



Farmers' Responsibilities and Liabilities for Using Biosolids

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**Building Trust and Partnership
Between Biosolids Generating
and Receiving Communities**

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Overview



Biosolids Application Legal Framework

- **Who are the Players?**
 - Generators
 - Municipalities
 - Applicators
 - Farmers
 - Regulators
 - OMAF (NMA)
 - MOE (EPA)

Biosolids: A Waste or a Nutrient?

- **EPA Regulation 347**
 - Waste from operation of a sewage works subject to the OWRA is not hazardous waste if it is
 - Owned by a municipality
 - Owned by the Crown or OCWA subject to an OWRA agreement with a municipality, or
 - If the sewage works receives only waste similar in character to domestic sewage

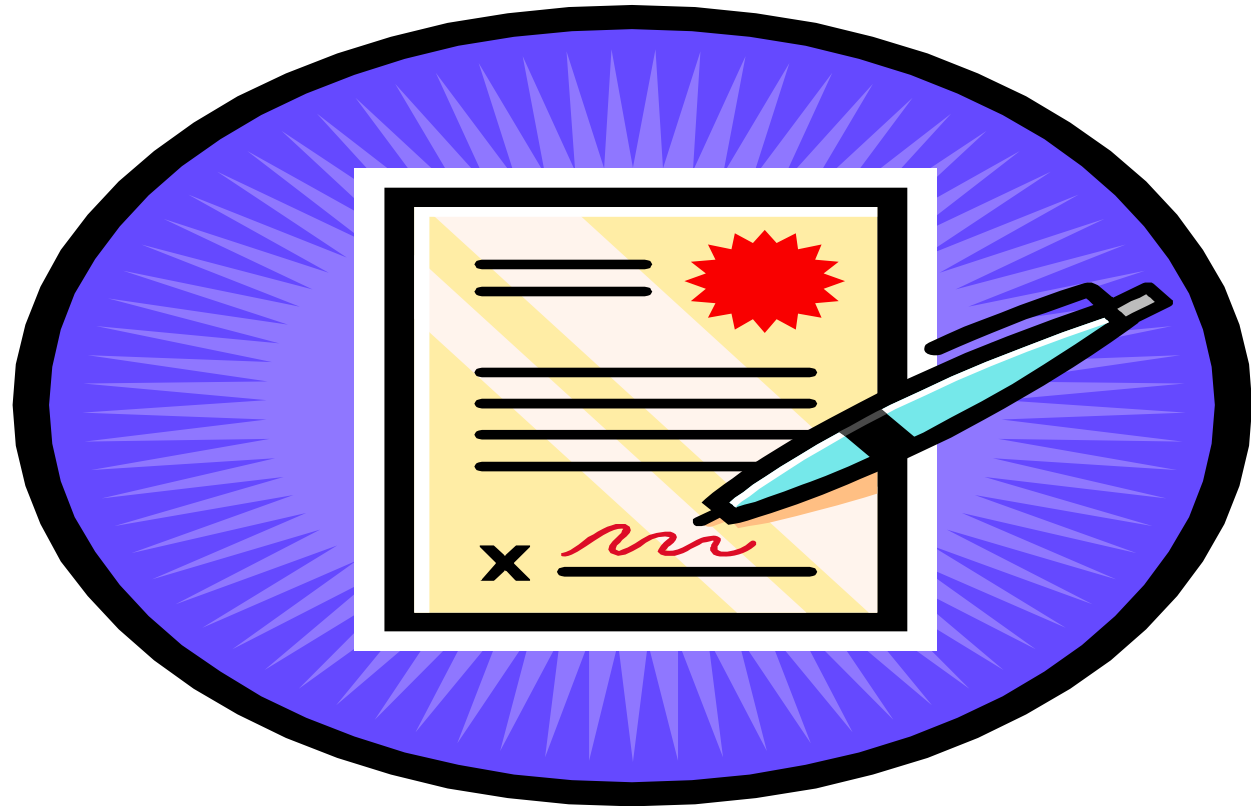
Biosolids: A Waste or a Nutrient?

- **“Processed organic waste” means**
 - waste that is predominantly organic in composition and has been treated by aerobic or anaerobic digestion, or other means of stabilization, and includes sewage residue from sewage works that are subject to the provisions of the *OWRA*

Organic Soil Conditioning Site

- Includes site where biosolids are applied to land
- Processed organic waste is a designated waste.
- **“Organic soil conditioning”** means
 - the incorporation of processed organic waste in the soil to improve its characteristics for crop or ground cover growth

Approvals



Certificates of Approval (EPA)

- **Certificate of Approval For Farm**
 - C of A required for every site where sewage biosolids are applied to land
 - Reg. 347 sets out standards for location, maintenance and operation of an organic soil conditioning site
 - Where NMA also applies, the strictest standards prevail

Certificates of Approval (EPA)

- **Certificate of Approval for Applicator**
 - EPA Reg. 347 requires C of A for everyone who transports, handles, applies sewage biosolids

C of A Standards for Farms

- **Reg. 347, s. 15 conditions**
 - Adequate distance to prevent surface drainage to watercourse
 - Maximum level of groundwater table is sufficient distance below the surface to prevent impairment of groundwater
 - At least 300 ft. from nearest dwelling
 - At least 1,500 feet from any area of residential development
 - At least 300 feet from any water wells
 - No application at times when surface runoff likely to occur

C of A Standards for Farms

- Allowed only on land that is, or is intended to be used for pasture, fallow or growing of forage crops
 - During the current growing season, or
 - To the end of the subsequent growing season
- Berms and dykes must be constructed where necessary

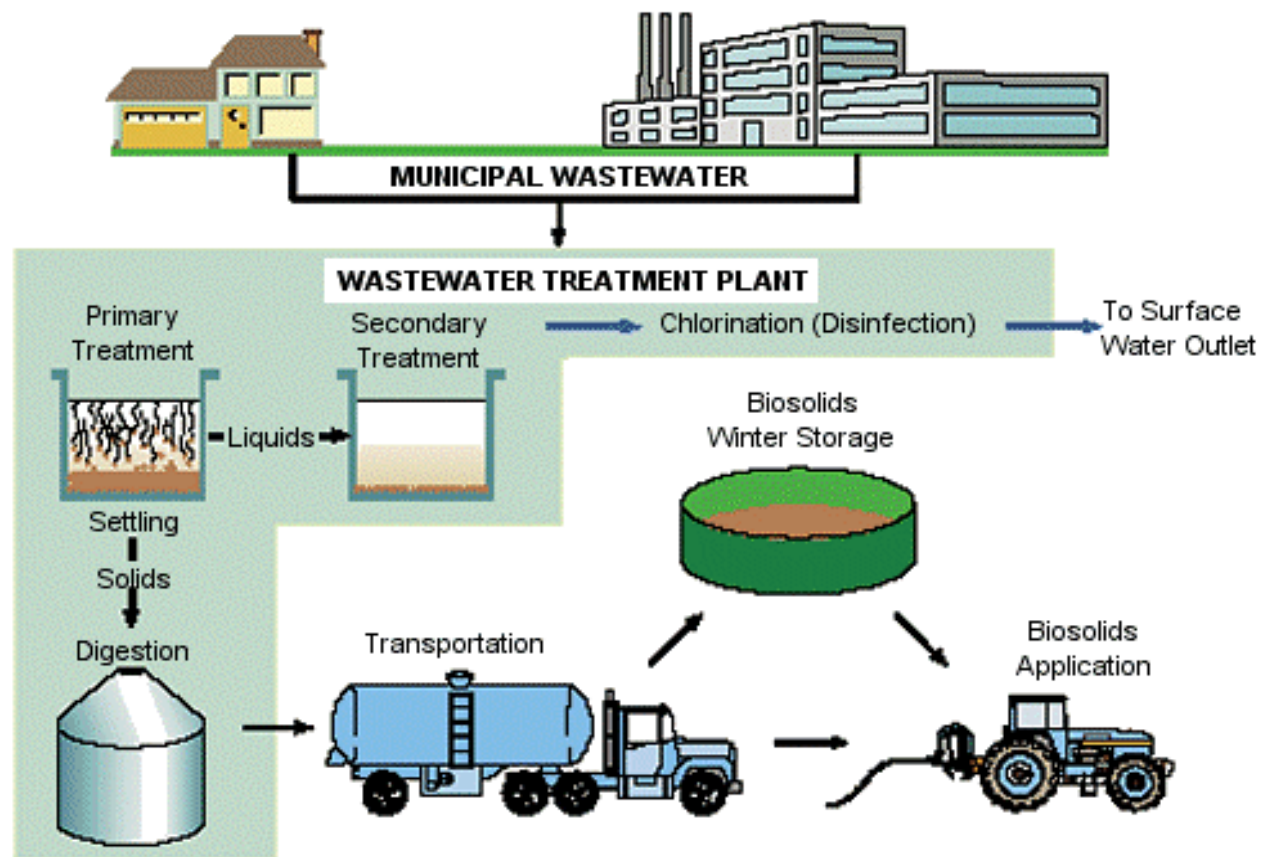
Certificates of Approval (EPA)

- **Municipality (generator) does not need C of A BUT**
 - Need to ensure that applicator and site have current C of A
 - Municipality can be charged if approvals not in place

Nutrient Management Act “Approvals”

- **Nutrient Management Strategy required for municipalities who generate sewage biosolids**
 - Each operation that generates biosolids needs separate strategy
- **Nutrient Management Plan required for farms that accept sewage biosolids for land application**

Roles and Responsibilities



Roles and Responsibilities

- **Municipalities**
 - Must have Nutrient Management Strategy
 - Due diligence record-keeping
 - Approvals (site and applicator)
 - Biosolids quality
 - Location of all application sites
 - Volumes applied to each site

Roles and Responsibilities

- Due diligence compliance
 - Ensure application sites meet regulated criteria
 - Provide alternative destinations if biosolids don't meet criteria, or cannot be applied for weather or field conditions

Roles and Responsibilities

- **Haulers/Applicators**
 - EPA Certificate of Approval
 - Nutrient Management Strategy
 - Uniform application that complies with NMP, C of A for site
 - Timely application
 - Maintain temporary storage site records
 - Report to farmer – fertilizer equivalent values of land-applied biosolids
 - Report spills to MOE SAC, respond

Roles and Responsibilities

- **Farmers**
 - Must have Nutrient Management Plan
 - Must have Certificate of Approval (EPA) for site
 - Ensure application at appropriate times
 - Ensure compliance with waiting periods between application and harvesting/grazing
 - Use BMPs to optimize benefit/minimize risk of land application
 - Right to refuse biosolids application at any time
 - Report spills to MOE SAC, respond

Roles and Responsibilities

- **The Public**
 - Complaints to OMAF
 - Pollution incident report to MOE
 - May be referred by either Ministry to Local Advisory Committee

Compliance and Liability Issues



Waste: Generator's Liability

- *Environmental Protection Act*
 - *Section 40 prohibits person from arranging for deposit of waste unless*
 - *On site with C of A, and*
 - *In accordance with terms and conditions*
 - *Section 41 prohibits person from arranging for storage, handling, treatment, collection, processing or disposal unless through*
 - *Waste management system with C of A, and*
 - *In accordance with terms and conditions*

Quality

- **Nutrient Management Regulation Part IX**
- **Generator, applicator and farmer all have responsibilities**
 - Table 1 – Standards for metals in sewage biosolids
 - Phosphorus may not exceed prescribed limit
 - pH may not exceed prescribed level
 - Table 3 – Biosolids Sampling requirements

Storage on Farm

- **Storage under NMA**
 - No person can store sewage biosolids on farm (temporary field storage) for more than 10 days
- **Who is liable for over time storage?**
 - Due diligence defence

Spills

- **Environmental Protection Act**
 - Obligations on “owner” and “controller” of spilled material
 - Owner/controller must
 - Immediately report
 - Respond to prevent, clean-up and restore
 - Transfer of ownership of waste
 - When waste is accepted at a licenced waste disposal site by the operator, ownership of the waste is immediately transferred
 - No liability if generator has complied with all of its obligations



Contact Information

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