

Currently there are only provincial regulations for commercial set back distances. Municipal laws do not currently exist in Ontario and are therefore not applicable.

Regulatory setbacks in O. Reg. 267/03 made under the Nutrient Management Act (NMA; 2002) that apply to commercial fertilizer include:

- Setbacks from wells
 - i. 46. (1) No person shall apply nutrients to land closer than 100 metres to a municipal well. O. Reg. 338/09, s. 43.
 - ii. 46. (5) No person shall apply commercial fertilizer or compost that meets the requirements for Category AA or A compost in Part II of the Compost Standards to land closer than three metres to a water well that is not a municipal well. O. Reg. 284/12, s. 2 (2).
- Requirement for vegetated buffer zone
 - i. 52. (1) No person shall apply nutrients to a field that contains or is adjacent to surface water unless there is a vegetated buffer zone in the field that is adjacent to the surface water and that lies between the surface water and where the nutrients are applied. O. Reg. 338/09, s. 43.
 - ii. 52. (6) No person shall apply materials containing nitrogen and phosphorus to any part of the field, whether or not within the vegetated buffer zone, that is within 13 metres from the top of the nearest bank of the surface water. O. Reg. 338/09, s. 43.

These standards only apply to fields that are phased-in to the regulation (see S. 41).

- i. Sections 52.3 and 52.6 apply in respect of all agricultural operations. O. Reg. 338/09, s. 43.
- ii. Sections 42 to 52.2, 52.4, 52.5 and 52.7 to 52.13 apply as follows:
 - a. If this Regulation requires an agricultural operation to have a nutrient management plan, those sections apply to the application of nutrients to land in the course of the operation.
 - b. If this Regulation requires an agricultural operation to have a NASM plan, those sections apply to the application of nutrients to the relevant NASM application area.
 - c. If Category 1 NASM is applied to a NASM application area in the course of an agricultural operation, those sections apply to the application of nutrients to the NASM application area during the calendar year in which the Category 1 NASM is applied. O. Reg. 338/09, s. 43.
- iii. (7) Despite subsection (6), a person may apply commercial fertilizers, agricultural source materials or NASM that is CM1 and CP1 within the 13 metres from the top of the nearest bank of the surface water if the application is done in accordance with this Regulation and at least one of the following conditions is satisfied:
 - The materials are applied by injection or placement in a band below the soil surface.
 - The materials are incorporated within 24 hours of application.
 - The materials are applied to land covered with a living crop.
 - The materials are applied to land with crop residue covering at least 30 per cent of the soil, as determined in accordance with the Nutrient Management Protocol. O. Reg. 338/09, s. 43; O. Reg. 284/12, s. 7 (2).

Source: [Nutrient Management Act, 2002, S.O. 2002, c. 4.](#)