

Proposed Changes to the Nutrient Management Regulation and Financial Assistance Program (June 22, 2005)

The June 22, 2005 revisions to the Nutrient Management Act are have simplified the regulations and have improved the financial assistance available for those large livestock farms currently subject to the regulation.

Proposed changes to Nutrient Management Regulation

Key changes being proposed to the Nutrient Management Act include:

- increasing the number of farms participating in nutrient management under the regulation by phasing-in *new and expanding livestock farms* under the provincial rules
- ensuring priority standards for the protection of streams and wells
- ensuring standards are science-based, such as requiring all farms within 100 metres of municipal wells to follow legislated land application standards
- streamlining the process for nutrient management plans and strategies for livestock farms
- simplifying regulations for farmers by allowing more flexibility in the design of their nutrient management strategy and plan
- revising priorities for construction and siting of manure storages.

Nutrient Management Financial Assistance Program

The Ontario government recognizes that Ontario producers are faced with challenging economic conditions. In order to help existing large livestock farms comply with the nutrient management regulation by the end of 2005, the government has enhanced the financial assistance available to them.

- Up to \$60,000 in provincial funding will be available for each eligible farm unit, increased from \$45,000. Up to 90 per cent government cost-sharing is available when coupled with federal funding under the Canada-Ontario Farm Stewardship Program. Maximum amounts for many eligible items will also be increased. Additional details can be found at [http://www.ontariooilcrop.org/Nutrient Mgmt Financial Assistance Program/Important Information NMFAP.pdf](http://www.ontariooilcrop.org/Nutrient_Mgmt_Financial_Assistance_Program/Important_Information_NMFAP.pdf)

Existing large livestock farms that fall under the regulation are eligible for funding. The deadline for applications will be extended to September 1, 2005. Full compliance is still required by December 31, 2005.

The attached charts provide some more detail on the proposed changes to the Nutrient Management Act. Chart 1 is a summary. Chart 2 lists some questions and answers regarding proposed changes to the Nutrient Management Act. More detailed information can be found at the Ministry of Agriculture and Food's website.

Summary of Proposed changes to the Nutrient Management Act

Chart 1

	New and expanding farms greater than 5NU but less than 300 NU	New & expanding greater than 300NU	Existing, large farms greater than 300 NU	Farms within 100 meters of Municipal well
Who will be phased in?	yes	yes	yes	Just a subcategory of all groups – will not be phased in as such
Nutrient Management Strategy needed?	Yes – must be approved	Yes – must be approved	yes– kept on farm (these farms are registered)	yes – they will be triggered by some other phased in farm and all phased in farms need strategies
Nutrient Management Plan needed?	no	yes	yes	yes
Approval of NMS needed?	yes	yes	no	yes
Registration needed?	no	no	yes	no
Meet Land Application and Setback Standards and Buffers?	no	yes	yes	yes
Meet Construction and Siting standards? Runoff control, 2 levels of protection for water resources for any new storage?	yes	yes	yes	yes
Nutrient management software required?		Any approach that includes principles of nutrient management	Any approach that includes principles of nutrient management	Any approach that includes principles of nutrient management

Questions and Answers

Chart 2

Topic	Proposed Changes to Ontario Regulation 267/03
What is a Nutrient Unit (NU)? This has not changed.	The number of animals that will produce the amount of nutrients that give the fertilizer replacement value of the lower of 43 kilograms of nitrogen or 55 kilograms of phosphate

	<table border="1"> <thead> <tr> <th>Type of Livestock</th> <th>Number to make one N</th> </tr> </thead> <tbody> <tr> <td>Beef cows (includes unweaned calf and replacements)</td> <td>1.0</td> </tr> <tr> <td>Beef shortkeepers (900-1300 lbs)</td> <td>2.0</td> </tr> <tr> <td>Beef backgrounders (575-900 lbs)</td> <td>3.0</td> </tr> <tr> <td>Beef feeders (575-1250 lbs)</td> <td>3.0</td> </tr> </tbody> </table>	Type of Livestock	Number to make one N	Beef cows (includes unweaned calf and replacements)	1.0	Beef shortkeepers (900-1300 lbs)	2.0	Beef backgrounders (575-900 lbs)	3.0	Beef feeders (575-1250 lbs)	3.0
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Who must comply with the proposed changes to the Act?	<ul style="list-style-type: none"> • New or expanding farmers greater than 5NU triggered either by need for a building permit by building a new earthen storage • Existing, large farms greater than 300 NU • Farms within 100m of a municipal well 										
Who is not regulated by the proposed changes to Nutrient Management Act?	<ul style="list-style-type: none"> • Existing livestock farms under 300 nutrient units • All < 300 NU operations accepting agricultural or non-agricultural source material 										
Who needs a nutrient management strategy?	<ul style="list-style-type: none"> • All phased in farms 										
Who needs an approved nutrient management strategy?	<ul style="list-style-type: none"> • New or expanding farmers greater than 5NU - triggered either by need for a building permit by building a new earthen storage • Farms within 100m of a municipal well 										
Who needs to just register a nutrient management strategy?	<ul style="list-style-type: none"> • Existing, large farms greater than 300 NU 										
What is included in a Nutrient Management Strategy?	<p>A completed nutrient management strategy must include:</p> <ul style="list-style-type: none"> • Farm unit information and identifier numbers • Description of the operation • Farm Unit declaration form including location, roll #, generator or not, name • Agreements • Farm unit sketch • List of prescribed materials generated -manure/nutrient information (type, analysis etc) • Analysis of nutrient content or nutrient values provided in Appendix 1 • Destinations of nutrients generated • Storage information- yearly amount, days of storage, amount remaining including storage sizing calculation • Contingency plan • Sign-off form <p>A nutrient management strategy is a 5-year document that should be reviewed by the generator annually to ensure that it is still relevant and accurate</p>										
What information is required in order to register?	<ul style="list-style-type: none"> • Contact information for the owner and/or operator of the operation • Description and location sketch of the lands contained in the farm unit • Description of the operation generating prescribed materials on the farm unit • A projection of the amount of prescribed materials generated by the operation carried out on the farm unit and those nutrients received on the farm unit each year • Description of the buildings, treatment equipment and structures used in the generation and management of the prescribed materials • Amount and receivers of prescribed materials transferred off the farm unit • Days of storage available • Indication of the presence or absence of the following features: <ul style="list-style-type: none"> • wells, • surface water • drainage tiles at the farm unit • Presence or absence of a strategy and plan prepared by a certified individual 										

Who requires a nutrient management plan?	<ul style="list-style-type: none"> • New and expanding livestock farms greater than 300 NU • Existing livestock farms greater than 300 NU • Any phased-in farms less than 100 meters from a municipal well • Livestock farms greater than 300 nutrient units who accept non-agricultural source material (biosolids)
What is included in a Nutrient Management Plan?	<ul style="list-style-type: none"> • Prescribed Materials (nutrients) Applied to Land in the Farm Unit • Analysis of Nutrient Content • Field Information - Field Properties - Field Sketch • Soil Sampling and Analysis • Cropping Practices • Nutrient Application - Nutrient Application Rates • Land Base Information
Who needs an approved nutrient management plan?	<ul style="list-style-type: none"> • All phased in farms except existing greater than 300 NU farms
What rules must existing livestock farms greater than 300 nutrient units follow?	<ul style="list-style-type: none"> • Construction and siting standards, setbacks • Registered Nutrient Management Strategy prepared by certified person (kept on the farm) • Nutrient Management Plan prepared by certified person (kept on the farm) • Priority land application & and setback standards • Construction/runoff standards • Record-keeping & and soil testing
What rules must new & expanding livestock farms less than 300 NU follow?	<ul style="list-style-type: none"> • Approved Nutrient Management Strategy prepared by certified person (kept on site) • Construction and siting standards, setbacks
What rules must new & expanding livestock farms greater than 300 NU, or any subject (phased-in) farm within 100m of municipal well follow?	<ul style="list-style-type: none"> • Construction and siting standards, setbacks • Approved Nutrient Management Strategy prepared by certified person • Nutrient Management Plan prepared by certified person • Priority land application & and setback standards • Construction/runoff standards • Record-keeping and soil testing
What nutrient management software is required?	<ul style="list-style-type: none"> • Any software/approach that includes principles of nutrient management
Who must follow land application standards?	<ul style="list-style-type: none"> • New or expanding farmers greater than 300 NU triggered either by need for a building permit or by building a new earthen storage • Existing, large farms greater than 300 NU • Farms within 100m of a municipal well
What are land application standards?	<ul style="list-style-type: none"> • Slopes There is a prohibition of liquid manure application on slopes 25% or greater within 150 metres (493 feet) of surface water. • Set-backs from wells No person shall apply nutrients to land closer than 100 metres to a municipal well. No person shall apply prescribed materials to land closer than 15 metres to a drilled well that a depth of at least 15 metres and a watertight casing to a depth of at least six metres below ground level. No person shall apply commercial fertilizer or compost to land closer than 3 metres to a water body that is not a municipal well. • Requirement for vegetated buffer zone No person shall apply nutrients to a field that contains or is adjacent to surface water unless the

	<p>is a vegetated buffer zone in the field that is adjacent to the surface water and that lies between the surface water and where the nutrients are applied.</p> <p>Subsection (1) does not apply in relation to the application of nutrients to a field that is composed of organic soil</p> <p>No person shall apply materials containing nitrogen and phosphorous to any part of the field whether or not within the vegetated buffer zone, that is within 13 metres from the top of the nearest bank of the surface water.</p> <ul style="list-style-type: none"> • Application within 13 m of surface water <p>Despite subsection (4), a person may apply commercial fertilizers or agricultural source materials within the 13 metres from the top of the nearest bank of the surface water if the application is done in accordance with this Regulation and is done,</p> <ol style="list-style-type: none"> (a) by injection or placement in a band below the soil surface; (b) so that the materials applied are incorporated within 24 hours of application; (c) to land covered with a living crop; or (d) to land with crop residue covering at least 30 per cent of the soil, as determined in accordance with the Nutrient Management Protocol. <ul style="list-style-type: none"> • Prohibitions on application of prescribed materials <p>During the period beginning on December 1 of one year and ending on March 31 of the following year winter manure spreading restrictions apply.</p> <ul style="list-style-type: none"> • High trajectory irrigation guns <p>49. (1) Despite section 40, whether or not this Regulation requires an operation to have a nutrient management plan, no person shall use a high trajectory irrigation gun capable of spraying liquid more than 10 metres to apply manure or non-agricultural source materials to land except if the material being applied is an aqueous solution or suspension containing more than 99 per cent water by weight.</p> <ul style="list-style-type: none"> • Direct flow application systems <p>50. (1) No person shall apply manure or non-agricultural source materials directly from a storage facility to land by a direct flow application system unless the system is operated in accordance with this section.</p>
Who needs to follow the Construction Practices Regulations	<ul style="list-style-type: none"> • All phased in farms
	<ul style="list-style-type: none"> • The Regulation requires that the design and construction of a new permanent nutrient storage facility or an expansion, or alteration of an existing permanent nutrient storage facility or part thereof shall be carried out by or under the supervision of a professional engineer • A site inspection needs to be carried out by an Engineer • The storage construction needs to be supervised by an Engineer • Need 2 levels of protection for water resources for any new storage and runoff must be done with • An Engineer must sign a Certificate for any new or expanding operations where the regulation requires the oversight of an engineer.
What records need to be kept?	<ul style="list-style-type: none"> • Must retain NMS and NMP (if required) on the farm, record keeping recommended • Yearly changes to a NMS or NMP must be recorded