

LMMMR News

News from Conservation's Environmental Services: Livestock Section

Inside this Issue

**Recent Changes to the
*Livestock Manure and
Mortalities Management
Regulation***

**Maintenance and
Decommissioning Plans**

**2009 Manure Management
Plan Audit**

**Environmental Livestock Program
Headquarters Operations
Manitoba Conservation
1007 Century Street
Winnipeg, MB R3H 0W4
Ph.: 204-945-8541
Fax: 204-948-2420**

Recent changes to the *Livestock Manure and Mortalities Management Regulation*

On October 31, 2009, the Province of Manitoba amended the *Livestock Manure and Mortalities Management Regulation (LMMMR)*, to address several recommendations from the Clean Environment Commission (CEC) and the Office of the Auditor General (OAG), to improve administrative and enforcement capabilities, and provide clarity to operators.

The three amendments to the *LMMMR* enacted to address CEC recommendations include:

- The phase in dates for the phosphorus threshold requirements were adjusted so all operations are fully compliant with the regulation by November 10, 2013.
- The ban on winter application of manure was extended to all operations effective November 10, 2013. The amendment also includes the prohibition of winter application of composted manure and composted mortalities.
- The requirement to register annual manure management plans for all hog operations established or expanded after October 31, 2009, regardless of the size of the operation.

As per the OAG recommendations, the Province of Manitoba also amended the *LMMMR* to incorporate a minimum acceptable manure storage capacity for manure storage facility (MSF) constructions. The minimum capacity for an earthen MSF is 400 days (with a maximum of 500 days storage capacity). In the case of any other type of MSF (other than an under floor concrete manure storage pit used to store liquid manure or semi-solid manure for less than 30 days), a minimum of 250 and a maximum of 500 days of storage capacity is required.

In order to improve administration of the *LMMMR*, several definitions were amended.

- The definition of a MSF was amended to include manure treatment facilities to ensure clients understand that these facilities are subject to the permit process. The definition was also amended to include short term manure storage under barn pits, other than manure transfer pits, so it is understood the pits would be subject to the permitting process.
- The definition of manure was amended to include treated manure, clarifying that discharge of products from a manure treatment facility such as effluent to water bodies and water courses is strictly prohibited.

Section 3(a) of the *LMMMR* was amended to require the storage of liquid and semi-solid manure in a MSF to ensure clients understand these MSFs are subject to the permit process for construction, modification, and expansion.

Section 16.1(3) of the *LMMMR* was amended to clarify to operators that land base calculations will be a factor in the permitting process for confined livestock areas.

Maintenance and Decommissioning Plans

Operators Intending to De-populate Livestock Operations Requiring Maintenance and/or Decommissioning Plans
If you are intending to temporarily de-populate or significantly reduce the livestock population of your operation it is important to take measures which ensure that the manure storage facility is adequately maintained.

Section 6.2 of the *Livestock Manure and Mortalities Management Regulation (LMMMMR)* requires an operator with a manure storage facility that is not in active service for more than one year to submit, for Director's Approval, a written plan indicating their proposed process for either maintaining the structural integrity or decommissioning the manure storage facility.

What Needs to be Included in a Maintenance Plan?

Operators in possession/control of manure storage facilities that are inactive for more than one year must obtain Director's Approval of a maintenance plan if they wish to return the facility to active use. The approval process is initiated by the operator through submission of a maintenance plan to a Manitoba Conservation, Regional Environmental Operations office.

The maintenance plan must identify how the operator will maintain the structural integrity of the manure storage facility until it is returned to active service.

The plan shall include but not be limited to the following:

- Contact information (such as legal location, permit number or registration application number, Rural Municipality, phone number and mailing address).
- Information regarding the livestock operation (such as the size of the active operation (number of head, subspecies and type) and the proposed size of the operation after reduction of the herd).
- The anticipated beginning date for the maintenance plan and likely date when the facility will be re-commissioned into service, following resumption of livestock production activities.
- Manure removal is optional for liquid manure storage facilities, but may be a requirement for semi-liquid and solid manure storage facilities. Where the plan includes removal of manure, manure is to be applied to agricultural land in accordance with the LMMMMR.
- Maintaining the structural integrity of the manure storage facility. The operator should consider the type of manure storage facility in their plan.
 - In the case of cut and fill and clay-lined earthen manure storage facilities the operator must ensure that the base and slopes are not allowed to dry because dehydration may lead to cracking. An operator may consider either keeping manure in the facility or filling it with water while it is not in active service. The plan must indicate that a frequent inspection schedule will be implemented to verify that a freeboard is maintained so as to avoid overtopping.
 - In the case of plastic lined earthen manure storage facility, the operator must ensure that the liners are adequately ballasted so as not to be impacted by strong winds. In the case of PVC lined facilities, the operator must ensure that no area of the liner is left exposed to UV radiation. An operator may consider keeping manure in the facility while it is not in active service. The plan must indicate that a frequent inspection schedule will be implemented to verify that a minimum freeboard of 0.5 m is maintained so as to avoid overtopping of the facility.
 - In the case of a concrete or steel tank, the manure storage facility must be protected from frost heaving during of the maintenance period. This can be achieved by keeping at least 1 m of liquid in tanks, or keeping some semi-solid manure in concrete molehills. However, all tanks and other concrete facilities have to maintain a freeboard no less than 0.3 m. Liquids must not be removed when ice has formed due to the risk of damaging the facility.
- The maintenance plan must indicate that the manure storage facility will not be used for any other purpose during the period that the maintenance plan is in effect. The plan must not exceed 5 years. If an operator intends to use the manure storage facility for another use, they must submit a decommissioning plan to the Director.
- The maintenance plan must indicate how frequently the operator will inspect to ensure that the liquid level is maintained. In addition, the operator is required to report to Environmental Operations, Manitoba Conservation annually by December 31st of each year.

Winter 2009

- If monitoring wells or any leak detection systems are associated with the facility, yearly submission of groundwater or collected water quality analysis reports must be continued.
- If the active operation is required to submit manure management plans, annual submissions must be filed with Manitoba Conservation during the maintenance period.
- The maintenance plan must indicate that Manitoba Conservation Environmental Operations, will be notified at least 60 days in advance of returning the facility to active service to allow for inspection of the manure storage facility. The 60 days will also provide sufficient time for any engineering assessment and/or upgrades (if required) in advance of the proposed date of re-population.
- If you have any questions regarding submission of a maintenance plan, please contact your local Environmental Operations Manitoba Conservation office.

How Does the Province Respond to the Maintenance Plan?

The request for approval of the maintenance plan must be submitted to Environmental Operations, Manitoba Conservation for review. The Director may reject or approve the plan (with or without conditions). Where the maintenance plan is not likely to ensure that the facility's structural integrity will be adequately preserved, or where the facility's condition poses a risk for the environment, the Director may require a further proposal or order the operator to maintain the facility in a manner set out within the order. Conditions of approval may include requirements for ensuring surface or ground water protection, or an inspection schedule and scope. A condition of approval will also include the requirement to annually submit a report on the status of the facility. Where the facility is found to require major repairs before it can be re-commissioned, an engineering assessment or repairs may be required prior to returning the manure storage facility to active use. Other conditions of approval may be related directly to the manure storage facility and or manure application. Factors such as type and condition of the manure storage facility and site conditions will be considered. A copy of Manitoba Conservation's approval of the maintenance plan will be sent to your local rural municipality.

The approval does not limit the measures required to be taken in advance of returning the manure storage facility to active use which may include engineering assessment, major repairs, minor repairs, and/or other measures.

NOTE: Producers should contact other institutions such as the local municipal government in advance of implementing the plan. It is the responsibility of the operator to ensure the protection and safety of the public.

What Needs to be Included in a Decommissioning Plan

Operators wishing to decommission a manure facility may contact their local Regional Manitoba Conservation Environmental Operations Office to request a protocol for decommissioning a manure storage facility.

Who are you going to call?

Manure management plan questions should be directed to Headquarters. Matters regarding all other aspects of the *Livestock Manure and Mortalities Regulation* should be directed to the Regional contacts. For reporting a spill, emergency spreading, or any emergencies, call your Regional contact. After hours, use the emergency response number.

Emergency Response 944-4888	
MMP	Headquarters Operations Ph: 945-3078 Winnipeg Fax: 948-2420
Regional Contacts Manitoba Conservation	Eastern Ph: 346-6060 Steinbach Western Ph: 726-6064 Brandon Ph: 622-2030 Dauphin Central Ph: 945-7100 Winnipeg Ph: 642-6095 Gimli

2009 MANURE MANAGEMENT PLAN AUDIT

Although the spring weather conditions delayed the 2009 MMP Audit, the warmer than normal fall temperatures, which extended into mid-November, helped to make up for lost time. Twenty seven of the 32 selected operations were completed. The remaining operations will likely be included in the 2010 MMP Audit campaign.

The majority of the soil samples for the audited fields have been completed and letters are currently being sent to the operations with the soil test results for nitrate-nitrogen levels and phosphorus concentrations.

Those operations exceeding the regulated nitrate limits and/or phosphorus thresholds will be contacted by Manitoba Conservation to discuss enforcement of non-compliance and on-farm manure management.