

B.C. Reg. 413/98  
O.C. 1421/98 Deposited November 19, 1998

Environmental Management Act

**MUSHROOM COMPOSTING  
POLLUTION PREVENTION REGULATION**  
[includes amendments up to B.C. Reg. 321/2004]

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Definitions

1 In this regulation:

"air contaminant" means a substance that is emitted into the air and that

- (a) injures or is capable of injuring the health or safety of a person,
- (b) injures or is capable of injuring property or a life form,
- (c) interferes or is capable of interfering with visibility,
- (d) interferes or is capable of interfering with the normal conduct of business,
- (e) causes or is capable of causing material physical discomfort to a person, or
- (f) damages or is capable of damaging the environment;

"agricultural waste" includes animal manure, used mushroom medium and agricultural vegetation waste;

"leachate" means liquid effluent including any water, precipitation or runoff that has come in contact with materials being received, processed, composted or stored, or which mixes with contaminated water generated from the composting process or liquid which originates from agricultural waste or the composting process;

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

"mushroom composting 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;

"pollution" means the presence in the environment of substances or contaminants that substantially alter or impair the usefulness of the environment.

#### 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 composting facility if the person

(a) has submitted a pollution prevention plan under section 2 of the Schedule respecting the mushroom composting facility, and

(b) complies with the conditions in the Schedule.

(2) Subsection (1) does not apply

(a) to the composting of agricultural waste to which B.C. Reg. 131/92, the Agricultural Waste Control Regulation, applies, or

(b) to the discharge of liquid waste or solid waste to land or water.

[am. B.C. Reg. 321/2004, s. 14.]

#### Schedule

[am. B.C. Reg. 321/2004, s. 15.]

#### Conditions for Exemption under Section 2 of this Regulation

##### Discharge causing pollution

1 Air contaminants from the mushroom composting 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 composting facility must be

(a) prepared and implemented respecting the air, site surface water and ground water, and

(b) reviewed and confirmed by a professional engineer or agrologist registered to practice in British Columbia 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 take into consideration all sources of air contaminants and effluent from the mushroom composting facility and include an operation and maintenance plan and a monitoring and reporting program for the mushroom composting facility.

(3) The pollution prevention plan referred to in subsection (1) must be submitted to a director at least 30 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 30 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.

#### Conditions respecting Design and Operation

3 (1) The mushroom composting facility must be designed and constructed such that the mushroom composting 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 waste or mushroom compost is received, processed or stored,

(c) is designed to prevent run-off water from entering the areas where agricultural waste or mushroom compost is received, processed 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 nitrogen rich leachate with air emissions directed to collection and treatment in the manner described in paragraph (g), and

(g) includes an air emission collection and treatment system, designed and certified by a professional engineer registered to practice in British Columbia whose area of professional specialty includes the design of these systems, which consists of a wet scrubber and biofilter to reduce air contaminants to a concentration that will not cause pollution.

(2) The design referred to in subsection (1) (g) must be submitted to a director at least 30 days before construction of the mushroom composting facility begins.

(3) On review of the design referred to in subsection (1) (g) and consideration of the site specific circumstances, the director, by written notice within 30 days of receipt of the design, may require changes to the design that the director considers necessary to assure adequate pollution prevention and public health protection.

(4) The operation of the mushroom composting facility must

(a) only conduct the pre-wetting of straw or hay

(i) on an aerated floor, or

(ii) in a dunk tank within an enclosed storage facility as described in subsection (1) (f),

(b) only store pre-wetted straw or hay 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) only be conducted as designed.

(5) The mushroom composting 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 composting facility must be submitted to a director

(a) within 3 months after the commencement of operation of the mushroom composting facility,

(b) within 3 months after completion of an upgrade to the mushroom composting 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 registered to practice in British Columbia whose area of professional specialty includes pollution prevention and it must include the following information:

(a) the name, address, telephone number and fax number for the mushroom composting facility owner or operator;

(b) a description of the mushroom composting facility, including a description of the treatment works;

(c) the location of the mushroom composting facility;

(d) whether the mushroom composting 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 composting 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),

(b) state the actual cubic metre production of the mushroom composting facility during the preceding calendar year, and

(c) describe any changes to the design plan described in section 2 (1) (g) 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 composting facility in writing that the mushroom composting 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 composting 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 composting facility of written notice of the amount expended.