

**Prescribed Materials Application Business
Licence under the *Nutrient Management Act*,
2002 and O. Reg. 267/03, Part X, s. 105**

Core Competencies

**Ontario Ministry of Agriculture, Food and
Rural Affairs**

**Second Edition v.2
December 2010**

Table of Contents

Introduction.....3

Category 1: General Information.....5

Category 2: Nutrient Application.....6

Category 3: Recordkeeping.....7

Category 4: Environmental Management.....7

Abbreviations & Key Terms.....9

Introduction

The purpose of the *Nutrient Management Act, 2002 (NMA)*, Ontario Regulation 267/03, and the associated Protocols is to provide for the management of materials containing nutrients in ways that will enhance the protection of the natural environment and provide a sustainable future for agricultural operations and rural development. As part of those provisions, O. Reg. 267/03, identifies a number of management practices that require a certificate or licence.

This document identifies the skills and knowledge (defined as competencies) that are necessary for obtaining a **Prescribed Materials Application Business Licence**.

This licence is required for a business owner or manager engaged in the business of applying prescribed materials to operations phased in under O. Reg. 267/03.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed training courses that assist businesses and individuals in obtaining the skills and knowledge to fulfill a portion (but by no means all) of the required competencies. The mandatory training course for this licence is:

- Land Application Business Owner's Licence Course

It is expected that businesses and individuals wishing to obtain a Prescribed Materials Application Business Licence are already in the business of land application and possess the breadth of required knowledge and skills to run the business (e.g., knowledge of health and safety issues, beneficial management practices, other relevant legislation, etc.). This licence and these competencies focus on the requirements under O. Reg. 267/03. Candidates seeking licencing may need to further develop their knowledge and skills by additional means (such as practical experience, self study, additional courses, etc.).

The main competencies listed in this document will be tested in the examination that must be taken and passed in order to qualify for a Prescribed Materials Application Business Licence. This examination is based on the *Nutrient Management Act, 2002*, O. Reg. 267/03, the associated Protocols, and agronomic knowledge required to implement the nutrient management legislation. Candidates for the Prescribed Materials Application Business Licence are directed to this list of competencies as a study guide for the examination and will also be provided with copies of the *Nutrient Management Act, 2002*, O. Reg. 267/03 and the associated Protocols.

Note that under Sections 107 and 109 of O. Reg. 267/03, the Director can amend, suspend or cancel a certificate or licence issued if the holder of the certificate or licence:

- contravenes the Act or Regulation; or
- in the opinion of the Director, has demonstrated incompetence or bad faith in carrying out the activity in respect to which the certificate or licence is issued.

Note that under Section 108 of O. Reg 267/03, the Director can subject conditions on a certificate or licence. This can include:

- conditions that are consented to by the applicant
- any conditions that the Director considers appropriate.

The competencies are organized into four main categories:

1. **General Information**
2. **Nutrient Application**
3. **Recordkeeping**
4. **Environmental Management**

It is the responsibility of each licenced owner/manager of a custom application business to maintain his or her knowledge and competency with respect to the *Nutrient Management Act*, 2002 and O. Reg. 267/03, and to conduct business in a competent manner and in good faith.

NOTICE TO READER:

The information contained in this document is derived from the *Nutrient Management Act*, 2002 and O. Reg. 267/03. Every effort has been made to make it as accurate as possible, but it is not authoritative. Please refer to www.e-laws.gov.on.ca or the official volumes printed by Publications Ontario for the authoritative text of the Act and Regulation.

For further details, contact the Ontario Ministry of Agriculture, Food and Rural Affairs' Nutrient Management Toll-Free Information Line at 1-866-242-4460, e-mail nman@omafra.gov.on.ca or visit www.omafra.gov.on.ca.

Category 1: General Information

1. Identify the purpose and the goals of the *Nutrient Management Act (NMA)*, 2002.
2. Describe how the NMA and Ontario Regulation 267/03 impacts specific agricultural and non-agricultural operations and businesses, operations and activities.
3. Describe the roles and responsibilities of the following people and identify when their services are required:
 - Licensed Technician
 - Certified NASM Plan Developer
 - Certified Nutrient Management Strategy/ Plan Developer
 - Farm Operator
 - Land Owner
 - Owner/Manager of a Custom Application Business
 - Ministry of Environment and OMAFRA personnel
4. Describe and use key terms contained in the NMA and O.Reg. 267/03 and including those terms outlined at the end of this document. (Note: The list of terms in the Definitions section at the end of this document is not a comprehensive listing of key terms.)
5. Identify items that are defined as prescribed materials including ASM, NASM and compost.
6. Identify the licence requirements for an owner/manager of a custom applicator business, and the technician (including licence renewal timeline).
7. Describe the information/documents a custom applicator will need to obtain from clients to determine if they are or should be phased-in operations as per O. Reg. 267/03.
8. Note the differences as they apply to a custom application business when dealing with a phased-in operation versus an operation that is not currently phased-in.
9. Describe the concepts of adverse effect and diligence and how these might impact the activities of a custom application business.
10. Find sources of information that will help to keep owners/managers, and other staff, of a custom application business current with nutrient management program changes and other relevant legislation.

Nutrient Management Strategy & Nutrient Management Plan and NASM Plan

11. Explain, in general terms, the purpose of a Nutrient Management Strategy (NMS) and Nutrient Management Plan (NMP) and NASM Plan.
12. Understand the various compliance tools available to enforcement personnel (with the Ministry of the Environment) under the NMA.
13. Understand how nutrient units are used to define farm size.
14. Identify the components of a client's NMP or NASM Plan that are required to be reviewed, understood and adhered to by a custom applicator.

Category 2: Nutrient Application

Definitions, Concepts & General Information

15. Describe the importance of nutrient application equipment calibration..
16. Identify BMPs for equipment maintenance that help ensure effective calibration.

Review & Verify Nutrient Management Plan and NASM Plan

17. Be able to review and interpret NMP, NASM Plan and/or NMAN and other printouts for ASM and NASM application.
18. Understand the importance of effectively communicating information from NMP/NASM Plan or NMAN printout to staff.

Land Application of Manure & Other Prescribed Materials

19. List the obligations under O. Reg. 267/03 that apply to all land application sites.
20. Describe the requirements for land application of all prescribed materials and operations phased-in under O. Reg. 267/03 versus operations not phased-in.
21. Discuss the importance of effectively communicating to clients their responsibilities regarding land application.
22. Describe the in-field responsibilities of application technicians for phased-in operations.
23. Verify that the applicable components of the NMP, NASM Plan or other printout reflect current field conditions.
24. Develop standard operating procedures for technicians to follow when a NMP and/or NASM Plan does not accurately reflect a particular farm operation.
25. Determine appropriate setback distances to regulated sensitive features.
26. Identify factors that increase the minimum setback distance requirements when applying prescribed materials.
27. Identify field conditions that will impact the ability to apply prescribed materials.
28. List factors that affect application rate.
29. Describe why it is important to identify and monitor field tile outlets.
30. Identify regulatory requirements for direct flow application systems and high trajectory gun.
31. Be familiar with the differences between hydrological soil groups.
32. Identify pre-harvest and pre-grazing waiting periods when NASM is land applied.
33. Identify the site prohibitions related to NASM land application.
34. List the pros and cons of different application methods of prescribed materials.

35. Identify the restrictions for application of NASM based on depth of unsaturated soil and/or bedrock.
36. Describe the importance of vegetated buffer strips when applying NASM.
37. Describe odour management practices required by the regulation to address odour and odour issues during land application.
38. Describe the requirements for notification to the MOE prior to land application.
39. Identify surface water as defined in the regulation.
40. Identify different types of wells as defined in the regulation.
41. Determine setbacks to dwellings, residential areas, commercial, community or institutional uses based on odour categorization.

Winter Application of Manure & Other Prescribed Materials

42. Identify regulatory restrictions for winter spreading for the following:
 - solid ASM,
 - liquid ASM, and
 - NASM

Category 3: Recordkeeping

43. Identify records required for a custom applicator under O.Reg 267/03.
44. Describe the role that documentation over and above regulatory requirements can play in managing liability.
45. Know how to keep accurate, detailed records on behalf of the generator, receiver, and the PMAB business.
46. Explain the importance of communicating recordkeeping information to the generator, receiver and your business.

Category 4: Environmental Management

47. Develop and implement a strategy to train staff on their roles and responsibilities.

Contingency Planning

48. Explain the importance of Contingency Planning.
49. List the components of a Contingency Plan.
50. Develop standard operating procedures for contingency planning in field situations and describe how this will be communicated to staff.
51. Describe under what circumstances the contingency plan should be implemented.

52. Know how to implement a generator's or receiver's Contingency Plan in the event of a spill on the generator's or receiver's property.
53. Cite the Spills Action Centre phone number.
54. Describe options for addressing unexpected odour issues.

Abbreviations & Key Terms

Please read this section carefully to ensure an understanding of the terms used in this document.

Abbreviations

“**Act**” means the *Nutrient Management Act, 2002*

“**Regulation**” means Ontario Regulation 267/03.

“**Required**” means as required by the *Nutrient Management Act, 2002* or O. Reg. 267/03.

“**Acceptable**” means meets the requirements outlined by the *Nutrient Management Act, 2002* or O. Reg. 267/03.

“**Nutrient Management Plan**” means a Nutrient Management Plan as outlined in O. Reg. 267/03.

“**Nutrient Management Strategy**” means Nutrient Management Strategy as outlined in O. Reg. 267/03.

Key Terms

(In Alphabetical Order)

Adverse Effect

Agricultural Source Materials (ASM)

Beneficial Management Practices (BMPs)

Broker

Business Owner

Certificate of Approval (C of A)

Compliance

Contingency Plan

Crop Residue

Diligence

Direct Flow Application Systems

Environmental Protection Act (EPA)

Farm Unit

Field

Frozen Soil

Generator

High Trajectory Guns

Hydrological Soil Group

Incorporation

Injection

Intermediate Generator

Liquid Loading

Living Crop or Cover Crop

Maximum Sustained Slope

Minimum Separation Distances

Municipal Wells

N-Index

NMAN

Nutrient Management Act (NMA)

Nutrient Management Plan (NMP)

Nutrient Management Strategy (NMS)

Non-Agricultural Source Material (NASM)

Nutrient Unit (NU)

Nutrients
Phased-In Operation
P-Index
Prescribed Material
Receiver
Runoff
Sensitive Features
Setback
Slope
Snow Covered Soil
Surface Application
Surface Water
Temporary Field Storage
Tile Inlets
Tillage
Top of Bank
Unsaturated Soil
Vegetated Buffer Zone
Wells