

**Nutrient Management Protocols  
For  
Ontario Regulations  
Made under the  
Nutrient Management Act, 2002**

**Local Advisory Committee Protocol**

**Draft for Discussion Purposes Only**

**November, 2002**

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## 1 General

Local Advisory Committees (“LACs”) can consult with the MOE and OMAF if they have questions regarding the Nutrient Management Act and its application.

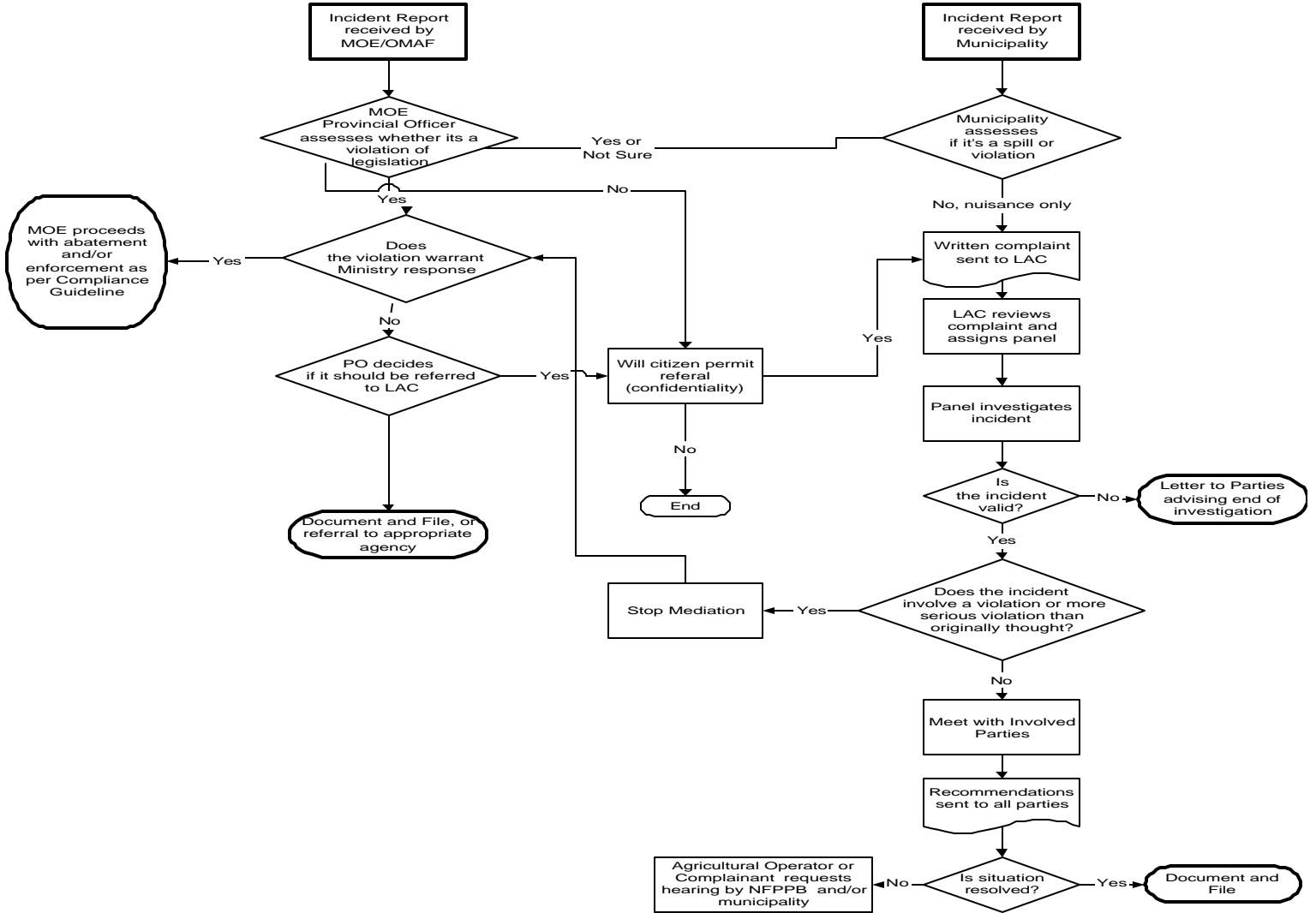
The Ministries are a tool to help the LACs and will attempt to provide technical guidance and assistance as appropriate.

Subject to the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56 as amended, mediations and reports generated from mediations are confidential.

Mediation does not prevent administrative or enforcement procedures from being carried out under an act.

## 2 Mediation Protocol

### Protocol for Handling Nutrient Management Incident Reports



## **3 General Procedure**

### **3.1 COMPLAINTS RECEIVED BY MUNICIPALITY**

1. The Municipality receives a written report from the local citizen.
2. The Municipality assesses whether it is a spill or a violation
  - a) If the report does not involve a spill or violation the incident is sent to the Local Advisory Committee
  - b) If the report involves a spill or violation or the municipality is unable to determine whether a spill or violation has occurred the matter is referred to the MOE.
3. After the Local Advisory Committee receives the report the chairperson or vice chair assigns a panel of 3 to investigate the incident. At least one member of the mediation panel shall be from the same or a similar agricultural discipline to the agricultural discipline involved in the incident.
4. The panel looks into the matter.
5. If the panel determines that the report is not valid they write a letter to the parties advising them that the panel is no longer dealing with the matter.
6. If at any time during the mediation it is determined that a violation or spill has occurred the mediation is terminated in accordance with the stop mediation procedure.
7. If there are no violations and the report raises valid issues the panel meets with the parties to reach a resolution.
8. At the conclusion of the mediation the panel provides recommendations to the parties for the resolution of the matter.
9. The mediators involvement ends. The mediators file the results with the Local Advisory Committee.
10. If either of the parties are not satisfied with the outcome they may request a hearing by the Normal Farm Practices Protection Board or request that the matter be referred to the Municipality as appropriate.

### **3.2 COMPLAINTS RECEIVED BY THE MINISTRY OF THE ENVIRONMENT**

1. The Ministry of the Environment will determine if the incident should be referred to the Local Advisory Committee.
2. After the Local Advisory Committee receives the incident report the chairperson or vice chair assigns a panel of 3 to investigate the incident. At least one member of the mediation panel shall be from the same or a similar agricultural discipline to the agricultural discipline involved in the incident.
3. The panel looks into the incident.
4. If the panel determines that the incident report is not valid they write a letter to the parties advising them that the panel is no longer dealing with the incident.
5. If at any time during the mediation it is determined that the incident involves a violation or spill more serious than the original matter referred to the Local Advisory Committee the mediation is terminated in accordance with the stop mediation procedure.

6. The panel meets with the parties to reach a resolution.
7. At the conclusion of the mediation the panel provides recommendations for the resolution of the incident.
8. The mediators' involvement ends. The mediators file the results with the Local Advisory Committee.
9. If either of the parties are not satisfied with the out come they may request a hearing by the Normal Farm Practices Protection Board or request that the matter be referred to the Municipality as appropriate.

## 4 Stop Mediation Procedure

If at any time during the mediation it is determined that the incident involves a violation or spill more serious than the original matter referred to the Local Advisory Committee the mediation is terminated in accordance with the stop mediation procedure.

1. The mediation process immediately stops.
2. The panel shall not discuss the issue further with any of the parties.
3. The panel advises that they must report the issue to MOE.
4. The panel calls the MOE and refers the original written complaint and briefly describes the reason for stopping the mediation.
5. At that point the panel's involvement ends - The panel will not be used as a tool for further investigating or prosecuting the farmer.