

B.C. Reg. 131/92  
O.C. 557/92 Deposited April 9, 1992

Environmental Management Act, Health Act

**Agricultural Waste Control Regulation**

[includes amendments up to B.C. Reg. 377/2008, December 9, 2008]

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Code of Agricultural Practice for Waste Management, April 1, 1992

Interpretation

1 In this regulation:

"agricultural operation" means any agricultural operation or activity carried out on a farm including

(a) an operation or activity devoted to the production or keeping of livestock, poultry, farmed game, fur bearing animals, crops, grain, vegetables, milk, eggs, honey, mushrooms, horticultural products, tree fruits, berries, and

(b) the operation of machinery and equipment for agricultural waste management or application of fertilizers and soil conditioners;

"Code" means the Code of Agricultural Practice for Waste Management April 1, 1992 attached to this regulation.

Exemptions

2 (1) Subject to subsections (2) and (3), a person who carries out an agricultural operation in accordance with the Code is, for the purposes of carrying out that agricultural operation, exempt from section 6 (2) and (3) of the Environmental Management Act.

(2) A person who, on the date this subsection came into force, was carrying out an agricultural operation in which a boiler or heater was used is, for the purposes of carrying out that agricultural operation, exempt from section 6 (2) and (3) of the Environmental Management Act only if, in addition to complying with the Code, that person registers in accordance with subsection (4) before May 1, 2009.

(3) A person, other than one referred to in subsection (2), who carries out an agricultural operation in which a boiler or heater is used is, for the purposes of carrying out that agricultural operation, exempt from section 6 (2) and (3) of the Environmental Management Act only if, in addition to complying with the Code, that person has registered in accordance with subsection (4) before the boiler or heater is used.

(4) To register for the purposes of subsection (2) or (3), the person carrying out the agricultural operation must complete the form and comply with the procedures specified by a director.

(5) A person registered under subsection (4) must notify a director of any change in the information provided in the person's registration.

[am. B.C. Regs. 321/2004, s. 1; 377/2008, Sch. s. 1.]

**Code of Agricultural Practice for Waste Management,**

April 1, 1992

[am. B.C. Regs. 321/2004, s. 2; 377/2008, Sch. ss. 2 and 3.]

## Part 1 — Purpose

### Purpose

1 The purpose of this Code is to describe practices for using, storing and managing agricultural waste that will result in agricultural waste being handled in an environmentally sound manner.

## Part 2 — Interpretation

### Interpretation

2 (1) In this Code:

"agricultural unit" means a live weight of 455 kg (1 000 lbs) of livestock, poultry or farmed game or any combination of them that equals 455 kg;

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

"biogas" means a gas derived from the anaerobic decomposition of organic matter;

"biomass" means

(a) agricultural fuel products, including agricultural pellets, manure pellets, corn kernels, corn stalks and seed hulls, or

(b) wood or wood products,

but does not include

(c) any raw manure,

(d) any paper or paper product,

(e) any wood or wood product that has been treated with glue, paint or preservative or that contains a foreign substance harmful to humans, animals or plants when combusted, or

(f) any salt-laden wood or wood product with a chloride content exceeding 0.05% on a dry basis;

"capacity", in relation to a boiler or heater, means the maximum rate of energy output from the boiler or heater measured in megawatts of thermal energy;

"confined livestock area" means an outdoor, non-grazing area where livestock, poultry or farmed game is confined by fences, other structures or topography including feedlots, paddocks, corrals, exercise yards and holding areas, but not including a seasonal feeding area;

"farmed game" means any animal held under the authority of a licence under the Game Farm Act;

"feedlot" means a fenced area where livestock, poultry or farmed game is confined solely for the purpose of growing or finishing and is sustained by means other than grazing;

"field storage" means a temporary stock of agricultural waste ready to be drawn upon for use as a crop fertilizer or soil conditioner;

"grazing area" means a pasture or rangeland where livestock, poultry or farmed game is primarily sustained by direct consumption of feed growing on the area;

"groundwater" means water below the surface of the ground;

"heating season" means a period beginning on October 1 in one year and ending on April 30 in the next year;

"landfill gas" means a mixture of gases generated by the decomposition of municipal solid waste;

"low-sulphur fuel" means

(a) No. 2 heating oil, or

(b) diesel fuel for use in Canada in on-road vehicles;

"manufactured wood fuel" means wood pellets and wood pucks;

"mortalities" means livestock, poultry or farmed game that has died and that is unmarketable;

"municipal solid waste" has the same meaning as in Part 3 of the Environmental Management Act;

"mushroom medium" means a mixture that is composted and used as a medium for growing mushrooms;

"particulate matter" means total filterable particulate matter;

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

"precipitation" means precipitation as determined by the Canadian Atmospheric Environmental Service Reports of Environment Canada;

"seasonal feeding area" means an area

(a) used for forage or other crop production, and

(b) used seasonally for feeding livestock, poultry or farmed game that is primarily sustained by supplemental feed,

but does not include a confined livestock area or grazing area;

"soilless medium" means a material that is manufactured for the growing of plants and may contain natural soils;

"solid agricultural waste" means agricultural waste that

(a) is 20% or more solid matter, and

(b) will not flow when piled;

"storage facility" includes a structure, reservoir, lagoon, cistern, gutter, tank or bermed area for containing agricultural waste prior to its use or disposal, but does not include a vehicle or any mobile equipment used for transportation or disposal of agricultural waste;

"watercourse" means a place that perennially or intermittently contains surface water, including a lake, river, creek, canal, spring, ravine, swamp, salt water marsh or bog, and including a drainage ditch leading into any of the foregoing;

"wood product" includes manufactured wood fuel, hog fuel, mill ends, wood chips, bark, shavings, sawdust and firewood;

"wood waste" includes hog fuel, mill ends, wood chips, bark and sawdust, but does not include demolition waste, construction waste, tree stumps, branches, logs or log ends.

(2) Repealed. [B.C. Reg. 321/2004, s. 2 (b).]

### Part 3 — General

#### General

3 Agricultural wastes, wood waste and mortalities must be collected, stored, handled, used and disposed of in accordance with this Code and in a manner that prevents pollution.

### Part 4 — Storage and Use of Agricultural Waste

#### Allowable storage

4 Agricultural waste may be stored on a farm only if the waste is produced or used on that farm.

#### Storage methods

5 When agricultural waste is stored, it must be stored

- (a) in a storage facility,
- (b) as field storage, or
- (c) in the case of waste from fur bearing animals, under their outdoor pens.

#### Storage facility

6 A storage facility must

- (a) be of sufficient capacity to store all the agricultural waste produced or used on the farm for the period of time needed to allow for
  - (i) the application of agricultural waste as a fertilizer or soil conditioner, or
  - (ii) the removal of agricultural waste,
- (b) prevent the escape of any agricultural waste that causes pollution, and
- (c) be maintained in a manner to prevent pollution.

#### Location of storage facility

7 (1) A storage facility must be located at least 15 m from any watercourse and 30 m from any source of water for domestic purposes.

(2) Subsection (1) does not apply to a storage facility existing prior to April 1, 1992 provided that a report

- (a) demonstrating to the satisfaction of a director that no pollution of any watercourse or domestic water supply is occurring from the storage facility, and

(b) produced by

(i) a person with professional qualifications in the field of environmental assessment and licensed to practice in British Columbia, or

(ii) staff of the ministry of the minister charged with the administration of the Farm Practices Protection (Right to Farm) Act under a Best Agricultural Waste Management Plan

is made available to the director within 12 months of his or her request.

#### Field storage

8 (1) Solid agricultural waste may be stored on a field for 2 weeks or less if the agricultural waste is

(a) used within 2 weeks, and

(b) stored in a manner that prevents the escape of agricultural waste that causes pollution.

(2) Solid agricultural waste may be stored on a field for more than 2 weeks if the agricultural waste is

(a) stored for no longer than 9 months,

(b) located at least 30 m from any watercourse or any source of water used for domestic purposes, and

(c) stored in a manner that prevents the escape of agricultural waste that causes pollution.

(3) Berms or other works must be constructed around a field storage area if this is necessary to prevent the escape of agricultural waste that causes pollution.

#### Rainy season field storage

9 In areas of the Province, including the Fraser Valley and Vancouver Island, that receive a total average precipitation greater than 600 mm (24 in) during the months of October to April inclusive, field stored solid agricultural wastes, except agricultural vegetation waste, must be covered from October 1 to April 1 inclusive to prevent the escape of agricultural waste that causes pollution.

#### Under pen storage

10 (1) Agricultural waste from fur bearing animals may be stored under their outdoor pens for up to 9 months if the storage area under the pens

(a) prevents the escape of any agricultural wastes that causes pollution, and

(b) is located at least 15 m from a watercourse and 30 m from any source of water used for domestic purposes.

(2) Subsection (1) (b) does not apply to a pen constructed prior to April 1, 1992 provided that a report

(a) demonstrating to the satisfaction of a director that no pollution of any watercourse or domestic water supply is occurring from the under pen storage facility, and

(b) produced by

(i) a person with professional qualifications in the field of environmental assessment and licensed to practice in British Columbia, or

(ii) staff of the ministry of the minister charged with the administration of the Farm Practices Protection (Right to Farm) Act under a Best Agricultural Waste Management Plan

is made available to the director within 12 months of his or her request.

## Part 5 — Application and Composting of Agricultural Waste

### Discharge to water

11 Agricultural waste must not be directly discharged into a watercourse or groundwater.

### Allowable application

12 Agricultural waste must be applied to land only as a fertilizer or a soil conditioner.

### Prohibited application

13 Agricultural waste must not be applied to the land if, due to meteorological, topographical or soil conditions or the rate of application, runoff or the escape of agricultural waste causes pollution of a watercourse or groundwater.

### Conditions unfavorable to application

14 Agricultural wastes must not be applied

- (a) on frozen land,
- (b) in diverting winds,
- (c) on areas having standing water,
- (d) on saturated soils, or
- (e) at rates of application that exceed the amount required for crop growth,

if runoff or escape of agricultural waste causes pollution of a watercourse or groundwater, or goes beyond the farm boundary.

### Composting

15 Agricultural waste may be composted on a farm if

- (a) the agricultural waste being composted consists only of agricultural waste
  - (i) produced on that farm, or
  - (ii) produced elsewhere but being composted for use on that farm only,
- (b) the composting site is located at least 15 m from a watercourse and 30 m from any source of water used for domestic purposes, and
- (c) the agricultural waste is composted in a manner that does not cause pollution.

### Composting for mushroom medium

16 (1) Composting agricultural waste for the production of mushroom medium on a farm is allowed if

- (a) the mushroom medium produced is used only on that farm,
- (b) the composting site is located at least 15 m from a watercourse and 30 m from any source of water used for domestic purposes, and

(c) the medium is composted in a manner that does not cause pollution.

(2) Subsection (1) (a) and (b) does not apply to a composting operation and site existing prior to April 1, 1992 provided that a report

(a) demonstrating to the satisfaction of a director that no pollution of any watercourse or domestic water supply is occurring from the composting operation and site, and

(b) produced by

(i) a person with professional qualifications in the field of environmental assessment and licensed to practice in British Columbia, or

(ii) staff of the ministry of the minister charged with the administration of the Farm Practices Protection (Right to Farm) Act under a Best Agricultural Waste Management Plan

is completed by April 1, 1993 and is made available to the director at his or her request.

## Part 6 — Agricultural Emissions

### Emissions

17 Emissions from forced air ventilation systems used on a farm must not cause pollution.

### Restrictions relating to types of boiler and heater fuel

18 Only the following fuels may be used in an agricultural operation as fuel for a boiler or heater:

(a) biomass;

(b) natural gas;

(c) propane;

(d) low-sulphur fuel;

(e) biogas;

(f) landfill gas.

### Emission standards for boilers and heaters fuelled by biomass

18.1 (1) This section applies to a boiler or heater that

(a) is fuelled by biomass, and

(b) is used in an agricultural operation.

(2) Subject to subsections (3) and (4), emissions from a boiler or heater referred to in subsection (1) that has a capacity specified in any of items 1 to 3 of column 1 of Table 1 must not exceed the following standards:

(a) effective on the date this section comes into force, the particulate matter limit and the opacity limit specified in column 2 opposite that item;

(b) effective on May 1, 2009, the particulate matter limit and the opacity limit specified in column 3 opposite that item;

(c) effective on September 1, 2010, the particulate matter limit and the opacity limit specified in column 4 opposite that item.

(3) For the purpose of subsection (2), particulate matter must be determined under standard conditions of 20° Celsius, 101.3 kPa dry gas and 8% oxygen.

(4) Subsection (2) does not apply to emissions from a boiler or heater during the 60 minutes after it is started.

(5) The person carrying out the agricultural operation must comply with any minimum stack discharge height set under subsection (6).

(6) A director may set a minimum stack discharge height for a boiler or heater referred to in subsection (1).

Table 1 – Emissions from Boilers and Heaters Fuelled by Biomass

Item	Column 1 Capacity of Boiler or Heater (effective on the date section 18.1 came into force)	Column 2 Emission Standards (effective May 1, 2009)	Column 3 Emission Standards (effective September 1, 2010)	Column 4 Particulate Matter Limit Opacity Limit
1	Exceeding 3 MW	180 mg/m <sup>3</sup> 20%	120 mg/m <sup>3</sup> 20%	35 mg/m <sup>3</sup> 10%
2	Exceeding 1 MW but not exceeding 3 MW	180 mg/m <sup>3</sup> 20%	120 mg/m <sup>3</sup> 20%	50 mg/m <sup>3</sup> 10%
3	Not exceeding 1 MW	180 mg/m <sup>3</sup> 20%	120 mg/m <sup>3</sup> 20%	120 mg/m <sup>3</sup> 20%

Testing of certain boilers and heaters fuelled by biomass

18.2 (1) This section applies to a boiler or heater that

(a) is fuelled by biomass,

(b) is used in an agricultural operation, and

(c) has a capacity exceeding one megawatt.

(2) For the purpose of ensuring compliance with section 18.1, the person carrying out the agricultural operation must have emissions from a boiler or heater referred to in subsection (1) tested in accordance with this section.

(3) Emissions from the boiler or heater must be tested for particulate matter

(a) within 6 months

(i) after the installation of the boiler or heater, and

(ii) after the modification of the boiler or heater to increase its capacity by 25% or more,

(b) at the intervals specified in subsection (5) or (6), as applicable, and

(c) at any time required by a director under section 18.3.



(4) If the boiler or heater did not have a capacity exceeding one megawatt on the date of installation, emissions from the boiler or heater must be tested for particulate matter

(a) within 6 months

(i) after the modification of the boiler or heater to increase its capacity to exceeding one megawatt, and

(ii) after any further modification of the boiler or heater to increase its capacity by 25% or more,

(b) at the intervals specified in subsection (5) or (6), as applicable, and

(c) at any time required by a director under section 18.3.

(5) Subject to subsection (6), emissions from the boiler or heater must be tested for particulate matter not less than once during each heating season after September 1, 2009.

(6) If the boiler or heater has a capacity not exceeding 3 megawatts and is fuelled exclusively by manufactured wood fuel, emissions from the boiler or heater must be tested for particulate matter not less than

(a) once during the heating season beginning on October 1, 2009, and

(b) once during every second heating season after the heating season referred to in paragraph (a).

(7) Emissions from the boiler or heater must be tested under normal operating conditions and when the boiler or heater is operating at not less than 75% of its capacity and is fuelled only by biomass.

(8) All testing must be carried out using the methodology specified by a director.

(9) If the testing data indicate that emissions from the boiler or heater exceed the applicable particulate matter limit specified in Table 1, the person carrying out the agricultural operation must

(a) immediately notify the manager for the region in which the agricultural operation is carried out,

(b) take corrective action within 30 days after notifying that manager, and

(c) have emissions from the boiler or heater tested for particulate matter

(i) within 6 months after corrective action has been taken, and

(ii) not less than

(A) once in the next heating season, or

(B) if the boiler or heater has a capacity not exceeding 3 megawatts and is fuelled exclusively by manufactured wood fuel, once in the next heating season and then once in every second heating season.

Additional testing and monitoring of boilers and heaters

18.3 A director may require the person carrying out an agricultural operation to

(a) have additional testing or monitoring done in respect of emissions from a boiler or heater to which section 18.2 applies, or

(b) have any other boiler or heater used in the agricultural operation tested or monitored.

Record keeping requirements for boilers and heaters fuelled by biomass

18.4 (1) This section applies to a boiler or heater fuelled by biomass that is used in an agricultural operation.

(2) The person carrying out the agricultural operation must keep accurate records and supporting documentation in respect of

(a) all inspections and the maintenance of the boiler or heater,

(b) the type, source and quantity of fuel burned by the boiler or heater, and

(c) the results of testing or monitoring required under section 18.2 or 18.3.

Authority to require that other records be kept

18.5 A director may require the person carrying out an agricultural operation to keep any of the following:

(a) in relation to a boiler or heater that is fuelled otherwise than by biomass and is used in the agricultural operation, accurate records and supporting documentation in respect of

(i) all inspections and the maintenance of the boiler or heater,

(ii) the type, source and quantity of fuel burned by the boiler or heater, and

(iii) the results of testing or monitoring required under section 18.3 (b);

(b) in relation to any boiler or heater used in the agricultural operation, accurate records and supporting documentation that are additional to those required under paragraph (a) or section 18.4.

Retention and submission of records

18.6 A person required under section 18.4 or 18.5 to keep a record and supporting documentation must

(a) retain the record and supporting documentation for not less than 3 years after the date on which the record was made, and

(b) submit the record and supporting documentation to a director or an officer within 5 business days of being requested by the director or officer to do so.

Odours not prohibited

19 Nothing in this Code is intended to prohibit various odours from agricultural operations or activities on a farm, providing such operations or activities are carried out in accordance with this Code.

## Part 7 — Storage and Use of Wood Waste

Allowable use

20 Wood waste may only be used for

(a) plant mulch, soil conditioner, ground cover, on-farm access ways, livestock bedding and areas where livestock, poultry or farmed game are confined or exercised,

(b) berms for cranberry production, or

(c) fuel for wood fired boilers.

#### Storage

21 Wood waste stored and used on a farm must be handled so as to prevent any escape of

(a) particulate or solid matter from the wood waste into the air, or

(b) particulate or solid matter or leachate from the wood waste into any watercourse or groundwater that causes pollution.

#### Prohibited use

22 Wood waste used on the farm must not be used

(a) for landfill, and

(b) on sites within 30 m of any source of water used for domestic purposes with the exception of existing sites under use prior to April 1, 1992, provided that this use is not causing pollution.

### Part 8 — On-farm Disposal of Mortalities

#### Burial and incineration

23 (1) Mortalities may be disposed of on-farm by burial or incineration if

(a) the mortalities are livestock, poultry or farmed game disposed of on the farm where they died,

(b) the disposal does not cause pollution,

(c) where disposal is to land, the burial pits are covered, located at least 30 m from any source of water used for domestic purposes and constructed to prevent the escape of any agricultural waste that causes pollution, and

(d) where disposal is by incineration, the emissions from an incinerator do not exceed 180 mg per cubic metre of particulate matter and 20% opacity, except that

(i) for a permanent incinerator installed before April 1, 1992 and not operating under a waste management permit, emissions must not exceed 230 mg per cubic metre of particulate matter and 20% opacity, and

(ii) for a permanent incinerator installed before April 1, 1992 and operating under a waste management permit, the emission levels required by that permit apply unless those levels exceed the levels specified in (i).

#### Composting

24 Mortalities may be composted on-farm if

(a) the mortalities are composted on the farm where they died,

(b) the composting site is located at least 15 m from a watercourse and 30 m from any source of water used for domestic purposes, and

(c) the composting does not cause pollution.

### Part 9 — Feeding Areas and Access to Water

#### Grazing areas

25 Livestock, poultry or farmed game feeding within a grazing area may have access to watercourses, provided that the agricultural waste produced by that livestock, poultry or farmed game does not cause pollution.

#### Seasonal feeding areas

26 (1) A seasonal feeding area for livestock, poultry or farmed game must

- (a) be operated in a way that does not cause pollution, and
  - (b) have berms where necessary to prevent agricultural waste runoff from causing pollution.
- (2) Locations for feeding livestock, poultry or farmed game within a seasonal feeding area, including locations for movable feed bunks, must
- (a) be at least 30 m from a high tide watermark, a watercourse or the bank of a watercourse, unless written permission has been obtained from a director for a closer location, and
  - (b) be distributed throughout the area to ensure that manure from the feeding of livestock, poultry or farmed game is spread as a fertilizer or soil conditioner and that no accumulation of manure causes pollution.
- (3) Where permanent feed bunks are used within a seasonal feeding area, written permission for the location of the bunks must be obtained from a director.

#### Seasonal area access

27 Livestock, poultry or farmed game in a seasonal feeding area may have access to watercourses provided that

- (a) the feeding of livestock, poultry or farmed game is in accordance with section 26, and
- (b) the access is located and maintained as necessary to prevent pollution.

#### Confined area access

28 Livestock, poultry or farmed game in a confined livestock area may not have access to a watercourse, with the exception of a holding area on rangeland where

- (a) livestock is held no longer than 72 hours,
- (b) the watercourse is not a source of water used for domestic purposes at any location downstream from the confined livestock area, and
- (c) the access is located and maintained as necessary to prevent pollution.

#### Confined area operation

29 (1) Confined livestock areas must be operated in a way that does not cause pollution.

- (2) If there are more than 10 agricultural units in a confined livestock area or areas within the same drainage basin then the area or areas must be located at least 30 m from a high tide watermark, a watercourse, the bank of a watercourse or any source of water used for domestic purposes.
- (3) Subsection (2) does not apply to a permanent confined livestock area constructed prior to April 1, 1992 provided that a report

(a) demonstrating to the satisfaction of a director that no pollution of any watercourse or domestic water supply is occurring from the permanent confined livestock area, and

(b) produced by

(i) a person with professional qualifications in the field of environmental assessment and licensed to practice in British Columbia, or

(ii) staff of the ministry of the minister charged with the administration of the Farm Practices Protection (Right to Farm) Act under a Best Agricultural Waste Management Plan

is completed by April 1, 1993 and is made available to the director at his or her request.

#### Part 10 — Use and Storage of Agricultural Products

##### Agricultural products

30 Agricultural products such as livestock, poultry, farmed game, fur bearing animals, animal and poultry feeds, forage silage, forage crops, vegetables and chemical fertilizers must be managed, used and stored in a manner that prevents the escape of agricultural waste that causes pollution.

##### Mushroom or soilless medium

31 Raw materials for making products such as mushroom medium or soilless medium must be used and stored in a manner that prevents the escape of agricultural waste that causes pollution.

[Provisions of the Environmental Management Act, S.B.C. 2003, c. 53, relevant to the enactment of this regulation: sections 138 and 139]

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