



Environmental Management Act
**MUSHROOM COMPOST
FACILITIES REGULATION**
B.C. Reg. 413/98

Deposited and effective November 19, 1998
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Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 413/98 (O.C. 1421/98), deposited and effective November 19, 1998, is made under the *Environmental Management Act*, S.B.C. 2003, c. 53, s. 138.

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Environmental Management Act

MUSHROOM COMPOST FACILITIES REGULATION

B.C. Reg. 413/98

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Definitions

- 1** In this regulation:

“active aeration” means continuously

- (a) forcing air into goody water by means of a submerged pipe, and
- (b) circulating all of the goody water using mechanical agitation;

“agricultural by-products” include animal manure, used mushroom-growing substrate and agricultural vegetative debris;

“goody water”, also known as brown water, means a combination of leachate and any water, precipitation or runoff that is

- (a) collected by drainage from the mushroom compost facility, and
- (b) contained in a piping system or lagoon, or enclosed facility as described in section 3 (1) (f) of the Schedule, in the mushroom compost facility;

“leachate” means

- (a) liquid effluent originating from organic materials being received, processed, composted, cured or stored at a mushroom compost facility, or
- (b) any water, precipitation or runoff that has come into contact with, or mixed with, the liquid effluent described in paragraph (a);

“mushroom compost” means a growing medium for mushrooms produced through the biological decomposition of organic materials under controlled circumstances;

“mushroom compost facility” means a facility for the production of mushroom compost;

“nitrogen-rich materials” means manure and other sources of nitrogen;

“organic materials” means straw, hay, other vegetative materials or manure.

[am. B.C. Regs. 236/2013, s. 2; 7/2019, Sch. 3, s. 1.]

Exemption

- 2** (1) A person is exempt from section 6 (2) and (3) of the *Environmental Management Act* for the purposes of the operation of a mushroom compost facility if the person
- (a) has submitted a pollution prevention plan under section 2 of the Schedule respecting the mushroom compost facility, and
 - (b) complies with the conditions in the Schedule.

- (2) Subsection (1) does not apply
- (a) to the composting of agricultural by-products to which the Code of Practice for Agricultural Environmental Management applies, or
 - (b) to the discharge of liquid waste or solid waste to land or water.
- [am. B.C. Regs. 321/2004, s. 14; 236/2013, s. 3; 7/2019, Sch. 3, s. 2.]

SCHEDULE

[am. B.C. Regs. 321/2004, s. 15; 236/2013, ss. 3 to 10; 7/2019, Sch. 3, s. 3; 11/2021, App. 3, s. 13.]

CONDITIONS FOR EXEMPTION UNDER SECTION 2 OF THIS REGULATION

Discharge causing pollution

- 1** Air contaminants from the mushroom compost facility must not be discharged in a manner that causes pollution.

Conditions respecting pollution prevention planning

- 2** (1) A pollution prevention plan for the mushroom compost facility must be
- (a) prepared and implemented respecting the air, site surface water and ground water, and
 - (b) reviewed and confirmed by an agrologist registered under the *Professional Governance Act* or a professional engineer whose area of professional specialty includes the preparation and implementation of these pollution prevention plans.
- (2) The pollution prevention plan referred to in subsection (1) must
- (a) take into consideration all sources of air contaminants and liquid effluent from the mushroom compost facility, and
 - (b) include all of the following:
 - (i) an operation and maintenance plan for the mushroom compost facility;
 - (ii) a monitoring and reporting program for the mushroom compost facility;
 - (iii) a requirement for active aeration.
- (3) The pollution prevention plan referred to in subsection (1) must be submitted to a director at least 45 days before it is implemented.
- (4) On review of the pollution prevention plan referred to in subsection (1) and consideration of the site specific circumstances, the director, by written notice within 45 days of receipt of the pollution prevention plan, may require changes to the pollution prevention plan that the director considers necessary to assure adequate pollution prevention and public health protection.

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Conditions respecting design and operation

- 3 (0.1) The design and construction of the mushroom compost facility must be supervised and approved by a professional engineer whose area of professional specialty includes the design and construction of these facilities.
- (1) The mushroom compost facility must be designed and constructed such that the mushroom compost facility
- (a) is on asphalt or concrete, or other similar impermeable surface, that prevents the release of leachate into the environment,
 - (b) is graded to prevent the pooling of water where agricultural by-products or mushroom compost is received, processed, cured or stored,
 - (c) is designed to prevent runoff from entering the areas where agricultural by-products or mushroom compost is received, processed, cured or stored,
 - (d) includes covered storage for organic materials, except baled straw or hay, to prevent exposure to precipitation,
 - (e) includes an enclosed building with an aerated floor, designed to ensure the mushroom compost is maintained in an aerobic condition, and with a negative pressure differential between the inside and outside of the building in which the composting process occurs with air emissions directed to collection and treatment in the manner described in paragraph (g),
 - (f) includes an enclosed facility or facilities maintained under negative pressure for all goody water with air emissions directed to collection and treatment in the manner described in paragraph (g),
 - (g) includes an air emission collection and treatment system, designed and certified by a professional engineer whose area of professional specialty includes the design of these systems, that consists of a wet scrubber and biofilter to reduce air contaminants to a concentration that will not cause pollution, and
 - (h) includes a leachate and goody water collection and treatment system, designed and certified by a professional engineer whose area of professional specialty includes the design of these systems, that incorporates screening, active aeration and storage.
- (2) The designs referred to in subsection (1) (g) and (h) must be submitted to a director at least 45 days before construction of the mushroom compost facility begins.
- (3) On review of the designs referred to in subsection (1) (g) and (h) and consideration of the site specific circumstances, the director, by written notice within 45 days of receipt of the designs, may require changes to the designs that the director considers necessary to assure adequate pollution prevention and public health protection.
- (4) The operation of the mushroom compost facility must
- (a) conduct the pre-wetting of straw or hay only

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- (i) on an aerated floor, or
 - (ii) in a dunk tank within an enclosed storage facility as described in subsection (1) (f),
 - (b) store pre-wetted straw or hay only on an aerated floor,
 - (c) move the mixture of the wetted straw or hay, other organic materials and gypsum and the nitrogen-rich material into the enclosed building described in subsection (1) (e) within the same calendar day as the day of mixing,
 - (d) perform all other stages of the composting process, after mixing the straw or hay with the nitrogen-rich material, in the enclosed building described in subsection (1) (e), and
 - (e) be conducted only as designed.
- (5) The mushroom compost facility may be designed, constructed or operated in a manner other than as set out in subsections (1) and (4) if a director states in writing that the variation is capable of providing an equal degree of treatment, public health protection and treatment reliability.

Conditions respecting reporting

- 4** (1) A letter confirming review and evaluation of the mushroom compost facility must be submitted to a director
- (a) within 3 months after the commencement of operation of the mushroom compost facility,
 - (b) within 3 months after completion of a modification to the mushroom compost facility, and
 - (c) each year as described in subsection (3).
- (2) The letter referred to in subsection (1) must be prepared by a professional engineer whose area of professional specialty includes pollution prevention and it must include the following information:
- (a) the name, address, email address, telephone number and fax number for the mushroom compost facility owner or operator;
 - (b) a description of the mushroom compost facility, including a description of the treatment works;
 - (c) the location of the mushroom compost facility;
 - (d) whether the mushroom compost facility is operating as designed;
 - (e) the design annual production capacity in cubic metres, at the actual moisture content.
- (3) Annual reports respecting the mushroom compost facility for the previous calendar year must be submitted on or before March 30 of each year and must
- (a) provide the information, including any changes since the submission of the preceding report, required in subsection (2),

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- (b) state the actual cubic metre production of the mushroom compost facility during the preceding calendar year, and
- (c) describe any changes to the designs described in section 3 (1) (g) and (h) of this Schedule since the submission of the preceding report.

Posting of security

- 5** (1) A security deposit must be posted in a form acceptable to a director in an amount calculated by multiplying the design annual production capacity in cubic metres, as submitted most recently under section 4 (2) (e) of this Schedule at the actual moisture content, by 75 cents per cubic metre.
- (2) If a director advises the owner or operator of the mushroom compost facility in writing that the mushroom compost facility, or its operation, is not in compliance with this regulation and the owner or operator does not within 30 days of receipt of this notice provide the director with a remedial plan that the director considers adequate to remedy the non-compliance, the director may use all or part of the security deposit posted under subsection (1)
- (a) to engage a consultant to advise the director of the measures that would most effectively and efficiently end the non-compliance in the most cost efficient manner,
 - (b) to engage, after considering the advice received under paragraph (a), a contractor to carry out the measures the director considers most appropriate to end the non-compliance, and
 - (c) to monitor the mushroom compost facility to ascertain whether the measures carried out under paragraph (b) have remedied the non-compliance.
- (3) The security deposit posted under subsection (1) must be replenished for the amount expended by the director under subsection (2) within 30 days of receipt by the owner or operator of the mushroom compost facility of written notice of the amount expended.
- 6** Repealed. [B.C. Reg. 413/98, s. 6 (2).]