CITY OF HAMILTON

PUBLIC WORKS DEPARTMENT
Water and Wastewater Division

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<th>Report to:</th>
<th>Chair and Members Public Works Committee</th>
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<td>Submitted by:</td>
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<td>Date:</td>
<td>August 27, 2007</td>
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SUBJECT: Proposed Changes to the Nutrient Management Regulation - (PW07114) - (City Wide)
Public Works Committee Outstanding Business Item

RECOMMENDATION:

(a) That Report PW07114 be received for information;
(b) That “Proposed Changes to the Nutrient Management Regulation” be lifted from the Outstanding Business List.

Scott Stewart, C.E.T.
General Manager
Public Works

EXECUTIVE SUMMARY:

With the implementation of the Nutrient Management Regulations (O. Reg. 267/03) in September 2003, the haulers, brokers, land applicators and receivers of Non-Agriculture Source Material (NASM) were subject to duplicative approval requirements under the Environmental Protection Act and the Nutrient Management Act. The Nutrient Management Act, Regulation O. Reg. 267/03 was amended by O. Reg. 474/06 to address those issues. The changes to the regulations do not reduce the regulatory oversight and only improve the administrative process for approvals, thereby reducing the inefficiencies in the process. The risk to farmlands accepting biosolids within the City of Hamilton or elsewhere does not increase with the changes to the regulations.
BACKGROUND:

September 25, 2006 Public Works, Infrastructure, and Environment Committee

(h) GENERAL INFORMATION/OTHER BUSINESS (Item 11.1)

(i) On a motion moved by Councillor Mitchell and seconded by Councillor Braden, staff were directed to investigate the proposal of the Ministry of the Environment and the Ministry of Agriculture, Food, and Rural Affairs to amend the Nutrient Management Regulation and report back to Committee on the effect this would have on the City specifically with regards to its Biosolids Program.

ANALYSIS/RATIONALE:

The proposed amendments to the Nutrient Management Regulations were posted on the EBR Registry Number RC06E001 on July 10, 2006 and written submissions were received until August 9, 2006. With the implementation of the Nutrient Management Regulations (O. Reg. 267/03) in September 2003, the phased in haulers, brokers, land applicators and receivers of Non-Agriculture Source Material (NASM) were subject to duplicative approval requirements under the Environmental Protection Act and the Nutrient Management Act. The objective of the proposed amendments to the regulations was to address the duplicated regulatory approval requirements.

Following the comments period, the Nutrient Management Act, Regulation O.Reg. 267/03 was amended by O. Reg. 474/06 and was filed on October 4, 2006. The amendments were as follows:

A) Extend the phase-in date for NASM generators who would currently have to comply with the requirements of the regulation and have nutrient management strategies by January 1, 2007 such that they will have until December 31, 2008 to meet those requirements. This applies to medium-sized municipal sewage treatment works, and other generators including food processing facilities;

B) Extend the phase-in date for NASM generators who would currently have to comply with the requirements of the regulation and have nutrient management strategies by January 1, 2008 such that they will have until December 31, 2009 to meet those requirements. This applies to small municipal sewage treatment works and pulp and paper biosolids generators; and

C) Extend the period during which phased-in farms, (i.e. farms that are required to have a nutrient management strategy) that are between 5 and 300 nutrient units, are able to apply NASM to agricultural lands under a Certificate of Approval without the need to have a separate nutrient management plan under the Nutrient Management Regulation. Currently where these farms are not located within 100 meters of a municipal well they would be required to have a nutrient management plan as of January 1, 2007; this proposal would extend the period until December 31, 2008 for those farms.

The changes to the regulations do not reduce the regulatory oversight and only improve the administrative process for approvals, thereby reducing the inefficiencies in the
process. The risk to farmlands accepting biosolids within the City of Hamilton or elsewhere does not increase with the changes to the regulations.

**ALTERNATIVES FOR CONSIDERATION:**

No alternatives exist as the changes are already made in the regulations. The changes do not bring any increased risks to the farmlands and only improves administrative processes.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**POLICIES AFFECTING PROPOSAL:**

N/A

**RELEVANT CONSULTATION:**

N/A

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

- **Community Well-Being is enhanced.** ☑ Yes ☐ No
  - The new regulation will remove the bureaucratic bottleneck related to land application of biosolids, thus making the process easier for the community.

- **Environmental Well-Being is enhanced.** ☑ Yes ☐ No
  - The new regulation ensures that the land application of biosolids is undertaken in an environmentally-sustainable manner.

- **Economic Well-Being is enhanced.** ☑ Yes ☐ No
  - The removal of bureaucratic bottlenecks will result in cost efficiencies for the community.

**Does the option you are recommending create value across all three bottom lines?**

☐ Yes ☑ No

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**

☐ Yes ☑ No