



BIOSOLIDS UTILIZATION COMMITTEE

Terms of Reference

June 1, 2007

1.0 Introduction and General Mandate

The Biosolids Utilization Committee (“the Committee”) is an inter-ministry/external stakeholder Committee with knowledge of and interest in the beneficial use of municipal, commercial and industrial by-product materials in agricultural and non-agricultural land use activities.

The base of knowledge and primary area of interest of the Committee is the beneficial use of municipal, commercial and industrial by-product materials as "non-agricultural source materials" and as a “nutrient” as these terms are defined in the *Nutrient Management Act, 2002* and Regulation 267/03 as amended, to improve the growing of agricultural crops and/or to improve the fertility/quality of soils used to grow agricultural crops.

The Committee also has an interest in the beneficial use of municipal, commercial and industrial by-product materials regulated under the *Environmental Protection Act* and Regulation 347, as recyclable materials to improve the characteristics of the soil or surface of the land for crop or ground cover growth in non-agricultural land use activities (e.g. forestry, soil remediation, and land reclamation).

The Committee functions as an advisory body to the Ministry of the Environment (MOE) and the Ministry of Agriculture, Food and Rural Affairs (OMAFRA), with regard to government decision-making and policy development. It advises on technical and scientific areas and provides a forum for stakeholders to exchange information on agricultural and non-agricultural beneficial use programs.

The Committee has specific interest in the beneficial use of sewage biosolids and pulp and paper biosolids as described in the above-noted areas of interest.

At the request of either the MOE or OMAFRA, the Committee will review and comment on submissions to the Committee that pertain to the beneficial use of municipal, commercial and industrial by-products in agricultural and non-agricultural land use activities. Technical reviews of submissions will be carried out by the Technical Review Sub-committee (BUC-TRS), a standing sub-committee of the Committee.

The BUC-TRS will review submissions and provide its findings, comments and/or recommendations to the Committee and the Committee’s two Co-Chairs (“BUC Co-chairs”). The BUC Co-chairs, on behalf of the Committee, will then forward the Committee’s findings, comments and/or recommendations to the requesting Ministry by means of a response letter signed by the BUC Co-Chairs. The BUC Co-chairs have final authority in regard to the content of any letter sent on behalf of the Committee.

It is recognized that the Committee will need to review and subsequently revise the Terms of Reference from time to time. Accordingly, the Committee's activities will be reviewed on a regular basis to ensure it continues to reflect its mandate.

2.0 Purpose of the Committee

The Committee is committed to:

- Ensuring the responsible use of municipal, commercial and industrial by-product materials by balancing beneficial use with the protection of human health, water quality and the environment;
- Ensuring the on-going development of the best technical and scientific information in regard to the management and beneficial use of municipal, commercial and industrial by-product materials in agricultural and non-agricultural land use activities;
- Enhancing the awareness and understanding of Ontario's regulated programs that govern the beneficial and safe use of these by-product materials; and
- Ensuring a province-wide focus to the work of the Committee.

3.0 Responsibilities of the Committee

The primary responsibilities of the Committee are to:

- Review issues and make recommendations with respect to the utilization of municipal, commercial and industrial by-product materials as non-agricultural source materials or “NASM” on agricultural land. In order to qualify as a NASM the material must have value as a nutrient or soil conditioner in the production of food, fibre or feed;
- Act as a resource in the development and use of provincial policy and regulatory tools pertaining to the beneficial use of NASM on agricultural land;
- Collect information related to the impacts of provincial programs, practices and land application proposals as they pertain to the beneficial use of NASM on agricultural land and use the information to make recommendations to MOE and OMAFRA, and the Ministry of Health and Long-Term Care (MOHLTC) as appropriate;
- Provide leadership and guidance to assist with consistency in policy interpretation and decision-making;
- Develop proposed criteria for the management and beneficial use of exceptional materials taking into consideration factors such as material quality and land application standards;
- Promote the beneficial and safe use of NASM on agricultural land by recommending and/or assisting with the development and/or delivery of education programs and communications strategies or tools (e.g. seminars, factsheets, information bulletins).

- Make recommendations for research and research funding in connection with any of the above activities as may, from time to time, appear necessary or desirable.
- Consider stakeholder issues and concerns with regard to the regulatory framework that governs the beneficial use of NASM on agricultural land.

The secondary responsibilities of the Committee are to:

- Review issues and make recommendations with respect to the beneficial use of municipal, commercial and industrial by-product materials as recyclable materials to improve the characteristics of the soil or surface of the land for crop or ground cover growth in non-agricultural land use activities (e.g. forestry, soil remediation, and land reclamation);
- Act as a resource in the development and use of provincial policy and regulatory tools pertaining to the beneficial use of these materials in non-agricultural activities or situations;
- Collect information related to the impacts of provincial programs, practices and land application proposals as they pertain to the beneficial use of these materials in non-agricultural activities or situations and use the information to make recommendations to MOE and OMAFRA as well as other ministries as appropriate (e.g. Ministry of Natural Resources);
- Provide leadership and guidance to assist with consistency in policy interpretation and decision-making with regard to non-agricultural uses of these materials.

4.0 Sub-committees

There can at times be standing as well as ad hoc sub-committees that operate under the framework and direction of the Committee. The purpose of these sub-committees is to:

- provide advice to the Committee on matters and/or issues related to the Committee's mandate as determined by the BUC Co-Chairs in conjunction with the overall Committee membership; or
- conduct activities on behalf of the Committee as determined by the BUC Co-chairs in conjunction with the overall Committee membership.

Standing and ad hoc sub-committees may include external members who are not members of the main Committee. The knowledge and/or expertise of such members is recognized as being of value to the function of the sub-committee.

One standing sub-committee is the Technical Review Sub-committee (BUC-TRS). The role of the BUC-TRS is to conduct technical reviews of submissions received from MOE and OMAFRA as set out in Section 1, and provide the Committee and BUC Co-chairs with its findings, comments and recommendations. A primary function of the BUC-TRS is to conduct technical reviews of proposals for the beneficial use of materials in agricultural and non-agricultural land use activities.

The BUC-TRS reports to the Committee and BUC Co-Chairs through the BUC-TRS Chair. The Chair of the BUC-TRS is a member of the Committee and is responsible for overseeing the activities of the sub-committee and for providing updates or reports on the sub-committee's activities to the Committee and the BUC Co-chairs.

Administrative support for the BUC-TRS and other standing or ad hoc sub-committees is provided by the BUC Secretariat.

5.0 Membership

5.1 Membership in General

It is intended that the membership of the Committee will be fair and representative of stakeholder interests. The great majority of issues and submissions that come before the Committee are expected to involve the beneficial use of NASM on agricultural land. The standing members of the Committee will therefore consist of representatives who are involved in or have an interest in that area and will include representatives of municipalities, the agriculture community, the land application industry (e.g. sewage biosolids haulers), the health industry, the scientific community, and affected industry associations and non-government organizations.

Standing members of the Committee will also include policy and technical staff of MOE, OMAFRA and MOHLTC. External members having specific knowledge and expertise may also participate from time to time, as necessary.

Where specialized knowledge or expertise is needed that falls outside that of the standing members, the Committee will establish an ad hoc sub-committee. It is expected that this will be necessary at times when an issue or submission comes before the Committee which involves the beneficial use of a material in a non-agricultural land use activity. In such situations, members of the ad hoc sub-committee will be sought by the BUC Co-chairs and may include representatives from the following ministries, agencies and organizations:

- Ministry of Natural Resources;
- Ministry of Northern Development and Mines;
- Ministry of Municipal Affairs and Housing;
- Ministry of Transportation; and
- Other ministries, agencies or organizations as may be necessary.

5.2 Co-Chairs

The Committee will have two BUC Co-chairs who represent senior management from MOE and OMAFRA. The responsibility for the chairing of meetings will be alternated between the BUC Co-Chairs.

The BUC Co-Chairs will liaise closely with the BUC Secretariat to ensure that there is adherence with the overall mandate of the Committee. The BUC Co-Chairs will also be responsible for the activities of the Committee including all correspondence sent on

behalf of the Committee. Correspondence sent on behalf of the Committee must be jointly signed by both BUC Co-chairs except in extreme circumstances (e.g. illness) or unless otherwise agreed to by the BUC Co-chairs or MOE and OMAFRA.

The BUC Co-chairs may:

- Recognize an alternate representative of the same stakeholder group when the member representative is unable to be present;
- Request replacement representatives from member groups/organizations for member representatives who resign or withdraw;
- Appoint new and/or additional members as may be appropriate;
- Request that non-member resource persons attend meetings (e.g. scientists, experts) for the purpose of providing information to the members; and
- Accept requests to receive presentations from non-members as may be deemed appropriate.

The BUC Co-Chairs will appoint a member from MOE and OMAFRA to the BUC Secretariat and will ensure that their responsibilities are carried out in a manner that is consistent with the Committee's mandate and Terms of Reference. The BUC Co-Chairs may periodically prepare executive summaries of activities of the Committee for government and/or stakeholder information purposes as required.

5.3 Stakeholders

External and government stakeholders comprising the main membership of the Committee are outlined in Section 9.0. Additional stakeholders may be recognized or appointed as members of the Committee at the discretion of the BUC Co-chairs.

6.0 Term of Office

Term of office for all external (non-government) members of the Committee will be for a renewable, three-year term unless otherwise discussed and agreed upon by the Committee as a whole and approved by the BUC Co-Chairs. Final decision-making with regard to the term of office for committee members will be at the discretion of the BUC Co-Chairs.

7.0 Responsibilities of the BUC Secretariat

The BUC Secretariat will be responsible for:

- Preparing and distributing meeting agendas, minutes of meetings, and other associated communications materials;

- Preparing all correspondence requiring BUC Co-chair signatures or as directed by the BUC Co-chairs;
- Receiving and logging in of submissions to the Committee and ensuring that copies are forwarded to members or the appropriate sub-committee (e.g. BUC-TRS) for consideration;
- Liaising with sub-committee chairs, members and ministry staff;
- Liaising with non-members who may wish to bring matters before the Committee through correspondence or by presentation; and
- Responding to general inquiries concerning the Committee.

8.0 Meetings

Meeting times will normally be decided upon by the members, with the final decision resting with the BUC Co-Chairs. Meetings may also be called at the discretion of the BUC Co-Chairs. It is anticipated that up to six (6) one-day meetings and six (6) part-day teleconference meetings, alternating every other month, will be held per year. Meetings will be held at locations favorable to the members, with the final decision resting with the BUC Co-Chairs.

9.0 Members and Affiliations

BUC Co-Chairs:

Ministry of Environment
Ministry of Agriculture, Food and Rural Affairs

BUC Secretariat:*

Representative from MOE
Representative from OMAFRA
* lead Ministry to be designated by BUC Co-chairs

Technical Review Sub-Committee:

Chair of BUC-TRS

External Stakeholders – one representative for each organization:

Agricultural Groups Concerned about Resources and the Environment
Association of Local Public Health Agencies
Ontario Association of Sewage Industry Services
Ontario Clean Water Agency
Ontario Federation of Agriculture
Ontario Forest Industries Association
Ontario Soil and Crop Improvement Association
Rural Ontario Municipal Association
University of Guelph

Water Environment Association of Ontario
Industry Representative - Independent Consultant
Industry Representative - Large Hauler/Broker

Additional Government Members - one representative from each Branch/Division:

Ministry of the Environment

Operations Division - District Manager

Operations Division - Program Lead

Waste Management Policy Branch – Policy Specialist

Environmental Sciences and Standards Division – Standards Specialist

Environmental Assessment and Approvals Branch – Approvals Specialist

Ministry of Agriculture, Food and Rural Affairs

Environmental Management Branch – Approvals Manager

Environmental Management Branch – Nutrient Management Specialist

Environmental Management Branch – NASM Specialist

Ministry of Health and Long-term Care

Public Health Branch - Senior Medical Consultant