherwise be prohibited.

In the Summary of Public Input and Policy Update (March 2017), the ministry stated the intent to amend the OMRR to enable the director to issue permits or approvals on a case by case basis for site-specific land application of managed organic matter to mine site reclamations, landfill closures, or other specific sites outside the scope of the OMRR that exceed soil quality standards in the OMRR and Contaminated Sites Regulation. The ministry has further advanced the intention to support reclamation at mine sites, and is now proposing to enable a registration process for mine sites, landfill closures, or other specific sites as described above (in place of the previously proposed application for a permit or approval), as follows:

- The ministry intends to amend the OMRR to enable registration of land application of managed organic matter for the purpose of reclamation at mine sites that exceed soil quality standards in the OMRR and Contaminated Sites Regulation;
- Proponents would be required to apply for registration; and,
- The land application must not exacerbate a contaminated site, and this would be required to be demonstrated by the land application plan.

This proposed policy revision to enable reclamation supports the principles of the CCME Canada-wide approach for the management of wastewater biosolids (see page 6).

The ministry is intending to maintain the current flexibility in the OMRR that enables proponents to develop site-specific soil standards using protocols approved by a director (Schedule 10.1). The protocol could factor in regional background levels where necessary.

## 8. Sampling, Monitoring and Record Keeping

At present, the OMRR contains sampling and monitoring requirements, which extend throughout the process from assessing the quality of biosolids, compost, and BGM for regulatory compliance through to assessment of the receiving environment, application rate and post-application monitoring. Additional information, sampling approaches and methodologies related to sampling and analytical requirements are described in guidance, including the [Land Application Guidelines for the Organic Matter Recycling Regulation and the Soil Amendment Code of Practice](#)<sup>39</sup>, which is a resource designed to ensure that land application of organic matter meets criteria set out in the OMRR.

A general provision that would be included in the regulation and that would apply to all relevant sampling and monitoring is:

- Sampling standards and procedures would be based on the most current manuals or guidelines posted on the ministry website, or where these manuals do not apply, would be based on standards and procedures as described in the current (2015) edition of the [British Columbia Environmental Laboratory Manual](#)<sup>40</sup>.

### 8.1. Sampling and monitoring of managed and retail grade organic matter

In addition to sampling and analysis to assess regulatory compliance, sampling information is also used to classify material and check that all requirements for a given class or product are being achieved. Classification of biosolids or compost as either Class A or B and classification of BGM are determined by results from sampling for pathogens, specified substances and foreign matter.

The ministry is proposing sampling and monitoring of the finished product (see proposed definition in Section 6.3) of biosolids, compost and BGM be based on wet weight to facilitate consistency and ease of operation. The ministry is also proposing to align the sampling methodology for Class A and Class B biosolids, and Class A and Class B compost, and BGM.

Sampling and monitoring requirements contained in the OMRR have been supported by information contained in guidance. With respect to determination of pathogen reduction, at present, the regulation specifies the number of samples and frequency for determining compliance; however, the types of samples required (composite or grab) is not explicit. The ministry is proposing to clarify the intended sampling requirements applicable to pathogen limits in finished products by describing the types of samples required directly within the regulation. Specifically:

- The OMRR will introduce sampling requirements for *Salmonella* in Class A compost, Class A biosolids, and BGM, to improve alignment with the [Canadian Food Inspection Agency \(CFIA\) T-4-120 trade memorandum](#)<sup>41</sup> and other jurisdictions.
- The regulation would state that determination of fecal coliform and *Salmonella* levels would be required for Class A compost, Class A biosolids, and BGM. The regulation would clarify and state that fecal coliform and *Salmonella* levels shall be determined from composite samples. The sampling requirement will be one composite sample comprised of 10 grab samples taken at the same time from every 500 tonnes wet weight produced (finished product) for fecal coliforms, and from every 1,500 tonnes wet weight produced (finished product) for *Salmonella*, or once per year, whichever occurs first. The required fecal coliform and *Salmonella* levels must be met in each and all the composite samples. Samples must be collected no more than two months prior to land application. Each grab sample must be representative of the profile of material.
- The regulation would clarify and state that for Class B biosolids and Class B compost, fecal coliform levels shall be determined from composite samples. The sampling requirement will be a minimum of one composite sample from

<sup>39</sup> <https://www2.gov.bc.ca/assets/gov/environment/waste-management/recycling/landappguidelines.pdf>

<sup>40</sup> <https://www2.gov.bc.ca/gov/content/environment/research-monitoring-reporting/monitoring/laboratory-standards-quality-assurance/bc-environmental-laboratory-manual>

<sup>41</sup> <http://www.inspection.gc.ca/plants/fertilizers/trade-memoranda/t-4-120/eng/1307910204607/1307910352783>

every 500 tonnes wet weight produced (finished product), or once per year, whichever comes first. Each composite sample will be comprised of 10 grab samples taken during the same sampling event. Each grab sample must be representative of the profile of the material pile. The geometric mean of the composite samples from the same sampling event may be used to determine compliance against the limits. Samples must be collected within two months prior to land application.

With respect to determination of **metal (substance) concentrations and foreign matter content** criteria in Schedule 4, Schedule 5 of the regulation specifies the frequency of sampling; however, the OMRR does not specify the number of samples, method for determining compliance, or the types of samples required, which are all currently indicated in guidance.

The ministry is proposing to amend Schedule 5 of the OMRR to specify the type of samples, number of samples and method for determining compliance based on expectations stated in guidance for substance concentrations and foreign matter content. Sampling and monitoring requirements are proposed to be included:

- The regulation would clarify and state that for all Class A compost, Class A biosolids, Class B biosolids, Class B compost and BGM, metal concentrations shall be determined from composite samples taken at the same time and frequency as the pathogen samples. The sampling requirement would be for one composite sample per 500 wet tonnes, each consisting of ten grab samples to be collected at the same time during each sampling event.
- The sampling frequency for foreign matter will be one composite sample per 500 tonnes wet weight finished product, or once per year, whichever occurs first. The existing provision enabling a director to increase the frequency of sampling based on provincial organic matter sampling guidelines is proposed to be retained.

A pre-screening requirement is proposed, to remove foreign matter (i.e., non-organic matter greater than 2 mm in any dimension), with a focus on plastics (this aligns with Schedule 12 of the OMRR, specifically that only the organic matter listed in the Schedule 12 table may be composted into Class A compost or Class B compost). It is expected that pre-screening will support the ministry's proposed intentions to support compost quality described in Section 6.3.

With respect to BGM, the following policy intention is proposed to clarify that sampling and monitoring of BGM is required.

- The regulation would clarify that sampling of biosolids growing media would be required to assess compliance with the Total Kjeldahl Nitrogen, and organic matter content requirements currently specified in the regulation in Schedule 11; and,
- The sampling requirement would be for one composite sample per 500 wet tonnes, each consisting of ten grab samples to be collected at the same time during each sampling event.

## **8.2. Sampling and monitoring at land application sites**

With regard to land application, the proposed regulatory revisions would introduce requirements for sampling and monitoring to be conducted at land application sites, which would include:

- Requirements for confirmatory sampling for each site and occurrence of land application (see Section 7.4), which involves sampling for fecal coliform densities as follows: two samples shall be taken during the two-month period prior to the land application date; and at least one of them shall be taken during the one-month period before the land application date.

In addition, the ministry is proposing to enable a director to request that post-application sampling be conducted to support information contained within the LAP Certification (see Section 7.4). Post-application sampling and analysis may include the following:

- maximum substance concentrations and soil quality parameters (pH and EC).

The regulation would specify existing soil sampling methodology in guidelines, and details would be included in guidance.

In the March 2017 Summary of Public Input and Policy Update, the ministry indicated interest in the option of requiring wastewater treatment plants to perform periodic testing of biosolids for select substances, and proposed to work with local governments to develop a sampling protocol. To reflect input from public consultation and to support information collection around **CECs** (see Section 7.1), the ministry is proposing to enable a director, on a case-by-case basis, to request sampling of Class A biosolids or Class B biosolids for detection and quantification of CECs in biosolids that are to be land applied, and on a case-by-case basis, to request sampling of the soils in the receiving environment.

As indicated in Section 7.1, the ministry is not proposing to add any quality criteria for any of these substances to the OMRR as part of this regulatory review. Sampling and analysis is proposed for: dioxins/furans, phthalates, polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls, phenols, polybrominated diphenyl ethers, and select pharmaceuticals and personal care products **in Class A biosolids and Class B biosolids intended to be land applied, and in the receiving environment.**

The details of the sampling and monitoring would be specified by a director. The results will be used for monitoring and tracking purposes. It is anticipated that sampling results may also be used to inform future policy development.

### 8.3. Record keeping

The ministry is proposing to change the current record keeping requirement in the OMRR. In the 2016 intentions paper, the ministry had proposed to change the requirement from three to ten years; however, based on consultation feedback that was received, the ministry is now proposing an updated record keeping requirement of seven years.

The ministry is intending to require that all plans, reports and specifications required under the OMRR, and any additional information requested by a director, be posted online, in alignment with the Province's initiatives to increase transparency. Proponents currently have the ability to identify information they believe is confidential, and can provide a rationale, in writing, regarding why the information should not be disclosed under the FOIPPA.

## 9. Updates to Technical Standards

### 9.1. Consistency of schedules with other national and provincial standards and regulations

The OMRR contains a number of schedules that set out technical standards and requirements for recycling organic matter. These include: pathogen reduction processes; vector attraction reduction; pathogen reduction limits; quality criteria; and sampling and analysis protocols and frequency (Schedules 1 to 5). Schedule 10.1 also sets out soil standards for identified metals.

### Biosolids Quality

Human sewage and other wastewater sources contain many substances that enter municipal wastewater collection systems. Source control initiatives can manage the quality of influent sewage, including the amounts of substances of concern entering a wastewater treatment plant.

Reduction or the potential elimination of the input of substances and CECs into the wastewater stream may reduce or eliminate their presence in wastewater residuals.

Potential contaminants of concern in biosolids can be regulated or managed through source control bylaws established by local governments to support the production of higher quality wastewater residuals. Source control bylaws and waste management planning are existing tools that local governments may use to manage biosolids quality.

The proposed amendments to the OMRR will improve alignment between technical standards in the OMRR and current national standards (such as the Canadian Council of Ministers of the Environment (CCME) Guidelines for Compost Quality), federal regulations (such as the federal *Fertilizer Act* and Regulations), and trade memoranda. It is proposed that the revised OMRR may refer to other regulations, codes, standards and rules set by other jurisdictions by reference rather than by repeating those in the OMRR. These standards and regulations reflect current science and technologies, including those for composting and compost.

The ministry intends to update the OMRR (including Schedules) to improve consistency and currency with CCME standards, including:

- Adding maximum limits that (must be ‘non-detect’ at a detection level of less than 3 MPN per 4 grams of total solids dry weight basis) for *Salmonella* (as already required by the Canadian Food Inspection Agency T-4-120 trade memoranda for the regulation of compost) into Schedule 3 for Class A compost intended for sale or otherwise;
- Deleting references to the carbon to nitrogen ratio for composting and replacing with respiration as a measure of compost maturity to align with CCME compost maturity criteria;
- Considering options for extending curing time requirements for compost or a requirement to demonstrate maturity if less than a 14 day period; and,
- Replacing the requirements in Schedule 2, that compost must not re-heat upon standing to greater than 20 degrees Celsius above ambient temperature with the requirement that the temperature rise of the compost above ambient temperature is less than 8 degrees Celsius, to align with CCME compost maturity criteria.

The ministry is not intending to amend the regulation to require specific methods to measure respiration or curing time, but would enable flexibility in the regulation and the ability to choose methods. As indicated in Section 6.3, it is proposed that a director would have the ability to specify a method for respiration and specify an adequate curing time, as needed.

The following proposed update to the OMRR will improve consistency and alignment with standards adopted by provincial BC Society of Landscape Architects and the BC Landscape and Nursery Trades Association:

- Replace the specified Total Kjeldahl Nitrogen in biosolids growing media which is currently indicated as must be less than 0.6 percent by weight, with the requirement that it must be less than 1.0 percent by weight.
- Replace the specified organic matter content of BGM which is currently indicated as 15 percent dry weight in Schedule 11, with the requirement that organic matter content must not exceed 20 percent dry weight (consistent with the BC Landscape Standard).

Where necessary, the OMRR will include references to other regulations or standards to support harmonization, and the Ministry will be updating guidance to ensure clarity.

## 9.2. Consistency with the Contaminated Sites Regulation

The proposed revisions to the OMRR will consider all provincial legislation, including the [Contaminated Sites Regulation](#)<sup>42</sup> (CSR), which is made under the *Environmental Management Act*. It is proposed that the revised OMRR may refer to other regulations, including the CSR, by reference rather than by repeating those regulations in the OMRR.

Specific references to the CSR will be made in Section 4 (Contaminated Sites) and Schedule 10.1 (Soil Substance Concentrations) in the OMRR.

As indicated in Section 7.5 of this intentions paper, the ministry is proposing to maintain the current flexibility in the OMRR that enables proponents to develop site-specific soil standards using protocols approved by the director. The ministry is also proposing to enable the director to issue permits or approvals on a case by case basis for site-specific land application of managed organic matter for landfill closures, or other specific sites outside the scope of the OMRR that exceed soil quality standards in the OMRR and CSR. The ministry intends to amend the OMRR to enable registration

<sup>42</sup> [http://www.bclaws.ca/Recon/document/ID/freeside/375\\_96\\_00](http://www.bclaws.ca/Recon/document/ID/freeside/375_96_00)

of land application of managed organic matter for the purpose of reclamation at mine sites that exceed soil quality standards in the OMRR and CSR.

### 9.3. Consistency with the Agricultural Waste Control Regulation

At present the [Agricultural Waste Control Regulation](#) (AWCR) is under review. The ministry will work to closely align the OMRR with the AWCR to ensure consistency between regulations, particularly in relation to the land application of soil amendments (i.e., managed and retail grade organic matter) on agricultural land.

The following proposed changes to the AWCR would impact activities regulated under the OMRR:

- Material produced under the OMRR (e.g., Class A and B biosolids, Class A and B compost, BGM) and applied on the agricultural land base would have additional requirements under the proposed changes to the AWCR;
- Land applications on agricultural land would be required to account for all nutrient sources, and may not exceed agronomic application rates;
- High risk areas, including watersheds of phosphorus-impacted surface waters, recharge areas of nitrogen-sensitive aquifers, and high precipitation areas would be subject to land application restrictions. (As outlined in the proposed changes to the AWCR, there will be seasonal and weather based restrictions for land application; which will apply to materials produced and used in accordance with the OMRR);
- Setbacks would apply to land applications and storage of managed and retail grade organic matter on the agricultural land base; and
- Agricultural operations will be required to have a nutrient management plan (NMP) if they are above soil test thresholds (i.e., if they have high levels of residual nitrogen or phosphorus in the soil at the proposed land application site). If managed organic matter is land applied on that site, then a LAP will also be required. Most OMRR land application sites are not expected to have high enough residual nitrogen levels to trigger the need for an NMP.

For more information on the proposed changes to the AWCR, please visit the ministry [Agriculture Environmental Management](#)<sup>43</sup> website.

## 10. Additional Housekeeping Changes

Additional “housekeeping” changes to the OMRR proposed by the ministry include:

- Exempting composting of food waste and yard waste at **all sites** where production is **not greater than 20 m<sup>3</sup>/year**. Local governments would retain the ability to establish bylaws and zoning requirements for composting activities in order to manage any concerns regarding nuisance issues such as odour.
- Requiring that operations in all areas that receive greater than 600 mm/year of precipitation must cover compost between October 1<sup>st</sup> and April 1<sup>st</sup> of the following year. This requirement would primarily be intended to mitigate the generation of leachate in high precipitation areas of the province.
- Adopting the definitions of “**water supply system**” and “**well recharge zone**” and other consequential amendments to the *Drinking Water Protection Act*.

## DEVELOPMENT OF GUIDANCE

The OMRR is currently supported by guidelines and best management practices (BMPs). For example, the ministry has developed and posted Land Application Guidelines for the OMRR and the Soil Amendment Code of Practice, and the Compost Facility Requirements Guideline.

These practices and procedures are based on existing BMPs developed by the industry and/or developed jointly with government. Guidelines or BMPs do not have the force of law and may be viewed as assistance to persons governed by a

<sup>43</sup> <https://www2.gov.bc.ca/gov/content/environment/waste-management/industrial-waste/agriculture>

regulation in meeting their legal obligations. Guidelines and BMPs also support staff, including medical health officers, ministry compliance staff and ministry authorization staff.

In keeping with the ministry's approach towards continuous improvement, the ministry will be updating policies and best practices guidance to ensure they are in keeping with proposed revisions to the regulation. For example, updated guidance documents will:

- Describe registration and information submission requirements for registration;
- Describe requirements for the **facility environmental management plan** required for composting and BGM facilities;
- Describe the odour modelling process, including odour generating areas, mitigative strategies, optimal composting process parameters to minimize odours, emission control technologies, and plans for tracking and addressing odour complaints;
- Describe BAT for composting facilities in anticipation of the requirement for all composting facilities to compost in-vessel or contain facilities and operations within enclosed structures, including information such as facility enclosure for receiving, processing and storage operations, and covering of compost to mitigate leachate generation;
- Describe BMPs for composting food waste or biosolids in order to manage odour;
- Describe maturity testing;
- Describe how to measure carbon to nitrogen ratio to manage odour;
- Clarify regulatory harmonization requirements with other provincial legislation, federal legislation and provincial and national standards and guidance;
- Clarify terms such as “cannot be reasonably recycled” (with respect to paper and cardboard), “clean” (with respect to untreated and unprocessed wood), and “occurrence” (with respect to land application).
- Provide guidance on seepage or runoff to reflect changes in the regulation.

The ministry is seeking comment on the utility and effectiveness of current guidance documents and suggestions for development of further guidance.

## ASSURING COMPLIANCE

The ministry will develop a strategy for the promotion of voluntary compliance with the revised requirements of the OMRR, in cooperation with stakeholders. Compliance promotion may entail training for ministry staff, as well as information and education for regulated parties.

To enable compliance verification, the registration process will support increased public transparency and information submissions will be made available online for the public to access in order to help increase assurance and align with the Province's desire for improved public transparency. Compliance verification will also occur through the addition of contingency provisions to LAPs, as well as requirements for confirmatory sampling and submission of a LAP Certificate for each site and occurrence of land application.

The ministry is committed to using compliance verification data to guide the ongoing management of composting facilities and land application of organic matter, and to assure the goals for environmental protection are being met.

The ministry's approach to assuring compliance with the OMRR will include regular and random compliance reviews and inspections, as well as reviews and inspections in response to identified or potential issues or concerns regarding protection of human health and the environment.

The ministry response to non-compliance may include tools such as: administrative penalties, written advisories, warnings, directives, orders, tickets and prosecutions. The choice of response will be based on standard ministry-wide

policy (as outlined in the [Compliance Framework](#)<sup>44</sup> and [Compliance Policy and Procedures](#)<sup>45</sup>), the compliance history for the regulated party and the significance of the impact from the non-compliance occurrence.

## IMPLEMENTATION

After a review of consultation comments and further detailed policy development, the ministry intends to amend the regulation accordingly.

Please submit any comments to the ministry by November 8, 2018.

**Thank you for your time and comments.**

### *Additional Information Sessions*

The ministry is planning to conduct a series of webinars on the proposed revisions. The webinars will review the information contained in this intentions paper.

If you are interested in participating in a webinar, please contact the email or mailing address below.

If you have any questions or comments about the ministry's proposed revisions, please submit them by e-mail or mail to the addresses below **by November 8, 2018**.

**Email:** [env.omrr.reg.reviews@gov.bc.ca](mailto:env.omrr.reg.reviews@gov.bc.ca)

**Mail:** Ministry of Environment and Climate Change Strategy –  
OMRR Reg Review  
PO Box 9341 Stn Prov Govt  
Victoria, BC V8W 9M1

All comments received through webinars, meetings, mail or email will be compiled for review by ministry staff before final drafting of the revised regulation. The ministry intends to complete revisions to the regulation in 2019.

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<sup>44</sup> [https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-enforcement-docs/compliance\\_mgmt\\_framework.pdf](https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-enforcement-docs/compliance_mgmt_framework.pdf)

<sup>45</sup> [https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-enforcement-docs/ce\\_policy\\_and\\_procedure.pdf](https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-enforcement-docs/ce_policy_and_procedure.pdf)

## PROVIDING FEEDBACK

The ministry welcomes comments on the information and proposals outlined in this Intentions Paper. Those interested are invited to submit comments to the ministry using the comment form or by separate submission by e-mail or mail at the address listed below.

Responses received by **November 8, 2018** will be considered by the ministry in preparing the proposed revisions to the regulation.

Completed response forms or submissions may be submitted as follows:

- By using the form available at the following ministry website:  
<https://www2.gov.bc.ca/gov/content/environment/waste-management/food-and-organic-waste/regulations-guidelines>
  - And sending as an attached file to this email address: [env.omrr.reg.reviews@gov.bc.ca](mailto:env.omrr.reg.reviews@gov.bc.ca);
- Or by mail to:  
Ministry of Environment and Climate Change Strategy – OMRR Reg Review  
525 Superior Street, 3<sup>rd</sup> Floor  
PO Box 9341 Stn Prov Govt  
Victoria, BC V8W 9M1

All submissions will be treated with confidentiality by ministry staff and contractors when preparing consultation reports. Please note, however, that comments you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

If you have any questions or comments please email: [env.omrr.reg.reviews@gov.bc.ca](mailto:env.omrr.reg.reviews@gov.bc.ca).

**Thank you for your time and comments.**