

**ONTARIO REGULATION**  
made under the  
**NUTRIENT MANAGEMENT ACT, 2002**

**GENERAL**

**PART I**  
**PRELIMINARY**

Interpretation

**1.** (1) In this Regulation,

“accredited planner” means a person accredited in accordance with the applicable Ministry protocol to certify nutrient management plans for the purposes of this Regulation;

“applicable Ministry protocol” means a document or documents, however described, published by the Ministry for the purposes of this Regulation, being that document or those documents as amended from time to time after this Regulation is made;

“broker” means a person who obtains nutrients from a generator but who does not generate a new nutrient product from those nutrients, who,

- (a) stores the nutrients,
- (b) mixes the nutrients with others of the same or similar type, or
- (c) applies the nutrients or mixture mentioned in clause (b) to land;

“contingency plan” means a proposal in a nutrient management plan or a nutrient management strategy for dealing with,

- (a) excess nutrient, in the event that the amount of nutrient generated or received at a farm unit is greater than that otherwise provided for by the plan or strategy,

- (b) excess nutrient, in the event that the amount of nutrient requiring storage prior to use exceeds or is anticipated to exceed the storage capacity available for nutrient otherwise provided for by the plan or strategy,
- (c) unanticipated releases of nutrient from storage or during transport or application,
- (d) inability to store, apply or otherwise use nutrients as otherwise provided for by the plan or strategy, as a result of weather conditions or unavailability of equipment, or
- (e) any other contingency specified in the applicable Ministry protocol;

“controls”, in relation to a farm unit, includes manages;

“farm identifier” means the unique farm identifier assigned to a farm unit by the Ministry upon approval or certification of a nutrient management plan or strategy for the farm unit;

“farm unit” means an agricultural operation or operations as determined in accordance with the applicable Ministry protocol;

“generator” means a person who generates nutrients, including a person responsible for agricultural operations, industrial sewage works, sewage systems, or sewage works and intermediate handlers;

“intermediate handler” means a person who carries out an intermediate operation with nutrients;

“intermediate operation” means an operation carried out by a person with nutrients not generated by the person, if the nutrients are generated on a farm or to be used on a farm, and the operation results in the production of nutrient with characteristics different from those of the nutrient as received by the person, such as nutrient content, density and volume, and includes the following operations:

1. Composting.
2. Mushroom farming.
3. Anaerobic digestion.
4. Other operations specified in the applicable Ministry protocol;

“nutrient management plan” means a plan for the management of materials containing nutrients that may be applied to lands;

“nutrient management strategy” means a plan prepared by a municipality or a generator of materials prescribed by section 14 to ensure that the prescribed materials generated in the municipality or by the generator are appropriately managed, and may include one or more nutrient management plans;

“nutrient unit” has the meaning given by the applicable Ministry protocol.

(2) A word or expression used in an applicable Ministry protocol has the same meaning as in this Regulation, unless the contrary intention appears.

Farm units, categories

2. (1) In this section, a reference to a nutrient unit which a farm unit may handle is to be taken to be a reference to a nutrient unit which,

- (a) is capable of being generated at the farm unit; or
- (b) may reasonably be expected to be received at the farm unit.

(2) For the purposes of this Regulation, the categories of farm unit are as follows:

1. Category 1—a farm unit which may handle a total of no more than 30 nutrient units annually, except such a farm unit of a type specified in the appropriate Ministerial protocol.
2. Category 2—a farm unit which may handle a total of more than 30 nutrient units and not more than 150 nutrient units annually.
3. Category 3—a farm unit which may handle a total of more than 150 nutrient units and not more than 300 nutrient units annually.
4. Category 4—a farm unit which may handle a total of more than 300 nutrient units annually.

(3) On or before December 31, 2007, only the following types of nutrient units are to be counted for the purpose of determining the category of a farm unit:

1. Nutrient units relating to manure which is capable of being generated at the farm unit.

2. Nutrient units specified in the applicable Ministry protocol which the farm unit may handle.

**PART II**  
**NUTRIENT MANAGEMENT PLANS**

Purposes

3. A nutrient management plan must give effect to the following purposes:
  1. The optimization of the relationship between the land-based application of nutrients, farm management techniques and crop requirements.
  2. Land use which maximizes the efficiency of on-site nutrient use.
  3. The minimization of adverse environmental impact.

Contents

4. (1) A nutrient management plan must include the following information:
  1. A description of the operation resulting in the generation or receipt of nutrients.
  2. A contingency plan.
  3. For a farm unit, a description of the unit, as specified by the applicable Ministry protocol.
  4. For a farm unit, a site plan showing:
    - i. The location and boundaries of the unit.
    - ii. Individual field locations and boundaries.
    - iii. The location of known used and unused wells, tile inlets and outlets and water sources.
    - iv. The location of farm buildings and nutrient storage facilities.
  5. For a farm unit, field-by-field details as follows:
    - i. The landbase available for nutrients.
    - ii. Soil test details.

- iii. Crop rotation plans, yields, crop requirements and removal.
  - iv. Nutrient allocation.
  - v. Total of nutrient inputs from all defined sources.
  - vi. Sufficient information to enable a determination of whether further application limits and separation distances are warranted.
  - vii. Sufficient information to determine whether nutrient application rates, methods, timing and incorporation and separation distances comply with this Regulation and any applicable Ministry protocol.
6. Any other information required by the applicable Ministry protocol.

(2) For the purposes of subsection (1), a nutrient management plan for a farm unit may deal with the land in separate parts if the land or the agricultural operation is not of a uniform character because of the physical nature of the land, the crops to be grown on the land or any other factor stated in the applicable Ministry protocol.

(3) In particular, a nutrient management plan for a farm unit may deal with land for the purposes of subsection (1) in parts that are smaller than fields in any of the circumstances mentioned in subsection (2).

Farm units, special provisions

**5.** (1) A nutrient management plan for a farm unit on which nutrient is generated must incorporate the nutrient management strategy required by subsection 15 (1) for the management of all such nutrient in the plan itself, or by reference to other nutrient management plans or strategies.

(2) A nutrient management plan for a farm unit that provides for nutrient to be received that is generated elsewhere must provide for the management of that nutrient.

(3) Without limiting the generality of subsection (1) or (2) or section 4, a nutrient management plan for a farm unit must provide for the management of the following:

1. Manure or other nutrient received at the farm unit that is produced from farm animals elsewhere.
2. Nutrient received from an intermediate handler or broker.
3. Fertilizer received and applied at the farm unit that is generated elsewhere.

4. Any other nutrient specified in the applicable Ministry protocol.

(4) A nutrient management plan for a farm unit must account for all nutrient units which may reasonably be expected to be generated or received at the farm unit, in each year for which the plan is prepared.

Export of nutrient outside the farm unit

6. (1) This section applies if,

- (a) approval or certification is sought or required under this Regulation for a nutrient management plan for a farm unit; and
- (b) the plan is to include provision for nutrient generated at the farm unit to be exported from the farm unit for management on land elsewhere than on the farm unit.

(2) The nutrient management plan for the farm unit must include a written agreement or agreements authorizing the export of the nutrient.

(3) The agreement, or all the agreements taken together, must authorize the export of all nutrient that is to be exported while the plan is in force.

(4) An agreement for the export of nutrient must be,

- (a) between the person who owns or controls the farm unit and the person who owns or controls the land to which the nutrient is to be exported; and
- (b) in the form set out in the applicable Ministry protocol.

(5) The person who owns or controls the farm unit need not have an interest in the land to which the nutrient is to be exported.

(6) The nutrient management plan may include provision for the export of nutrient to another farm unit only if provision is made for the management of the exported nutrient at the other farm unit either in that plan or a nutrient management strategy for the same farm unit or in an approved or certified nutrient management plan or strategy for the other farm unit.

(7) Subsection (6) does not apply in relation to the management of solid nutrient if this Regulation does not require an approved or certified nutrient management plan or strategy for the other farm unit.

Nutrient management plans, incorporation of strategies and other plans

7. (1) A nutrient management plan may deal with nutrients that are also dealt with by a nutrient management strategy or another nutrient management plan.

(2) A nutrient management plan may incorporate a nutrient management strategy or another nutrient management plan only if the strategy or other plan is approved or certified under this Regulation.

(3) A nutrient management plan may incorporate a nutrient management strategy or another nutrient management plan only if,

- (a) the incorporating plan and the strategy or other plan are directly controlled by the same person; or
- (b) the strategy or other plan itself provides for being so incorporated.

(4) If a nutrient management plan incorporates a nutrient management strategy that is not independently approved or certified under this Regulation, and the incorporating plan is approved or certified under this Regulation, the strategy is deemed to be approved or certified, as the case requires, by virtue of the approval or certification of the incorporating plan, while that approval or certification remains in force.

(5) If a nutrient management plan incorporates another such plan that is not independently approved or certified under this Regulation, and the incorporating plan is approved or certified under this Regulation, the other plan is deemed to be approved or certified, as the case requires, by virtue of the approval or certification of the incorporating plan, while that approval or certification remains in force.

Farm units, standards for approval and certification

8. (1) A nutrient management plan may be approved or certified under this Regulation only if it is prepared in accordance with this Part and the standards mentioned in this section.

(2) An applicable Ministry protocol or protocols may set out any or all of the following standards for the application of nutrient to land:

1. Maximum application rates based on applicable limiting factors.
2. Separation distances from watercourses.
3. Minimum depth to groundwater or bedrock.
4. Incorporation timing.

5. Prevention of preferential flows into tiles.
6. Restriction on winter application.
7. Any other relevant standard.

#### Farm units, requirement for nutrient management plans

9. (1) A person who owns or controls a category IV or III farm unit shall ensure that there is in force for the farm unit a nutrient management plan that is approved under this Regulation, subject to subsection (5).

(2) A person who owns or controls a category II or I farm unit to which paragraph 1, 4 or 5 of subsection (5) applies shall ensure that there is in force for the farm unit a nutrient management plan that is certified under this Regulation or that, although not so certified, would be so certified if submitted for certification, subject to subsection (5).

(3) If a nutrient management plan is approved or certified under this Regulation, the person who owns or controls the farm unit shall ensure that nutrient generated or received at the farm unit is managed in accordance with the plan.

(4) A person who owns or controls a category II or I farm unit to which paragraph 1, 4 or 5 of subsection (5) applies shall ensure that nutrient generated or received at the farm unit is managed in accordance with a nutrient management plan,

- (a) that is certified under this Regulation; or
- (b) that, although not so certified, would be so certified if submitted for certification.

(5) Subsections (1) and (2) apply in relation to a farm unit after the earliest of whichever of the following dates is applicable:

1. For a new and expanding livestock farm unit, March 31, 2003, subject to subsection (6).
2. For a category IV farm unit, March 31, 2004.
3. For a category III farm unit, March 31, 2005.
4. For a category II farm unit that generates liquid manure or any other nutrient specified in the applicable Ministry protocol, March 31, 2005.

5. For a category I farm unit that generates liquid manure or any other nutrient specified in the applicable Ministry protocol, March 31, 2008.

(6) Paragraph 1 of subsection (5) does not apply to a new and expanding livestock unit if, on or before March 31, 2003, a building permit under the *Building Code Act, 1992* has been obtained for the construction on the farm unit of facilities to house farm animals or to store nutrients.

(7) In this section,

“new and expanding livestock farm unit” means a farm unit on which farm animals are grown, produced or raised that, on **[insert date of filing of this Regulation]** was,

- (a) not in operation, or was not such a farm unit; or
- (b) in a lower category of farm unit than it is on March 31, 2003 (for example, a farm unit that, on **[insert date of filing of this Regulation]** was a category I farm unit that is a category II farm unit on March 31, 2003).

Approval by Director, category IV or III farm units

**10.** (1) This section applies to a nutrient management plan for a category IV or III farm unit.

(2) The person who owns or controls the farm unit may submit a nutrient management plan for the farm unit to the Director for approval in accordance with the applicable Ministry protocol.

(3) The Director shall, taking into account considerations set out in the protocol,

- (a) approve the plan and assign a unique farm identifier to the farm unit;
- (b) request the provision of further relevant information; or
- (c) refuse to approve the plan, and request that it be revised and resubmitted in accordance with any directions in the notice.

(4) An approval remains in force for three years after it is given, unless it ceases to be in force earlier because it is required to be updated under section 11.

(5) After a nutrient management plan is approved for a farm unit, the person who owns or controls the farm unit shall submit a new nutrient management plan for the farm unit to the Director for approval under this section at least 90 days before the date that is three years after the first-mentioned approval was given.

(6) If a new nutrient management plan is submitted to the Director under subsection (5), and the Director does not approve or refuse to approve the new plan before the date that is three years after the original approval was given, the new plan, incorporating any later revision requested under subsection (3), is deemed to be approved from that date until whichever of the following dates is applicable, or the earliest of them:

1. The date the plan is actually approved by the Director.
2. The date the Director refuses to approve the plan.
3. The date an order is given under section 29 of the Act in relation to the farm unit.

Update of approved nutrient management plans

**11.** (1) This section applies if,

- (a) a nutrient management plan is approved for a farm unit;
- (b) the approved Ministry protocol requires that the plan be updated in certain circumstances; and
- (c) those circumstances exist.

(2) The person who owns or controls the farm unit shall, without undue delay, submit a new nutrient management plan to the Director for approval under section 10.

(3) The approval of the nutrient management plan mentioned in clause (1) (a) ceases to be in force when the new nutrient management plan is submitted to the Director.

(4) The new nutrient management plan, incorporating any later revision requested under subsection 10 (3), is deemed to be approved from the date it is submitted to the Director until whichever of the following dates is applicable, or the earliest of them:

1. The date the plan is actually approved by the Director.
2. The date the Director refuses to approve the plan.
3. The date an order is given under section 29 of the Act in relation to the farm unit.

Certification by accredited planner, category I or II farm units

**12.** (1) This section applies to a nutrient management plan for a category I or II farm unit.

(2) An accredited planner may certify a nutrient management plan for the farm unit if the plan is prepared in accordance with the applicable Ministry protocol.

(3) The person who owns or controls the farm unit shall report the certification to the Director in accordance with the protocol.

(4) After receiving the report of certification, the Director shall, by notice in writing to the owner or controller of the farm unit, assign a unique farm identifier to the farm unit.

(5) The certification of a nutrient management plan remains in force for three years after it is given, unless it ceases to be in force earlier because it is required to be updated under section 13.

(6) After a nutrient management plan is certified for a farm unit, the person who owns or controls the farm unit may submit a new nutrient management plan to an accredited planner for certification at least 90 days before the date that is three years after the first-mentioned certification was given.

(7) If a new nutrient management plan is submitted to an accredited planner under subsection (6), and the new plan is not certified before the date that is three years after the original certification was given, the new plan, incorporating any later revision requested by the planner, is deemed to be certified from that date until whichever of the following dates is applicable, or the earlier of them:

1. The date the plan is actually certified.
2. The date an order is given under section 29 of the Act in relation to the farm unit.

Update of certified nutrient management plans

**13.** (1) This section applies if,

- (a) a nutrient management plan is certified for a farm unit;
- (b) the approved Ministry protocol requires that the plan be updated in certain circumstances; and
- (c) those circumstances exist.

(2) The person who owns or controls the farm unit may submit a new nutrient management plan to an accredited planner for certification under section 12.

(3) The certification of the nutrient management plan mentioned in clause (1) (a) ceases to be in force when the new nutrient management plan is submitted.

(4) The new nutrient management plan, incorporating any later revision requested by the planner, is deemed to be certified from the date it is submitted until whichever of the following dates is applicable, or the earlier of them:

1. The date the plan is actually certified.
2. The date an order is given under section 29 of the Act in relation to the farm unit.

### **PART III NUTRIENT MANAGEMENT STRATEGIES**

#### Prescribed materials

**14.** The following materials are prescribed for the purposes of the definition of “nutrient management strategy” in section 2 of the Act:

1. Manure produced by farm animals, including associated bedding materials.
2. Washwaters from agricultural operations.
3. By-products of on-farm processing, including fruit and vegetable matter.
4. Leachates from on-farm feed storages.
5. Run-off from livestock yards and manure storages.
6. Greenhouse and nursery leachate.
7. Pulp and paper sludge.
8. Organic materials produced by intermediate handlers (for example, compost).
9. Biosolids (for example, sewage sludge including treated sludge from septic tanks or soil amendments).
10. Any other materials specified in an applicable Ministry protocol.

#### Requirement for nutrient management strategy

**15.** (1) A person who owns or controls a farm unit at which nutrients are generated, and for which a nutrient management plan that is approved or certified under this Regulation is required, shall incorporate into the plan a nutrient management strategy for the management of all nutrients generated or received at the farm unit.

(2) All intermediate handlers who receive nutrients from or deliver nutrients to a farm unit which is required to have a nutrient management plan shall have a nutrient management strategy for the management of all nutrients managed by the intermediate handler.

(3) If there is an approved or certified nutrient management plan in relation to all of the nutrients in relation to which a person is required to have a nutrient management strategy, the plan is deemed to be an approved nutrient management strategy for the management of those nutrients.

#### Contents

**16.** (1) A nutrient management strategy must include the following information in relation to all nutrients to be managed under the strategy:

1. The name of each generator of the nutrients, and of each person from whom the nutrients are received.
2. The farm identifier, or Ministry identification number assigned under subsection (2), for each farm unit at which the nutrients are generated, or from which they are received.
3. The location of each generating facility and each storage location mentioned in the nutrient management strategy.
4. For an agricultural operation, a description of the relevant farm unit, in accordance with the applicable Ministry protocol.
5. A list of all the nutrients (for example, manure, paper sludge and sewage biosolids), segregated into liquid and solid materials.
6. An analysis of nutrient content and quality of all nutrient.
7. A description of any other material dealt with by the nutrient management strategy, in accordance with the applicable Ministry protocol.

8. Quantities of the nutrients, determined in accordance with,
  - i. in the case of a strategy prepared for a farm unit that generates livestock manure, the applicable Ministry protocol,
  - ii. in the case of operations that have a certificate of approval under the *Environmental Protection Act* or an approval under the *Ontario Water Resources Act*, whichever of those Acts applies, and
  - iii. in the case of a strategy prepared for an intermediate handler, the applicable Ministry protocol.
9. Identifying details, including any relevant farm identifier or Ministry identification number under subsection (2), of any nutrient management plan or any other nutrient management strategy that is relevant to the management of the nutrients.
10. Contingency plans.
11. Any other information specified in the applicable Ministry protocol.

(2) If there is no farm identifier or Ministry identification number for a farm unit at which nutrient is generated that is dealt with by a nutrient management strategy, on application by the person responsible for the preparation of the strategy, the Director shall assign a Ministry identification number to the farm unit and notify the person accordingly.

#### Management of nutrient for non-nutrient purposes

**17.** A nutrient management strategy may provide for some or all of the nutrients that are dealt with by the strategy to be managed for non-nutrient purposes.

#### Nutrient management strategies, incorporation of plans and other strategies

**18.** (1) A nutrient management strategy may deal with nutrients that are also dealt with by a nutrient management plan or another nutrient management strategy.

(2) A nutrient management strategy may incorporate a nutrient management plan or another nutrient management strategy only if the plan or other strategy is approved or certified under this Regulation.

(3) A nutrient management strategy may incorporate a nutrient management plan or another nutrient management strategy only if,

- (a) the incorporating strategy and the plan or other strategy are directly controlled by the same person; or
- (b) the plan or other strategy itself provides for being so incorporated.

(4) A nutrient management strategy may not incorporate a nutrient management plan, or another strategy, controlled by a person different from the person controlling the originating strategy, unless the strategy includes an agreement in the form set out in the applicable Ministry protocol between the two persons providing for such incorporation.

(5) A nutrient management strategy that incorporates one or more nutrient management plans or other strategies must provide for the management, whether as nutrients or as non-nutrients, during the whole period during which the incorporating strategy is to remain in force of all nutrients the management of which is dealt with by any incorporated plan or strategy.

#### Update of nutrient management strategies

**19.** (1) The person responsible for the management of nutrients that are the subject of a nutrient management strategy shall ensure that the strategy is updated in accordance with the applicable Ministry protocol in the circumstances specified by the protocol.

(2) If the nutrient management strategy is deemed to be approved or certified under this Regulation, the strategy, as updated, is deemed to be approved or certified, as the case requires, from the date of the update.

### **PART IV BROKERS**

#### Brokers receiving liquid manure from category IV farm units

**20.** A broker who receives liquid manure from a category IV farm unit shall ensure that the manure is managed in accordance with the nutrient management plan for any farm unit that is to receive the manure.

#### Arrangements with generators

**21.** (1) This section applies in relation to nutrients received by a broker from a generator.

(2) The broker shall enter into an agreement in the form specified in the applicable Ministry protocol with all generators from whom the broker receives nutrients.

(3) The broker shall obtain and retain a copy of all nutrient management strategies and nutrient management plans in relation to,

- (a) the management of the nutrients; and
- (b) the land on which the nutrients are to be applied.

#### Limits on delivery of nutrient by brokers

**22.** A broker shall not deliver nutrients to a recipient in quantities in excess of 300 nutrient units annually, except in the course of applying nutrient to land, unless the broker has obtained and recorded a nutrient management plan number or intermediate handler nutrient management strategy number assigned to the recipient by the Ministry relating to the receipt of the nutrients.

#### Brokers required to obtain information about recipients' plans

**23.** A broker shall obtain and retain a copy of a summary of the nutrient management plan of,

- (a) any person who receives more than 300 nutrient units annually from the broker; and
- (b) any other person who is required by the regulations to maintain such a summary and who receives nutrients from the broker.

#### Storage and transport

**24.** A broker shall store and transport nutrients in accordance with the applicable Ministry protocol.