

Waste Discharge Regulation Implementation Guide



**Ministry of Environment
Environmental Protection Division**

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1. Executive Summary

On July 8, 2004, the B.C. Government brought the *Environmental Management Act* (EMA) into force. This legislation combines the *Waste Management Act* and the *Environment Management Act* to create a single statute governing environmental protection and management in British Columbia.

This new act encourages the development of innovative and modern regulatory policies. The Waste Discharge Regulation (WDR), which establishes a tiered approach to waste discharge authorization, is one example of the use of these new legislative provisions.

The old *Waste Management Act* strictly prohibited the introduction of waste into the environment. As a result, any persons or companies wanting to discharge waste required a permit, regulation or plan or other such authorization from the ministry.

The new EMA fundamentally alters this regime. The act eliminates the overall strict prohibition on the introduction of waste. Instead, the EMA prescribes through the WDR that only certain industries, trades, businesses, operations or activities are prohibited from discharging waste. Accordingly, Schedules 1 and 2 of the WDR prescribe industries, trades, businesses, operations or activities that must obtain ministry authorization to discharge waste into the environment. While industries, trades, businesses, operations or activities not prescribed in the WDR no longer require ministry authorization to discharge waste, they are still governed by section 6(4) of EMA, which prohibits causing pollution.

Prescribed industries, trades, businesses, operations and activities are divided into two schedules in the WDR:

Schedule 1

Industries, trades, businesses, operations and activities listed on Schedule 1 of the regulation will generally continue to be authorized through the use of site specific authorizations or regulations due to the complexity of their discharges, potential for significant environmental impacts or limited number of similar operations in the province. Schedule 1 also includes some industries, trades, businesses, operations and activities that are authorized by existing regulations.

Schedule 2

Industries, trades, businesses, operations and activities listed on Schedule 2 of the regulation are eligible to be governed by minister's codes of practice. Codes of practice are enforceable, standard industry- or activity-wide regulations governing the discharge of waste from a prescribed industry or activity. If a code of practice governs the industry, trade, business, operation or activity, no site-specific permit or alternate type of authorization to authorize the introduction of waste into the environment is required. In the absence of an

approved code of practice, other forms of authorizations are required to authorize discharges to the environment.

Appendix B of this document contains Explanatory Notes, developed by ministry staff to provide detailed definitions of industries, trades, businesses, operations and activities listed in Schedules 1 and 2 of the WDR, and to give examples of the scope of each definition.

If an industry, trade, business, activity or operation is not specifically included in either Schedule 1 or 2, there is no need for the operation to obtain an authorization for discharge to the environment. Section 3 of the WDR specifies additional activities exempt from sections 6(2) and 6(3) of the EMA.

The WDR includes a third schedule that sets out the fees related to the discharge of contaminants from prescribed industries, trades, businesses, operations and activities.

Note that other provincial regulations, including but not limited to the Spill Reporting Regulation, Municipal Sewage Regulation and the Hazardous Waste Regulation, remain in effect and must be complied with in all regards. Also note that there is legislation that pertains to the management, control and stewardship of products and wastes that govern the handling and management of these substances. The onus is on the discharger to comply with the requirements of all environmental legislation.

During the development and drafting of the WDR, the ministry engaged in extensive consultation with industry groups and associations, MLAs, local governments, the federal government, non-governmental organizations, and other ministries. This guide may be amended from time to time. Please contact the regional Ministry of Environment office with any questions (see Appendix C - Regional Contact List).

1.1 Purpose and Status of this Guide

The purpose of this document is to:

- provide guidance to ministry staff and others in the application of the Waste Discharge Regulation (WDR);
- assist persons discharging waste within B.C. to determine their obligations under the WDR;
- help to ensure appropriate consistency among decision-makers when preparing and making decisions under the WDR; and
- promote clarity, transparency and accountability in the exercise of statutory functions.

Apart from providing general guidance on the application of the WDR, ministry officials with delegated authority are expected to consider and apply this document as a general rule. However, this document does not have the force of law. It is only a guide to inform the exercise of statutory discretion.

As a result, if the application of this guide is considered neither appropriate nor relevant to particular facts or circumstances, do not apply its provisions. Further, the *Environmental Management Act* (EMA), the WDR and the principles of administrative fairness shall take precedence over this implementation guide.

For ease of reference, quotations from EMA or the WDR are shown in italics. In some cases, the language of the act or regulation has been modified to make it more understandable. For

the exact wording of EMA or the WDR please refer to the actual legislation. The WDR is reproduced in its entirety in Appendix A.

1.2 The Director and Delegated Officials

The EMA assigns various powers, duties and functions regarding environmental management to a “*director*”.¹ The Minister has designated the Director of the Environmental Management Branch and the Director of Regional Operations as the “*director*” and has appointed the Director of the Environmental Quality Branch and the Assistant Deputy Minister, Environmental Protection Division, as deputy directors. A deputy director has all the powers of a director.

Under the EMA, the director can delegate any of his or her powers, duties or functions² to any person, subject to the terms and conditions the director considers necessary or advisable. The director will set out these terms and conditions in letters of delegation. The delegate cannot sub-delegate to a person in an acting capacity unless the sub-delegate receives his or her own delegation letter from the director. The EMA also provides that any reference to a director includes a reference to a person to whom the director has delegated his or her powers.

The director has delegated most powers, duties and functions to specified regional staff of the ministry. This includes the ability to make certain decisions and take certain actions under the WDR.

¹ According to section 1 of the EMA, a director is “a person employed by the government and designated in writing by the minister as a director of waste management or as an acting, deputy or assistant director of waste management”.

² An exception to this generalization is the director’s power to make protocols respecting contaminated sites and by policy substitution powers under the Waste Discharge Regulation and the Hazardous Waste Regulation.

2. Relationship to the *Environmental Management Act*

2.1 Relevant Sections of EMA (section 6)

In the context of section 6 of EMA, the Waste Discharge Regulation serves two purposes:

- It prescribes those industries, trades, businesses, operations and activities that must obtain some form of authorization before introducing waste into the environment sections 6(2) and 6(3); and
- It prescribes those industries, trades, business, operations and activities that may be exempt from sections 6(2) and 6(3) through compliance with a code of practice if an applicable code has been issued for that waste.

Those industries, trades, businesses, operations and activities that the WDR does not prescribe in Schedules 1 or 2 do not require an authorization to introduce waste into the environment. However, such persons or parties must not cause pollution section 6(4).

The WDR prescribes industries, trades and businesses, operations and activities. Operations and activities could occur across industry, trade, and business sectors. For example, Schedule 2 of the WDR lists petroleum storage as an activity. This activity occurs in different industries, trades and businesses (gas stations, bulk fuel stations, pulp mills, etc.).

The relevant EMA sections are:

1. For the purposes of this section, “*the conduct of a prescribed industry, trade or business*” includes the operation by any person of facilities or vehicles for the collection, storage, treatment, handling, transportation, discharge, destruction or other disposal of waste in relation to the prescribed industry, trade or business.
2. Subject to subsection (5), a person must not introduce³ or cause or allow waste⁴ to be introduced into the environment⁵ in the course of conducting a prescribed industry, trade or business.
3. Subject to subsection (5), a person must not introduce or cause or allow to be introduced into the environment, waste produced by a prescribed activity or operation.

³ Section 1 of the EMA defines “introduce into the environment” as follows: “in relation to waste, includes discharge, emit, dump, abandon, spill, release and allow to escape into the environment”.

⁴ Section 1 of the EMA defines “waste” as:

(a) air contaminants,(b) litter,(c) effluent,(d) refuse,(e) biomedical waste,(f) hazardous waste,

(g) any other substance prescribed by the Lieutenant Governor in Council, or the minister under section 22 [minister's regulations – codes of practice], or, if either of them prescribes circumstances in which a substance is a waste, a substance that is present in those circumstances
Section 1 of the EMA also defines each of (a) to (f).

⁵ Section 1 of the EMA defines “environment” as “air, land, water and all other external conditions or influences under which humans, animals and plants live or are developed”. Section 1 also defines “air,” “land” and “water”.

4. Subject to subsection (5), a person must not introduce waste into the environment in such a manner or quantity as to cause pollution.⁶

2.2 Prescribed Industries, Trades, Businesses, Operations and Activities

Section 2 of the WDR prescribes – or specifies - those industries, trades, businesses, operations and activities that require an authorization to discharge waste to the environment under section 6(2) and (3) of the EMA. These are set out in Schedules 1 and 2 of the WDR. The Explanatory Notes to the WDR schedules, found in Appendix B, will assist in explaining the definitions found in Schedules 1 and 2.

For enforcement purposes it is important to know if the entity being charged is an industry, trade or business under section 6(2) of EMA, or an activity or operation under section 6(3) of EMA. Consequently, the Explanatory Notes of the WDR guide also states if section 6(2) or 6(3) is applicable.

When determining whether the WDR applies to a particular business, trade, industry, operation or activity, it is essential to consult both Schedules 1 and 2 of the regulation.

If WDR Schedule 1 or 2 does not list an industry, trade, business, operation or activity, then no ministry authorization to discharge waste to the environment is required. However, the general prohibition against causing pollution under section 6(4) of the EMA continues to apply.

If an industry, trade, business, operation or activity is found to be causing pollution, the director may issue a Pollution Abatement Order (EMA section 83). If an operation is performing a manner likely to release a substance that will cause pollution, the director may issue a Pollution Prevention Order (EMA section 81), provided the person does not hold a valid authorization for the release of that discharge.

Should the director need information to determine if reasonable grounds exist to make a pollution abatement or prevention order, the director may issue a Requirement to Provide Information Order (EMA section 77). The various types of orders are described in more detail in section 5 of this guide.

⁶ Section 1 of the EMA defines “pollution” as “the presence in the environment of substances or contaminants that substantially alter or impair the usefulness of the environment”.

2.3 Interrelation with Other Forms of Authorization by the WDR

Provided their terms are met, there are a number of other regulations under the EMA that regulate waste discharge, including:

[Agricultural Waste Control Regulation \(B.C. Reg. 131/92\)](#)

[Antisapstain Chemical Waste Control Regulation \(B.C. Reg. 300/90\)](#)

[Asphalt Plant Regulation \(B.C. Reg. 217/97\)](#)

[Contaminated Sites Regulation \(B.C. Reg. 375/96\)](#)

[Finfish Aquaculture Waste Control Regulation \(B.C. Reg. 256/2002\)](#)

[Gasoline Vapour Control Regulation \(B.C. Reg. 226/95\)](#)

[Land-based Fin Fish Waste Control Regulation \(B.C. Reg. 68/94\)](#)

[Mushroom Composting Pollution Prevention Regulation \(B.C. Reg. 413/98\)](#)

[Oil and Gas Waste Regulation \(B.C. Reg. 208/96\)](#)

[Ootsa Lake Beehive Burner Regulation \(B.C. Reg. 142/2001\)](#)

[Open Burning Smoke Control Regulation \(B.C. Reg. 145/93\)](#)

[Organic Matter Recycling Regulation \(B.C. Reg. 18/2002\)](#)

[Ozone Depleting Substances and Other Halocarbons Regulation \(B.C. Reg. 387/99\)](#)

[Petroleum Storage and Distribution Facilities Storm Water Regulation \(B.C. Reg. 168/94\)](#)

[Placer Mining Waste Control Regulation \(B.C. Reg. 107/89\)](#)

[Pulp Mill and Pulp and Paper Mill Liquid Effluent Control Regulation \(B.C. Reg. 470/90\)](#)

[Solid Fuel Burning Domestic Appliance Regulation \(B.C. Reg. 302/94\)](#)

[Hazardous Waste Regulation \(B.C. Reg. 319/2004\)](#)

[Storage of Recyclable Material Regulation \(B.C. Reg. 133/92\)](#)

[Municipal Sewage Regulation \(B.C. Reg. 321/2004\)](#)

[Wood Residue Burner and Incinerator Regulation \(B.C. Reg. 519/95\)](#)

In a number of cases, regulations continue to exist in relation to matters set out in Schedules 1 or 2. The Explanatory Notes (Appendix B) highlights some applicable Ministry of Environment legislation.

In the future, if the ministry issues a code which applies to an industry, trade, business, operation or activity currently governed by a regulation, the regulation may be repealed.

[\(http://www.qp.gov.bc.ca/statreg/\)](http://www.qp.gov.bc.ca/statreg/)

Some regulations deal with matters other than the regulation of waste discharge, and instead place direct obligations on persons. These regulations include:

[Cleaner Gasoline Regulation \(B.C. Reg. 498/95\)](#)

[Motor Vehicle Emissions Control Warranty Regulation \(B.C. Reg. 116/96\)](#)

[Recycling Regulation \(B.C. Reg. 449/2004\)](#)

[Public Notification Regulation \(B.C. Reg. 202/94\)](#)

[Spill Cost Recovery Regulation \(B.C. Reg. 250/98\)](#)

[Spill Reporting Regulation \(B.C. Reg. 263/90\)](#)

[Sulphur Content of Fuel Regulation \(B.C. Reg. 67/89\)](#)

[Permit Fees Regulation \(B.C. Reg. 464/2004\)](#)

2.4 Exemptions from EMA and the WDR

Exemption by compliance with a code of practice

Industries, trades, businesses, operations and activities prescribed in Schedule 2 of the WDR are exempt from sections 6(2) and 6(3) of the EMA if they introduce waste to the environment in accordance with a “*code of practice*”⁷ the minister has approved.

Codes of practice are fully enforceable, standard industry- or activity-wide regulations governing the discharge of waste from a prescribed industry, trade, business, operation or activity. Codes may:

- set standards for discharge quality;
- include conditions of operation and discharge; and
- monitor discharges or ambient sites around operations.

If there is no code of practice approved for the industry, trade, business, activity or operation, EMA requires some other form of authorization (such as a permit or approval) for the discharge of waste into the environment.

Authorizations for discharges listed on Schedule 1 must be obtained through “*traditional*” means such as a permit, approval, order or compliance with another regulation. Codes of practice cannot be developed for those industries, trades, businesses, operations and activities set out in Schedule 1. Please see the ministry’s authorization processing package for Schedule 1 items that require a site-specific authorization, located on the web at <http://www.env.gov.bc.ca/epdiv/authorization/index.html>.

Exemption under Section 6(5) of EMA

Section 6(5) of EMA lists discharges exempt from the Act and the WDR. These exemptions are identical to the list in section 3(5) of the former *Waste Management Act*.

⁷ A **Code of Practice** is a minister’s regulation and is fully enforceable.

Exemption under Section 3 of the WDR

Section 3 of the WDR outlines additional operations exempt from the Act and the WDR. These are similar to the list of operations that were listed in the former Conditional Exemption Regulation, with some notable changes:

The discharge of wood residue of foundation material at construction sites is exempt if it is applied **under the direction of a professional engineer**.

The use of industrial wood residue for **sports arenas** has been changed to **sports areas**. This allows wood residue to be used on ball diamonds, soccer pitches, or on high-use linear areas such as riding or hiking trails. The exemption is not intended to allow the placement of wood waste over large areas used occasionally for sports activities.

The use of wood residue as a soil conditioner or ground cover in non-agricultural areas is exempt if **less than 100 m³/year is applied on a single property and it is applied in accordance with good agronomic practices**. In this context, good agronomic practice implies spreading the wood residue evenly over the site as a soil amendment, and ensuring the wood waste has some beneficial use to the soil.

Both ash and air emissions from commercially available auxiliary fuel-fired refuse incinerators are exempt.

The emissions from commercial pet crematoria have been added to the list of exemptions under WDR section 3.

The exemption for the discharge of coarse coal refuse, waste rock and overburden has been moved from the Conditional Exemption Regulation (which has been rescinded) to the definition of the Mining and Coal Mining Industry in Schedule 1 of the WDR (see Appendix D - Exemption Table).

2.5 Prohibition Against Causing Pollution

It is not the intention of the WDR to authorize waste discharges that cause pollution under EMA section 6(4). It is the operation's responsibility not to cause pollution.

When pollution occurs while the operation acts in accordance with a code of practice or other form of authorization, the ministry can issue pollution abatement orders if necessary.

2.6 Activities Prohibited by GVRD Bylaw Respecting Air Contaminants

Section 31 of the EMA allows the Greater Vancouver Regional District (GVRD) to "*provide the service of air pollution control and air quality management and, for that purpose, the board of the regional district may, by bylaw, prohibit, regulate and otherwise control and prevent the discharge of air contaminants.*" For air discharges in the GVRD, contact the regional district directly.

3. Process to Determine if Waste Disposal Requires Authorization

Note: No discharge means no authorization despite the industry, trade, business, activity or operation being captured by a definition in Schedule 1 or 2.

This six-step evaluation process is recommended to determine if an authorization is required under EMA and the WDR:

1. Do any exemptions apply in section 6(5)(b) – (m) of EMA?
 - a. Yes – not prescribed – no authorization needed
 - b. No – continue to step 2

2. Do any exemptions apply in section (3) of WDR?
 - a. Yes – despite being listed in Schedule 1 or 2, this activity or operation is exempt; no authorization is needed
 - b. No – continue to step 3

3. What is the **primary** industry, trade or business? Is the industry, trade or business listed in Schedule 1 or 2 of the WDR?
 - a. Yes – discharger is prescribed but may be exempted by a WDR definition
 - b. No – continue to step 4

4. What activities or operations occur at the site? Are any of these activities or operations listed in Schedule 1 or 2 of the WDR?
 - a. Yes – discharger is prescribed but the activity may be exempted by a WDR definition
 - b. No – no authorization is needed

5. Is there an exemption within the WDR definition?
 - a. Yes – no authorization is needed
 - b. No – discharger is prescribed and an authorization is needed

6. If prescribed, what form of authorization to discharge is needed?
 - a. No discharge = no authorization
 - b. Schedule 1 = permit, approval, order, regulation or plan
 - c. Schedule 2 = code. If no code exists, then Schedule 2 defaults to the options available for Schedule 1

The following flowchart outlines the six steps:

4. Issues Arising from the Waste Discharge Regulation

4.1 What Compliance With a Code of Practice Authorizes

If a person requesting an authorization for waste discharge complies with all the requirements of an applicable code and the provisions of section 4 of the WDR (discussed below), the introduction of waste into the environment is exempt for the purposes of sections 6(2) and 6(3) of the EMA.

However, it is important to consider carefully whether the code authorizes all wastes discharged by any particular person. WDR section 3 exempts the person only from section 6(2) or 6(3) of EMA in relation to the introduction of that **waste governed by a code of practice**.⁸ In contrast, EMA sections 6(2) and 6(3) contains a much broader prohibition against the introduction of any waste in the course of conducting a prescribed industry, trade, business, operation or activity.

As a result, if aspects of waste discharge from an industry, trade, business, operation or activity are not “*governed by a code of practice*”, the introduction of that waste from those aspects of the industry, trade, business, operation or activity would not be authorized, even if the industry, trade, business, operation or activity complies with the code. The industry, trade, business, operation or activity may need a combination of codes and other authorizations.

For example, if the ministry established a sawmill code, a sawmill operator might be exempt if he or she complied with the code. However, if the code did not deal with emissions from the burning of wood waste, the sawmill operator would need to obtain separate authorization for emissions from the burning of wood waste.

Similarly, it is possible that a person may be engaged in one or more industry, trade, business, operation or activity. He or she may need to comply with more than one code of practice, or obtain other forms of authorization, in order to cover all aspects of their activities.

Once a code has been developed for a particular industry, trade, business, activity or operation, EMA section 14(3) prohibits the director from issuing a new permit or amending an existing permit (unless the amendment is considered “*minor*”) in relation to the waste governed by the code of practice.

⁸ This is because:

Section 4(1)(b) refers to “introduction of waste [which] is governed by a code of practice”;

Section 4(1)(c) refers to “introduction of waste [which] is carried out in accordance with the code of practice”; and,

The concluding words in section 4(1) provide that, if the various requirements of section 4(1) are met, “the person is exempt from section 6 (2) and (3) of the Act for the purpose of the introduction of **that** waste into the environment”.

4.2 Existing Authorization No Longer Required

Industries, trades, businesses, activities or operations that have an existing permit but are no longer prescribed by the WDR as requiring an authorization, may request cancellation of their permit, or they may retain their permit and pay fees if they desire. Since these permits still authorize an introduction of waste to the environment, the Permit Fees Regulation would continue to apply.

When a new code is developed for an industry, trade, business, activity or operation, an existing permittee can either:

ask the ministry to cancel their permit and comply with the new code, or
keep their permit until a major amendment is needed; after which time they must comply with the new code.

Existing permits are still valid. Neither the director nor the Minister can cancel or suspend permits except in very specific circumstances (EMA section 18).

Section 14(3) of EMA states that a director may not issue a new permit authorizing the introduction of waste into the environment where the introduction of waste is governed by a code of practice or regulation. Likewise section 14(4) of EMA states a director may not issue an amendment to an existing permit authorizing the introduction of waste into the environment where the introduction of waste is governed by a code of practice, unless:

the amendment is necessary for the protection of the environment, or
the amendment is of a minor nature.

Amendments of a minor nature involve issues such as changes of name or address, decreases in the authorized quantity of the discharge, increases of less than 10% of the authorized quantity of the discharge, changes in monitoring requirements, etc. (see section 14(4)(6) for details).

An increase of greater than 10% of the authorized quantity of the discharge constitutes a major amendment and triggers the application of the code of practice at the operation. If the operation needs time to install new works or to modify their procedures to comply with the code, the ministry may issue approval for a maximum of 15 continuous months.

4.3 Registration Requirements for Codes of Practice

Information to be included in a registration

A person may be required to register under a code of practice in accordance with WDR section 4(2), which states:

In order to affect a registration referred to in subsection (1) (d), the person must provide to a director the following information, as applicable, in a form approved by the director:

- (a) if the person is an individual, the person's full name and residential address*
- (b) if the person is a corporation or entity that is registered with the Registrar of Companies under an Act that provides for an address at or to which records may, under that Act, be served on the corporation or entity
 - (i) the registered name of the corporation or entity; and*
 - (ii) that address**
- (c) if the person is a corporation not referred to in paragraph (b),
 - (i) the name of the corporation; and*
 - (ii) the address of the corporation's head office in British Columbia, or if the corporation does not have an a head office in British Columbia, the address of the corporation's head office**
- (d) if the person is a partnership, the name of the partnership, the full name of each partner, and the head office in British Columbia of the partnership;*
- (e) if the person is a corporation or entity operating under a name other than its registered name, the name under which the corporation or entity conducts or carries out the prescribed industry, trade, business, operation or activity;*
- (f) the name and address and contact numbers of an individual who is located at or near the site where the introduction of waste into the environment will occur and who is the local contact for the purposes of the discharge;*
- (g) the address and legal description of location of the facility that produces the waste, and the address, legal description and latitude and longitude of the site where the introduction of waste into the environment will occur;*
- (h) the industry, trade, business, activity or operation in relation to which the waste is or will be introduced into the environment as set out in Column 1 of the table in Schedule 2;*
- (i) the title of the code of practice that governs the person's discharge of waste;*
- (j) if the person previously held an authorization under the Act to discharge waste or has previously registered under this regulation in relation to a code of practice, the ministry file number for that authorization or registration;*
- (k) other information relevant to the exemption specified in the applicable code of practice as required for the purposes of a registration under this regulation;*
- (l) other information relevant to the exemption specified by a director in a particular case.*

The requirement to register applies where a code of practice specifies it. Registration must be provided in the form the director specifies (see Appendix E for a sample registration form). Eventually applicants will be able to register on a web-based system. Until then, registration forms for each code of practice will be available on the code of practice's web page. Ministry staff can access the workflow developed for the registration process on the ministry's electronic document management system (EDOC).

Who Must Register

Any person introducing waste that a code of practice governs must register, if the code requires it.

As outlined in Section 4.2 of this guide, existing permit holders who seek a major permit amendment will need to register, if an applicable code requires it. In accordance with EMA section 14(3), a director cannot issue a major permit amendment when a code of practice governs the introduction of that waste⁹.

If a proposed amendment is minor, according to EMA section 14(4)(b), the director may amend the permit. The key difference between a major and minor amendment is that a 10% or greater increase in the amount of waste discharged constitutes a major amendment.

Required Information

WDR section 4(2) sets out the information that requestors must provide the director to affect a registration. The following comments apply to each of the requirements under section 4(2):

(a) if the person is an individual, the person's full name and residential address;

In the EMA, "person" includes both a natural person and a company.¹⁰ The WDR states that "the person" must provide the information to the director. However, if "the person" has authorized anyone to provide information, this requirement is met. For a company, this could include an agent, officer or employee of the corporation.

(b) if the person is a corporation or entity that is registered with the Registrar of Companies under an Act that provides for an address at or to which records may, under that Act, be served on the corporation or entity

(i) the registered name of the corporation or entity; and

(ii) that address;

If the person seeking authorization is a company¹¹ registered under the *British Columbia Company Act*, then the WDR requires the person to provide their registered name.

⁹ Once a code of practice has been developed and approved, the ministry will no longer issue permits to new operations, or major permit amendments for existing operations, for that industry, trade, business, operation or activity.

¹⁰ Section 29 of the *Interpretation Act* defines the term "person" to include "a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law".

¹¹ A company is a separate legal entity from the shareholders who own it. Companies are established under law, by incorporation. Their liability is generally limited to the assets of the corporation, and not the assets of the individual shareholders. For this reason, the law requires companies to include in their names an indication of their incorporated status (e.g., "Limited", "Ltd.", "Incorporated", "Inc.", "Company", "Co.", etc.).

For the purposes of this section, "registered" means any company incorporated under the *British Columbia Company Act*, or any extra-provincial company registered under that act to do business in British Columbia.

(c) if the person is a corporation not referred to in paragraph (b),

(i) the name of the corporation, and

(ii) the address of the corporation's head office in British Columbia, or if the corporation does not have a head office in British Columbia, the address of the corporation's head office;

A company may have a head office address that differs from its registered office address. Either address is sufficient for the registration.

(d) if the person is a partnership, the name of the partnership, the full name of each partner, and the head office in British Columbia of the partnership;

(e) if the person is a corporation or entity operating under a name other than its registered name, the name under which the corporation or entity conducts or carries out the prescribed industry, trade, business, operation or activity;

- Companies may do business as, or operate, under another name. For example, a company might be incorporated under the name of 1648678 Holdings Ltd., but do business as "Acme Disposal". In such cases, the company must provide both its registered name and its operating name on the registration form.

(f) the name and address and contact numbers of an individual who is located at or near the site where the introduction of waste into the environment will occur and who is the local contact for the purposes of the discharge;

The regulation refers simply to "contact numbers". In general, registering parties should be asked to provide sufficient information to ensure that the local contact can be reached on short notice. This must at minimum include the person's main business number, and registrants should also be encouraged to provide e-mail addresses, as well as mobile telephone, fax, and pager numbers.

(g) the address and legal description of the location of the facility that produces the waste, and the address, legal description and latitude and longitude of the site where the introduction of waste into the environment will occur;

Registering parties must provide the latitude and longitude of the site to the nearest second.

(h) the industry, trade, business, activity or operation in relation to which the waste is or will be introduced into the environment, as set out in Column 1 of the table in Schedule 2;

Registrants must specify each of the prescribed relevant industries, trades, businesses, operations and activities to which the registration relates. For example, if a company engages in two types of prescribed activities, the registration must specify each of those activities.

Although the ministry does not approve registrations under the WDR, registration ensures the ministry is aware of ongoing activities and can make informed decisions regarding inspections and related matters.

(i) the title of the code of practice that governs the person's discharge of waste;

A person seeking exemption through one or more codes of practice must specify in the registration the codes of practice they believe govern the discharge of each waste.

(j) if the person previously held an authorization under the Act to discharge waste or has previously registered under this regulation in relation to a code of practice, the ministry's file number for that authorization or registration;

This provision includes all prior authorizations, including permits, approvals, and waste management plans. File numbers generally appear on a receipt for fees, or other communication.

The EMA does not require the ministry to provide any formal acknowledgment of registration. However, the ministry will give each registration a number for administrative purposes and advise the registrant of the number. This action does not relieve the applicant of ensuring that all requirements of the registration are met. In addition to completing the registration form correctly, the proponent must also comply with all the technical requirements of the code. The ministry does not endorse or approve the validity of registrations through the issuance of registration numbers. Registration is not an appealable decision (e.g. registrations that meet the requirements are registered; those that do not meet the requirements are not registered).

(k) other information relevant to the exemption specified in the applicable code of practice as required for the purposes of a registration under this regulation;

To assess whether the code of practice requires additional information for the purpose of registration, refer to the code of practice for which the authorization is sought, as discussed in relation to subsection (i), above.

(l) other information relevant to the exemption specified by a director in a particular case.

4.4 Commonly Asked Questions About Information Required for Registration

What circumstances require additional information?

Under section 1 of WDR, the director can request any information “*relevant to the exemption*”. This is a broad standard, and the director or their delegate should consider asking for information in any case when considered necessary, in regards to the overall purpose of the WDR and the relevant code of practice. This may include, but should not be limited to, circumstances in which it may be necessary to order a substitution in respect to a particular person.

The director may require additional information in situations where:

the person intends to operate at a level of production that is significantly in excess of any other operators for which code of practice was developed; or
the receiving environment where waste discharge will be carried out has some particular sensitivity.

Although the director has broad authority to request information whenever necessary under this section, ministry officials are encouraged to use this power judiciously. This helps prevent the registration process from taking on the attributes of a permit application in routine cases.

Similarly, this section should not be used to obtain information for the purposes of deciding whether a pollution abatement or pollution prevention order may be necessary. Such requests should be made under EMA section 77 as appropriate.

When should additional information be sought?

Any request for information under this section must be made within 45 days from when a registration was delivered to the ministry. This is because the registration otherwise becomes effective on the 45th day (see 4.6 of this guide) after delivery to the director (see section 4(4) of the WDR.)

If the director makes an information request, then the effective date of the registration is delayed. This occurs because the registration is not deemed to have been submitted in a manner that “*complies with subsection 2*” until the additional information is provided. Since requests for additional information under section 4(2)(i) of WDR have the potential to delay a person's registration, the director should request additional information as soon as the director is aware that it is required.

Who will make the decision to request further information?

The director makes the decision to request information as part of a registration.

Can a registration be refused?

No, but additional information can be requested by the director.

4.5 Fee Requirements

Calculating Fees

An annual fee is required only in cases where a code of practice requires registration.

WDR section 4(3) stipulates that the first annual fee must accompany the registration (there is no separate application fee), calculated in accordance with section 9(1). It also requires the submission of a written record of the fee calculation. The fee calculation must be completed in the form approved by the director.

Please note registrations are effective only when correct fees have been paid.

Ministry staff may respond to questions about completing the form, but registrants are responsible for making all calculations. Ministry clients should be encouraged to access the ministry web site, and use the tools set out there for calculating fees. When further information respecting fee calculations is required, individuals should contact the ministry office in Victoria (250-387-3205).

If more than one code of practice or other authorization governs a person, only one base fee per year, per medium (air, refuse, effluent, storage), per site will be charged.

WDR section 4(3) and 4(5) make it clear that unless the applicable fees are paid in accordance with section 9, the registration is ineffective. It is the applicant's responsibility to ensure that correct fees are paid within the time the WDR requires. An insufficient fee amount or a late fee will render the registration non-effective.

Effect of Non-Compliance on Registration Information and Fee Requirements

If a person submits a registration that does not comply with all the information requirements of section 4(2) and the fee requirements of section 4(3) of WDR, then the person's registration is not effective. Specifically:

In the case of the first fee payment, WDR section 4(4)(b) states that the person is only registered 45 days after they have delivered a registration that complies with subsection (3), and a properly-calculated first annual fee.¹²

In the case of subsequent annual fees, WDR section 4(6)(a) states that registration ceases to be effective on the day after the anniversary date of registration, if the annual fee has not been paid.

A client whose registration ceases to be effective because of a failure to pay fees within the regulation's time limits can apply to be reinstated by re-registering and completing all the necessary administrative steps; that is, they must comply with WDR section 4 requirements and pay fees. If the client does so, the manager has the discretion to write the client and advise them that they are registered without having to wait 45 days.

¹² Unless the director sends a letter under section 4(4)(a), as discussed in the next section below.

4.6 Effective Date of Registration

45-Day Rule

WDR section 4(4)(b) provides that a complete registration, including appropriate fees and any additional information, becomes effective 45 days after delivery to the director. While registrations by regular mail are not encouraged, in practice the 45 days commence on the date the director receives the complete registration by regular mail.

The EMA does not require any formal acknowledgment of registration, but the ministry will give each registration a number for administrative purposes; the registrant will be advised of the number assigned to the registration. Although the ministry assigns a registration number and advises the registrant accordingly, this does not relieve the applicant from meeting all requirements of the registration.

The ministry does not endorse or approve the validity of registrations through the issuance of registration numbers.

Re-registration due to non-payment of fees

If re-registration takes place, the same registration number is used but a new date is issued, which becomes the anniversary date. The client will be required to pay fees starting at the new anniversary date (the client cannot be charged back to the original anniversary date as they did not have an effective registration during this time period.) While the registration is not effective, the client is not authorized, and therefore subject to the penalties in EMA for discharging in violation of section 6(2) or 6(3). Ministry staff can access the workflow associated with re-registration, which is part of the Centralized Permit Processing Initiative on the ministry's EDOC system.

The registrant is always responsible for meeting registration requirements, including fee payment. The ministry need not review the intended registration to make this assessment, or to notify the person of any such shortcomings. However, if a ministry official is aware of an attempted registration that does not meet the requirements of section 4(2) of WDR, the official should inform the person attempting registration.

The ministry will establish systems to notify registrants that the annual date of registration is approaching and they should pay their annual fees. This will not affect the registrant's responsibility for ensuring that fees are paid on time.

4.7 Special Circumstances

Early Registration by Letter from Director

The director has authority to affect a registration prior to 45 days by providing a letter in this regard. A sample letter is available for ministry staff on the ministry's EDOC system. The director should use this authority when:

the applicant demonstrates a valid reason why the standard 45-day rule would cause some form of significant prejudice or hardship; or,
another substantial reason for doing so exists.

Grounds for early registration could include:

the condition of a land sale;
urgent need to clean up a site or situation;
financing purposes;
time sensitivity involving weather; or
timing for creek access.

The director should not use this authority simply because applicants desire confirmation that their registration meets the requirements of WDR section 4(2).

Effect of Operating Before Registration is Effective

If a person commences activities that result in the discharge of waste in respect to a prescribed industry, trade, business, activity or operation prior to the effective date of the registration, then the discharge is not authorized under the WDR and EMA. In such circumstances, ministry officials should review the matter and consider taking appropriate compliance action, in accordance with the ministry's general compliance strategy (see section 6 of this guide.)

False or Misleading Information

Registration does not take effect if a person knowingly provides false or misleading information in a registration (WDR section 5). Moreover, this constitutes an offense for which enforcement action can be taken.

If false or misleading information is provided in a registration but it cannot be determined whether the person knew the information was false or misleading when provided, the offense provisions of section 5(1) would not apply. However, the person may still lack an effective registration under section 4(2) if the information provided proves false in some substantive respect.

If a ministry official believes that a registration lacks validity because of false or erroneous information, the official should advise the person accordingly and invite them to correct the registration as soon as possible.

Changes to Information and Transfer of Registrations

Section 4(5)(b) makes it clear that a person must provide a director with written notice of any change in information in their registration within 30 days of the change. Moreover, section 4(6)(b) states that if they do not do so, their registration ceases to be effective.

The WDR makes no provisions for the transfer of a registration due to a transfer of ownership of an operation. Therefore a successor company operating the same works will need to register themselves in order to be exempt under compliance with a code of practice.

The ministry is not responsible for advising parties when a change in circumstances might cause them to lose their registration and exemptions under the EMA and regulations.

However, if ministry officials become aware of such a change, they should draw to the registrant's attention the requirements of section 4(5)(b).

When submitting changes in information, the advising parties should complete the appropriate form, available on the ministry's website once the relevant code is developed. Ministry staff can access the workflow for processing a Change of Information form on the ministry's EDOC system.

When a registration ceases to be effective because a person did not notify the ministry of a change as required, and the person has paid their fees, then the person may submit an update and re-register. If the client submits such an update, the director has the discretion to write to the client and advise them they are registered without having to wait 45 days. In any event, if re-registration takes place, the ministry will keep the same registration number but create a new anniversary date based on the submission of the updated information. While the registration is not effective, the client is not authorized and will be subject to the penalties in EMA for discharging in violation of section 6(2) or 6(3).

If a person fails to submit information and fails to submit their fee within the regulation's time limits, the person can re-register by doing all the necessary administrative steps (i.e., by complying with WDR section 4 requirements and paying appropriate fees). If the client does so, the director has the discretion to re-register the client without having to wait 45 days.

If re-registration takes place, the ministry will keep the same registration number and create a new anniversary date. The client will be required to pay fees effective the revised anniversary date (the client cannot be charged back to the original anniversary date as they did not have an effective registration during this time period).

While the registration is not effective, the client is not authorized to discharge and will be subject to the penalties in EMA for discharging in violation of section 6(2) or 6(3).

4.8 Substitutions

Who Can Issue Substitutions?

The director has the power to issue substitutions. In this case, the director's powers have not been delegated to the regional offices. The Director of Regional Operations and the Director of Environmental Management have retained sole power to issue substitutions.

WDR section 7 states:

(1) The minister or a director, on his or her own initiative, may, by order, substitute a different requirement for a requirement contained in a code of practice if, in the individual case, the minister or the director considers that:

- *the substitution is necessary to protect the public or the environment; or*
- *the intent of the code of practice is met by the substituted requirement.*

(2) If the minister or a director makes a substitution under subsection (1), the minister or the director may order that notification of the substitution be given to the public in the manner the minister or director specifies.

(3) A director, on application under section 8, may, by order, substitute a different requirement for a requirement contained in a code of practice if the director decides, in the individual case, the intent of the code of practice will be met by the substituted requirement.

A substitution can be made at the director's initiative, or upon consideration of a registrant's application. Each situation is discussed further below.

The power to issue substitutions does not include the power to eliminate requirements from a code of practice, or to add additional requirements. Instead, the power is limited to replacing one code standard or requirement with another.

Substitutions can only be granted "*in an individual case*." This means that a substitution can only be issued in relation to a particular person or business. If the director considers a substitution appropriate in the case of more than one person, each case must still be considered separately, and separate orders for substitutions made.

Substitutions should not be considered where it would be more appropriate to develop an area code, area-based plan, or to amend the code itself.

Substitutions Made on the Director's Initiative

One purpose for developing codes of practice is to provide a degree of standardization and ease of administration across a sector. As a result, substitution of code of practice requirements is not expected to occur in a large number of cases. However, WDR section 7(1) provides that this may be done where the minister or director considers that:

the substitution is necessary to protect the public or the environment; or
the intent of the code of practice is met by the substituted requirements.

In assessing whether the substitution may be necessary to protect the public or the environment, it is appropriate to consider the nature of the risk presented.

Process for Substitutions Made on the Director's Initiative

In cases where a director considers substituting a code of practice requirement, the person subject to the potential substitution must be notified in writing of the:

facility or operation for which the substitution is considered potentially necessary;
provisions of the relevant code of practice for which a substitution is recommended;
specific substituted requirements that are recommended in the circumstances; and
reasons why the substitution is considered necessary.

It is generally expected that the director would engage in consultations before making such a substitution order (in this case an order means a direction given in writing). In many cases, this will resolve the matter and the person who is the subject of the substituted requirements may not have any objections.

However, if it is necessary to pursue a substitution order when the person is opposed to it, then the reasons for the proposed substitution should be provided to the person in writing.

The person should be given an opportunity to respond in writing (30 days subject to extension or reduction for reasonable cause) before the director makes a final decision.

The ministry may notify the public of director-initiated substitutions through notices in local newspapers after the substitution decision has been made. An example of this notice is provided in Appendix F.

Since substitutions by director's initiative are most likely to be made only when considered necessary to protect the environment or public health, it is unlikely that such substitutions would have the potential to negatively affect third-party interests. If, however, the director has reason to believe that a substitution by director's initiative has the potential to materially affect a third party, that third party should be consulted and given an opportunity to make his or her views known.¹³

Substitutions are not subject to time limits from the original date of the registration.

Substitutions Upon Application by a Registrant

Process for substitutions made on the registrant's initiative

Where a person wishes to make an application for a substituted requirement, the person must follow the specific procedural requirements set out in WDR section 8. A pre-application meeting is strongly recommended to ensure that applicants are aware of their responsibilities, and to provide the applicant with an estimate of the application fee.

Section 8 (1) of WDR - A person who is exempt from section 6 (2) or (3) of the Act under section 4 (1) of this regulation may apply for a substitution described in section 7 (3) by filing with a director a copy of a completed application in the form specified by the director.

Appendix G contains a draft application form for a substitution.

When the registrant submits an application, it will be managed through the ministry's internal administrative process. Ministry staff can access the workflow for substitution applications on the ministry's EDOC system.

Section 8(2) of WDR - A person who makes an application under subsection (1) must do all of the following:

- (a) within 15 days after the date the application is filed with the director, post a readable copy of the application in a conspicuous place at all main entrances to the site where the introduction of waste into the environment will occur;*
- (b) keep the copy posted for a period of not less than 30 days;*
- (c) publish notice of the application in the form approved by the director in one or more newspapers specified by the director;*

¹³ In such a case, the person who was the subject of the proposed substitution must be provided a copy of any submissions or information provided by the third party, and given an opportunity to respond to such information before any decision is made.

(d) advise the director by notice in writing of the date the copy of the application was posted under paragraph (a) and the date notice was published under paragraph (c).

A sample substitution notice for a newspaper publication is provided in Appendix H.

Selecting the Newspapers

When deciding in which newspapers to require the applicant to publish notice, the director or his or her delegate should consider which newspapers are likely to provide for reasonable notice to those in the area who have a potential interest in the application for substitution. In some cases, this may require publication in more than one newspaper.

Calculating Days of Sign-Posting if Posting is Interrupted

If an applicant posts a sign as required, but it is removed prior to being posted for 30 continuous days (for example, through theft or vandalism) then advise the applicant to post the sign for an additional period of time until the director is satisfied that it has been posted for 30 cumulative days.

Additional Notification Requirements

Section 8(3) of WDR - *If directed to do so by a director, a person who makes an application under subsection (1) must*

(a) serve a signed copy of the application to any person who, in the director's opinion, may be adversely affected by an environmental impact of the proposed substituted requirement, and

(b) display a copy of the application in one or more branch post offices of Canada Post Corporation.

Additional notice under section 8(3)(a) should be considered in cases where:

the ministry has reason to believe that there may be others whose interests could be adversely affected in a manner different from or more significant than members of the general public; and
the notification process under subsection 2 is not likely sufficient to ensure actual notice to those persons.¹⁴

These persons might be identified through the standard application form that asks applicants to identify potentially affected persons, or the ministry may become aware of them through other means. Where notice must be provided to a person under section 8(3)(a), a copy of the application may be used.

Additional notice under section 8(3)(b) should be considered in cases where:

there are likely to be persons who may be adversely affected by the substitution;
those persons are not readily identifiable; and
the notification processes under subsection 2 are not likely sufficient to ensure actual notice to those persons.

¹⁴ This might, for example, apply to situations in which the owner of adjacent lands is known to reside in another area during certain times of year.

Adversely Affected Persons

Who is an Adversely Affected Person?

When deciding whether a person may be an “*adversely affected person*” for the purposes of section 8(5), the director should consider whether that person has interests that could be impacted from the perspective of the protection of the environment and the public, which includes First Nations concerns.

A person who objects to a substitution only because they are a competitor of the person to whom the substitution may be granted will not be considered a person who “*may be adversely affected*” for the purposes of this section. Should a competitor appeal a substitution, the Environmental Appeal Board may consider this when reviewing the specifics of the case.

Notification to Adversely Affected Persons

Section 8(4) of WDR - *A person who may be adversely affected by an environmental impact of a proposed substitution under this section may notify a director and the applicant in writing, stating how the person is affected, within 30 days after the occurrence of the later of the following events:*

- (a) the application is posted or published under subsection (2);*
- (b) the application is served or displayed under subsection (3).*

If an adversely affected person has concerns, they must communicate them in writing to the director.

When determining the expiration of the 30-day period, consider the comments outlined above respecting the calculation of how many days the notice has been posted where posting has been interrupted.

Consultation with Adversely Affected Persons

Section 8(5) of WDR - *If directed to do so by a director, the applicant must consult in the manner directed with a person who, in the director's opinion, may be adversely affected by an environmental impact of the proposed substitution to explain and clarify the intent of the application.*

Where a substitution may adversely affect a person, the director should ask the applicant to meet or speak with that person. If, however, the applicant objects to this type of consultation, the director should ask the applicant to explain why the consultation would not be helpful or appropriate. The director should consider any such comments when making a decision whether to require consultation under this section.

Where consultation is directed, the director may require that it occur in writing, in person, or by telephone. When deciding which mechanism to use, the director should ask both the applicant and the potentially affected person for their preferred means of communication.

The director may also wish to provide a number of options, and to leave the matter to the parties to resolve. If a large number of persons may be adversely affected, and if this group includes members of the general public in an area, the director or delegate may direct that

the consultation occur by way of a public meeting. However, there is nothing in the WDR that allows the director to order public meetings merely on the basis of public or media attention to a matter.

Consultation with Local Government and Other Government Agencies

The director may request that the applicant undertake consultations with local governments or other government agencies. However, section 8(5) does not provide the director with the authority to require persons to enter into consultations with local governments or other government agencies. The director can undertake such consultations, subject to certain conditions, at his or her discretion. This is discussed further in respect of section 8(7) below.

Consultation with the States of Washington, Idaho and Montana

Consultation may also be required under the [B.C.-Washington/Idaho/Montana Environmental Cooperation Agreement](#).

Consultation with First Nations

In addition to the consultation requirements the WDR sets out, other consultation may be requested with First Nations.

Memorandum of Understanding with the Oil and Gas Commission

In November 2003, the OGC and the MoE developed a Provincial Sub-Agreement Memorandum of Understanding. In addition, several sub-agreements involving such matters as MoE tenures, compliance and enforcement, research and review, First Nations, and coalbed gas development are either in place or under development.

The Oil and Gas Commission (OGC) has been given the authority under the *Oil and Gas Commission Act* to exercise statutory decision-making functions under various acts which relate to oil and gas matters (see <http://www.ogc.gov.bc.ca/>).

With respect to the *Environmental Management Act*, the powers of the OGC apply to:

- Section 9 (hazardous waste storage and disposal)
- Section 14 (permits)
- Section 15 (approvals)
- Section 16 (amendments to permits and approvals etc.)
- Section 17 (transfers of permits and approvals etc.) and
- Section 20 (abandonment)

The director has delegated the appropriate powers to the Oil and Gas Commissioner under section 3 of EMA.

The *Oil and Gas Commission Act* makes it clear that both the Ministry of Environment (MoE) and OGC have authority for enforcement in respect to matters that are otherwise administered by the OGC (e.g. EMA permits issued by the OGC).

Nothing in the *Oil and Gas Commission Act* gives the OGC authority over remedial matters such as pollution abatement orders. However, the OGC does have potentially related powers such as the ability to amend permits. Consequently, consultation and co-ordination between the OGC and Environmental Protection Division (EPD) staff is necessary and appropriate in cases where EPD staff have concerns about an operation causing pollution that the OGC has authorized.

Memorandums of Understanding and Protocol Agreements with the Ministry of Energy and Mines

Numerous agreements exist between the Ministry of Environment (MoE) and the Ministry of Energy and Mines, covering such diverse topics as exploration activity referrals, security requirements, inspection of placer mines, and the regulation of mine tailings impoundments. A number of these agreements from 1988 and 1991 can be found at MoE's Mining, Smelting and Energy sector home page: http://www.env.gov.bc.ca/epd/epdpa/industrial_waste/mining_smelting/masiw.html. A current MOU is under development to capture changes to EMA regarding exploration sites and permits.

Ministry Role in Consultation

The EMA and WDR do not preclude the ministry from participating in consultation directed to occur under section 8(5). If the director decides to participate in consultation, the director should make the director's role in the process clear, and ensure that the parties understand that the director ultimately remains responsible for making a decision respecting the substitution application. The parties should also be advised that the director, when making a decision, might consider any information or positions exchanged during the consultation.

Evidence of Proof From Persons Who May Be Adversely Affected

Applicants who have been required to undertake consultations with persons who may be adversely affected should be encouraged to provide to the ministry a written summary of such consultations, and to provide a copy of the summary to the person who was consulted.

Demonstration that the Substituted Requirement Meets the Intent of the Code

Section 8(6) of WDR - An applicant must demonstrate to the satisfaction of a director that the substituted requirement requested meets the intent of the code of practice.

The applicant must demonstrate to the director that the proposed substitution meets the code of practice's intent. The director is not required to undertake additional studies or research to assess the proposed substitution. Instead, if additional information is required, the director should consider requesting it under section 8(7), discussed below.

If an applicant fails to demonstrate to the satisfaction of the director that the substitution would meet the code of practice's intent, then the substitution cannot be issued. As outlined previously in the guide, the director may issue an approval for a maximum of 15 months (not a permit) in situations where the applicant needs time to meet the requirements of the code. Alternatively, the applicant could apply for temporary relief from a code of practice

requirement using a variance order under EMA section 19, but only the minister could grant such relief.

The director is encouraged to consider the intent of the code is met if the proposed substitution provides for a degree of environmental protection as would occur under the standard requirements of the code.

Director Request For Additional Information

Section 8(7) of WDR - *A director, on receipt of an application under this section, may*

(a) request additional information from the applicant if the director considers the information necessary to evaluate the application, and

(b) after the 30 day period referred to in subsection (4) is ended and having considered any information provided under that subsection before the date the director makes a decision on the application, the director may

(i) refuse to grant the substitution, or

(ii) grant any or all the requested substitutions to any or all the requirements of the code of practice, either for a definite or indefinite period of time, and subject to the conditions the director considers appropriate.

A request for additional information under subsection (a) can include anything that the director considers necessary to evaluate the application. This includes but is not limited to:

technical reports;
professional opinions;
monitoring data; and,
referrals to other agencies and their responses.

Additionally, a director may deem it necessary to consider the views of other government agencies or local governments. In these cases, the director may require the applicant to provide notice to those other agencies, and to provide the director with their comments.

In any situation, the director can choose to obtain additional information on his or her own initiative, rather than requiring the applicant to obtain it under subsection (a). However, the director must then provide the applicant with the information obtained to allow the applicant a reasonable opportunity to respond before a decision is made. In most cases, providing the applicant with a draft technical report will be sufficient.

Section 8(4) specifies that a decision cannot be rendered before 30 days. A director can consider information that comes to his or her attention at any time before the decision is made – which will be longer than 30 days.

Under subsection (b), the director has considerable discretion regarding whether to grant the request for substitution. The director may issue none, some, or all of the requested substitutions.

In any case where the substitution is required, it is essential that the substitutions specify whether it is for a definite or indefinite period of time. The director should also include any

terms and conditions he or she considers appropriate. These may include specific requirements such as additional monitoring necessary to ensure that operation under the substituted requirements will provide the same degree of environmental protection as that which the standard terms of the code of practice would provide.

Notice of Decision to Grant or Refuse an Application for Substitution

Section 8(8) of WDR - *On granting or refusing an application, a director must:*

- (a) serve a signed copy of his or her decision on the applicant, and*
- (b) give notice of it to all persons who gave notice under subsection (4).*

Section 8(8) does not specify what information must be set out in a decision, or how detailed it must be. This matter will have to be considered in the context of each individual case. Generally, decisions regarding applications for substitution should set out:

code of practice provisions for which an application was made, and the requirements that the applicant sought to have substituted for them;
information and submissions the applicant provided;
other persons who were notified;
any information or submissions third parties provided, and the steps taken to ensure the applicant had an opportunity to review and respond to them;
the director's decision respecting the substitution application;
any additional requirements that the director imposes;
reasons why the director made his or her decision; and
any order respecting the determination of quantity of contaminant for the purposes of fee calculations under section 9(4).

The director need not provide copies of the decision to anyone other than the applicant. However, the WDR provides that those other persons who gave notice under subsection (4) must be given notice of the result of the decision.

The director may determine the form of the notice, which could be by e-mail message, newspaper ad, or copy on the decision letter. The notice should include whether the substitution has been granted. If it has been granted, the notice should indicate whether it is for a definite or indefinite term, and on what terms and conditions that it was issued. Ministry staff can access an example of a decision letter on the ministry's EDOC system.

Time Frame for Issuing a Decision

The waste discharge regulation does not specify the time frame for issuing a decision on an application for substitution. However, decisions should generally be rendered within a reasonable time frame once all necessary information has been obtained.

Calculating Fees for Substitution Applications

Section 8(9) of WDR - *The fee for an application for a substitution is \$150 per hour of time a ministry employee is engaged in considering or processing the application and the director may:*

- (a) require the fee or a portion of the fee from the applicant before beginning to process the application, and*
- (b) invoice the applicant for the fee.*

When a person submits an application for substitution, the director should provide the person with a written estimate of the number of hours that consideration of the application will take, and an estimate of the total fees to be charged. Ministry staff will find an example of the estimate letter on the ministry's EDOC system.

The director may require a portion of the fee before processing the application. In general, this fee will be equal to 50% of the total fee estimated. No action will be taken on a substitution request until the requested fees have been received.

The ministry will charge for the actual amount of time spent reviewing an application. If, during the consideration of an application, the ministry determines that the review will take more than the number of hours originally estimated because of matters that the ministry could not reasonably foresee, ministry officials should advise the person accordingly as soon as possible.

Ministry officials should also ask the person whether they wish to proceed with the application based on the revised time estimate. When less than the estimated time is spent on the review, the person will only be charged for the amount of time spent. If this amount is less than the deposit, a refund or credit will be processed.

If the applicant abandons the application part way through the review process, the applicant will only be charged for the time spent. If due, a refund or credit will be processed; alternatively, the applicant will be invoiced for any balance. An invoice for the balance of fees payable under section 8(9) should be issued as soon as a decision is reached, but before the decision has been communicated to the applicant.

There is no ability under section 8(9) to retain professional consulting services and to charge the applicant for such services. Section 8(9) relates only to ministry staff time. When the director or his or her delegate considers additional information necessary, such as professional evaluations, the applicant should be requested to obtain and provide those to the ministry.

Section 8(10) of WDR - A director may cancel or amend a decision made under this section whenever new information demonstrates to the satisfaction of the director that:

- (a) the applicant provided false or misleading material information in the application, or*
- (b) the cancellation or amendment is necessary to protect the environment or the public.*

The provision of false or misleading material information in the application may constitute an offence for which enforcement action could be taken. The director should advise the person accordingly and invite them to correct the information as soon as possible.

Unpaid Fees

Section 8(11) of WDR - *A decision granting an application under this section ceases to have effect if the fee under subsection (9) remains unpaid 30 days after the date of the invoice.*

Should the applicant not pay their final invoice within 30 days of the date of the invoice, the director should notify the applicant and encourage them to submit their fee. Ministry staff can find an example of the unpaid fees letter on the ministry's EDOC system. It is envisioned that a similar collection process to unpaid permit fees will be instituted.

Tracking of Substitutions

A central tracking mechanism will ensure that ministry record-keeping systems track any substitutions amended or issued to a particular registrant. The director will also ensure that regional managers across the province are provided with information about substitutions being ordered or authorized under specific codes of practice.

Appeals to Substitution Decisions

Although a decision to substitute requirements is not specifically listed in section 99 of the EMA, it is described in a general way in section 99 (a) (b) and (c). The ministry will consider a substitution decision an appealable decision and treat it in accordance with Part 8 [Appeals] of the EMA.

4.7 Annual Fees

Section 9 of WDR –

(1) The annual fee for a registration under section 4 (2) is the sum of the following amounts:

(a) the sum of the amounts of the base fee set out in Table 1 of Schedule 3 for each type of discharge that

(i) is authorized under the applicable code of practice, and

(ii) is discharged in the course of the industry, trade, business, activity or operation to which the registration relates;

(b) the sum of the fees for each contaminant that is subject to a fee and discharged under the code of practice.

(2) For the purposes of subsection (1) (b), the fee for each contaminant is calculated by multiplying the maximum quantity of the contaminant specified in, or calculated in accordance with, the code of practice by the unit fee for that contaminant set out opposite the contaminant in column 1 of Table 2, 3 or 4 of Schedule 3 in column 2.

(3) As a limitation on subsection (1) (a), if a person

(a) has paid a base fee for a year in relation to a medium of discharge,

(b) at the same time or later obtains a discharge authorization or registers under a code of practice in relation to the same medium for a period that

overlaps with all or part of the year referred to in paragraph (a), the person need not pay the part of the second base fee in relation to that medium for the overlapping part of that year.

(4) For the purposes of subsection (2), the minister may specify in a code of practice:

(a) the contaminants regulated under the code of practice that are subject to fees, and

(b) how the maximum quantity of each contaminate is to be calculated.

Sections 4(3) and 4(7) of WDR make it clear that, unless the applicable fees are paid in accordance with section 9, the registration is ineffective. It is the applicant's responsibility to ensure that fees are paid within the time the WDR requires. Annual invoices will be sent out prior to the anniversary date of the registration.

Each code of practice will specify the method used to calculate fees. The rate for each contaminant discharged is found in Schedule 3 of the WDR and is consistent with the Permit Fees Regulation.

Annual Fees in Relation to a Substitution

Section 9(5) of WDR - If a substitution is ordered under section 7 (1) or (3) in relation to a requirement of a code of practice that affects the calculation of fees under this section, the order under section 6 must specify how the maximum quantity of each contaminant must be calculated.

Where substitution to a code of practice has been ordered, the calculation of annual fees must specify how the maximum quantity of each contaminant is to be determined.

Generally, specifications under section 8(7)(b)(ii) should attempt to ensure that the person operating under a substituted requirement does not obtain any significant benefit or suffer any significant disadvantage regarding fees relative to others operating under the standard code provisions.

When Do Annual Fees Relating to Substitutions Take Effect?

Section 9(6) of WDR - If the annual fee in respect of a registration is changed by an order under section 6, the change is effective on the next anniversary of the date referred to in section 4 (4).

The change in the annual fee for substitutions to a code of practice takes effect on the anniversary date following the registration.

Rebate of Fees

Section 10 of WDR - A director may refund a fee paid under 4(3)(b) or 5(a) only on a prorated basis and in the following circumstances:

(a) the registration under section 4 in respect of which the fee was paid is withdrawn by the person who paid the fee;

(b) the person has already paid an amount that under section 9 (3), the person was not required to pay.

Only two circumstances exist where a registrant will be entitled to a refund of fees: where a registration has been paid in full and the person withdraws their registration; or the person has overpaid an annual fee.

Fee Payments

Registrants are advised to make cheques payable to the Minister of Finance.

If a person seeking registration is entitled to a credit from cancellation of a permit, that credit can be applied to the registration fee.

If a registration ceases to be effective due to failure of the applicant to pay the necessary fees or advise of changes in information, as required by section 4(5) of the WDR (see 4.5 above), any amounts paid are non-refundable and will not be credited to a new registration.

5 Orders

In the *Environmental Management Act* (EMA), an “order” is a command or direction given in writing by a person with the appropriate authority in the Act. The only place where an “order” is actually defined in the Act is with respect to the remediation of contaminated sites.

The main types of orders that officials issue under EMA are listed below, along with a brief explanation of each:

Variance Orders (EMA section 19)

If the minister considers that a person should have temporary relief from a requirement of an order, a permit, an approval, a license, a waste management plan or a code of practice, the minister can issue a **variance order**.

Remediation Orders (EMA section 48)

A **remediation order** is an order to remediate a contaminated site. A remediation order can require a person to:

undertake remediation; and/or
contribute cash towards the costs of another person who has incurred costs in remediating the site; and/or
give security.

Information Orders (EMA section 77)

For the purpose of determining whether there are reasonable grounds for making a pollution prevention order or a pollution abatement order a director may order a person who is conducting an industry, trade, business, operation or activity to provide information to the director, whether or not he or she is prescribed. This order power allows the director to obtain information relating to the operations or activities of the industry, trade or business or to obtain information related to substances stored, treated or introduced into the environment from the operation. This order power does not provide the authority for the director to require the person to undertake studies to determine or assess the potential or actual environmental impact of the operation.

Pollution Prevention Orders (EMA section 81)

If a director is satisfied on reasonable grounds that an individual industry, trade, business, operation or activity is likely to cause pollution, the director may order a person at that person’s expense to:

- provide information
- undertake investigations, tests or surveys;

- acquire, construct or carry out any works; or
- adjust, repair or alter any works to prevent the pollution (section 81 of EMA).

A **pollution prevention order** may not be issued in relation to any part of an operation that is in compliance with the regulations or a permit, approval, order, waste management plan, operational certificate, or an authorization made under the regulations. A **pollution abatement order** can be issued to these operations if the director has reasonable grounds to believe that pollution is occurring. A **pollution prevention order** can also be issued to an individual industry, trade, business, operation or activity that is not prescribed in EMA or the WDR. **Pollution prevention orders** cannot be issued by the director against municipalities.

Pollution Abatement Orders (EMA section 83)

If a director is satisfied on reasonable grounds that an individual industry, trade, business, activity or operation is causing pollution, the director may order a person, at their own expense to:

provide information;

undertake investigations, tests or surveys;

acquire, construct or carry out any works or measures; or

adjust, repair or alter any works to abate or stop the pollution (section 83 of EMA).

As described above, pollution abatement orders can be issued against an operation even if the operation is in compliance with the regulations or a permit, approval, order, waste management plan or operational certificate, or an authorization under the regulations. Pollution abatement orders can also be issued to an individual, industry, trade, business, operation or activity that is not prescribed in EMA or the WDR. **The director cannot issue pollution abatement orders against municipalities.**

Minister's Orders In Relation to Managing the Environment (EMA section 78, 79, 82, 84, 85, 87)

Section 78 of EMA gives the minister the power to order a person to provide an environmental impact assessment of a proposed operation, where there is potential for environmental harm, and the impact cannot be assessed from available information. Section 79 gives the minister the power to order a person who has possession, charge or control of a polluting substance to:

undertake a risk assessment,

prepare and test a contingency plan, and

construct works to lessen the risk of escape of the substance.

By ministry policy and practice, the director handles these issues with the cooperation of business and industry without having to resort to the order powers of the minister. Sections 82 and 84 of EMA give the minister the authority to issue **pollution prevention orders** and **pollution abatement orders** to municipalities if necessary. Section 85 of EMA gives the minister the authority to issue environmental protection orders where an existing or

proposed work or undertaking has or potentially has a detrimental environmental impact. An **environmental protection order** can be for a maximum of 15 days and may be extended by Cabinet and the Lieutenant Governor in General. Lastly, if the minister has declared an environmental emergency as described in Section 87 of EMA, the minister or public official authorized by the minister can order any person to provide labour, services, equipment or facilities to deal with the emergency.

Seizures and Prevention Orders (EMA section 112)

During an inspection of works, land or vehicles, an officer has the power to seize goods and make orders as necessary to stop or prevent another contravention of EMA. This provision should not generally be considered as authorizing seizures as part of an investigation.

6 Enforcement

Ensuring compliance with its regulatory requirements is one of the ministry's principal objectives. This is achieved through the use of a variety of compliance tools, giving consideration to using the most appropriate tool necessary to obtain compliance, and when required, to promote general deterrence. Prosecution is an essential compliance tool to be applied vigorously when necessary, but reserved for those situations where alternative compliance efforts are unable to achieve desired outcomes or it has been otherwise determined that a prosecution response is appropriate.

Compliance and Enforcement Policy and Procedure

By guiding the selection of appropriate tools to respond to non-compliance, the Non-Compliance Decision Matrix provides consistency and structure to the task of assessing and responding to regulatory non-compliance. The establishment of an investigation review process ensures that divisions will communicate with each other when defining and protecting environmental values, and when investigating. These measures further the ministry's aim of providing greater consistency, increased clarity and predictability regarding the consequences of non-compliance, as well as assurance that resources are directed to the highest priorities. The balanced and principled use of compliance and enforcement tools demonstrates the ministry's commitment to building public confidence through accountable and transparent policies.

Violations of EMA and the WDR

The biggest difference between the *Waste Management Act* and the *Environmental Management Act* (EMA) is the change from a general prohibition against discharging waste from an industry, trade or business, to a prohibition against discharging wastes from a **prescribed** industry, trade, business, operation or activity under EMA. Consequently, there is no blanket offence for discharging waste without authority under EMA.

Non-compliance with a code of practice is an offence under EMA and under the WDR. Where the non-compliance with a code involves the discharge of waste to the environment, the offender loses his or her exemption from the prohibition to discharge waste as they no longer comply with the code. This creates a contravention of EMA section 6(2) or 6(3) and an offence under section 120(3)(a). As described previously in the guide, it is important to distinguish between violations under section 6(2) or 6(3) when laying charges. Non-compliance with the administrative aspects of a code is a contravention of section 5 and 6 of the WDR. The following table summarizes the major types of non-compliances, the offences and penalties outlined in EMA and the WDR.

Person	Non-compliance	Violation	Offence/Penalty
Not Prescribed	Pollution	EMA section 6(4)	EMA section 120(3)(a)
Not Prescribed	Non-compliance (N/C) with an order	EMA sections 77, 81, 83 or 85	EMA section 120(10)
Prescribed	N/C with a permit or approval	EMA sections 14,15	EMA section 120(6)
Prescribed	N/C with an order	EMA sections 77, 81, 83, or 85	EMA section 120(10)
Prescribed	N/C with a plan	EMA section 24(2) or 24(3)	EMA section 120(11)
Prescribed	N/C with a regulation		EMA sections 120(3) and 120(13)
Prescribed	No authorization	EMA section 6(2) or 6(3)	EMA section 120(3)
Prescribed (Code)	Quality or quantity of discharge	EMA section 6(2) or 6(3)	EMA section 120(3)
Prescribed (Code)	False Information	WDR section 5(1)	WDR section 5(2)
Prescribed (Code)	Non-discharge related i.e. plans or data	WDR section 6(1)	WDR section 6(2)
Prescribed (Code)	Violation of a code with a substitution	WDR section 7	EMA section 120(18)

Appendix A - Waste Discharge Regulation

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B.C. Reg. 320/2004
O.C. 723/2004

IMPORTANT INFORMATION

Deposited July 8, 2004
effective July 8, 2004

Environmental Management Act

Waste Discharge Regulation

[includes amendments up to B.C. Reg. 246/2007, July 4, 2007]

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Interpretation

1 In this regulation :

"**Act**" means the *Environmental Management Act*;

"**vehicle**" has the same meaning as in the *Motor Vehicle Act*;

"**written**" or "**in writing**" includes written messages transmitted electronically.

Prescribed industries, trades, businesses, operations and activities

2 (1) The industries, trades and businesses, and classes of industries, trades and businesses, listed in the Table in Schedule 1 and in column 1 of the Table in Schedule 2 are prescribed for the purposes of section 6 (2) of the Act.

(2) The activities and operations, and classes of activities and operations, listed in the Table in Schedule 1 and in column 1 of the Table in Schedule 2 are prescribed for the purposes of section 6 (3) of the Act.

Operations exempt from the Act

3 (1) In this section:

"coarse coal refuse" means granular residual solids composed of rock fragments and coal-like material, excluding tailings, from the preparation of marketable coal in a coal preparation plant;

"domestic sewage" has the same meaning as in the Sewerage System Regulation , B.C. Reg. 326/2004;

"overburden" means naturally-occurring, unconsolidated or poorly consolidated, mineral or organic matter overlying bedrock, including but not limited to glacial till, gravel, clay and soil;

"sewerage system" has the same meaning as in the Sewerage System Regulation , B.C. Reg. 326/2004;

"tailings" means fine waste materials

(a) originating from a concentrator or coal preparation plant, and

(b) remaining in a water suspension;

"waste rock" means rock and granular residual solids, excluding tailings,

(a) removed from a mine or from a metal or industrial mineral concentrator, and

(b) containing insufficient valuable constituents to warrant further processing.

(2) The discharge of domestic sewage to a sewerage system is exempt from the Act and the regulations if the Sewerage System Regulation applies to the construction and maintenance of the sewerage system and one or both of the following apply:

(a) the domestic sewage is not discharged into surface water, as defined in the Sewerage System Regulation , or marine waters;

(b) the discharge is from a sewerage system serving a single family residence or a duplex.

(3) Repealed. [B.C. Reg. 132/2006, s. 5.]

(3.1) In subsections (4), (5), (6) and (6.1), "**industrial wood residue**" does not include the residue of wood treated with glue, paint, a preservative or another substance harmful to plants or animals.

(4) The use of industrial wood residue for foundation material at construction sites is exempt from section 6 (2) and 6 (3) of the Act if the material is applied under the direction of a professional engineer.

(5) The use of industrial wood residue

(a) as plant mulch or in residential gardens,

(b) as foundation material for animal bedding, and

(c) in sports areas

is exempt from section 6 (2) and 6 (3) of the Act.

(6) The use of industrial wood residue as a soil conditioner or ground cover in non-agricultural operations is exempt from section 6 (2) and 6 (3) of the Act if

(a) less than 100 m³/year is spread on a single property, and

(b) it is applied in accordance with good agronomic practices.

(6.1) The limitation in subsection (6) (a) does not apply if the industrial wood residue is applied as a soil conditioner or ground cover to land used for forestry.

(7) The emissions and ash from a commercially available auxiliary fuel fired refuse incinerator that serves a remote industrial, recreational, exploration or construction camp designed to accommodate fewer than 100 persons are exempt from the application of section 6 (2) and 6 (3) of the Act.

(8) Emissions from the combustion, in a commercial pet crematorium, of the corpses of pets are exempt from the application of section 6 (2) and 6 (3) of the Act.

(9) A person is exempt from section 6 (2) and 6 (3) of the Act in relation to emissions from a greenhouse operation if the greenhouse is heated by furnace oil, fuel oil, natural gas, methane, propane or butane.

(10) A person is exempt from section 6 (2) and 6 (3) of the Act in relation to the discharge to the environment of coarse coal refuse, waste rock or overburden if the coarse coal refuse, waste rock or overburden is managed in accordance with a permit issued under section 10 of the *Mines Act*.

[am. B.C. Regs. 464/2004, s. 5 (a); 132/2006, s. 5; 220/2006, Sch. s. 5; 287/2006.]

Exemption from section 6 (2) and (3) of the Act by compliance with code of practice

4 (1) If

(a) a person introduces waste into the environment

(i) in the course of conducting an industry, trade or business, or an industry, trade or business in a class, listed in column 1 of the Table in Schedule 2, or

(ii) that is produced in the course of carrying on an activity or operation listed in column 1 of the Table in Schedule 2,

(b) the introduction of the waste is governed by a code of practice, the title of which is set out opposite the industry, trade, business, activity or operation, or class of industry, trade, business, activity or operation, in column 2 of the Table in Schedule 2,

(c) the introduction of the waste is carried out in accordance with the code of practice, and

(d) the person's registration under subsection (2), if required under the code of practice, is effective,

the person is exempt from section 6 (2) and (3) of the Act in relation to the introduction of that waste into the environment.

(2) In order to effect a registration referred to in subsection (1) (d), the person must provide to a director the following information, as applicable, in a form approved by the director:

(a) if the person is an individual, the person's full name and residential address;

(b) if the person is a corporation or entity that is registered with the Registrar of Companies under an Act that provides for an address at or to which records may, under that Act, be served on the corporation or entity

(i) the registered name of the corporation or entity, and

(ii) that address;

(c) if the person is a corporation not referred to in paragraph (b),

(i) the name of the corporation, and

(ii) the address of the corporation's head office in British Columbia, or if the corporation does not have an a head office in British Columbia, the address of the corporation's head office;

(d) if the person is a partnership, the name of the partnership, the full name of each partner, and the head office in British Columbia of the partnership;

(e) if the person is a corporation or entity operating under a name other than its registered name, the name under which the corporation or entity conducts or carries out the prescribed industry, trade, business, operation or activity;

(f) the name and address and contact numbers of an individual who is located at or near the site where the introduction of waste into the environment will occur and who is the local contact for the purposes of the discharge ;

(g) the address and legal description of the location of the facility that produces the waste , and the address, legal description and latitude and longitude of the site where the introduction of waste into the environment will occur;

(h) the industry, trade, business, activity or operation, or class of industry, trade, business, activity or operation, in relation to which the waste is or will be introduced into the environment, as set out in Column 1 of the table in Schedule 2;

(i) the title of the code of practice that governs the discharge of waste ;

(j) if the person previously held an authorization under the Act to discharge waste or has previously registered under this regulation in relation to a code of practice, the ministry's file number for that authorization or registration;

(k) other information that is relevant to the exemption and specified by the minister as required for the purposes of a registration under the applicable code of practice;

(l) other information that is relevant to the exemption and specified by a director in a particular case.

(3) A registration under subsection (2) must

(a) be provided to a director by registered mail, transmitted electronically or delivered personally to a director, and

(b) be accompanied by

(i) the first annual fee calculated in accordance with section 9 (1), and

(ii) a written record of the fee calculation in a form approved by the director.

(4) For a person who is required under a code of practice to register for an exemption under this section, the exemption takes effect on the effective date of the registration which, in relation to a particular registration, is the earlier of the following dates:

(a) the date a director sends a notice in writing signed by the director stating that the person's registration is effective;

(b) the date that is 45 days after the date the person delivers the registration and fee under subsection (3) to a director.

(5) A person whose registration is effective under subsection (4) must

(a) pay the annual fee calculated under section 9 (1) on each anniversary of the effective date of the registration, and

(b) provide a director with written notice within 30 days after

(i) a change in information provided in the person's registration, or

(ii) ceasing to conduct the industry, trade or business or to carry on the activity or operation, at the facility referred to in subsection (2) (g).

(6) Despite subsection (4), a registration ceases to be effective

(a) on the day following an anniversary referred to in subsection (5) (a) if the annual fee was not paid in accordance with that subsection, or

(b) 30 days after a change referred to in subsection (5) (b) if notice was not provided in accordance with that subsection.

(7) The minister, in a code of practice, may specify in relation to an industry, trade, business, activity or operation, or a class of industry, trade, business, activity or operation, whether registration is required for an exemption under this section.

(8) For greater certainty, if

(a) the discharge of waste from an activity or operation of an industry, trade or business described in subsection (1) (a) is not governed by the code of practice set out opposite the title of the industry, trade or business in the Table in Schedule 2, and

(b) the activity or operation is listed in the Table in Schedule 1 or in column 1 of the Table in Schedule 2,

registration under this section in relation to the code of practice described in paragraph (a) does not exempt the person conducting the industry, trade or business from section 6 (2) or (3) of the Act in relation to the discharge described in that paragraph.

[am. B.C. Regs. 464/2004, s. 5 (b); 220/2006, Sch. s. 6.]

False statement in registration

5 (1) A person who knowingly provides false or misleading information in a registration under section 4 (2) commits an offence.

(2) A person who commits an offence under subsection (1) is liable on conviction to a fine not exceeding \$200 000.

Other code of practice requirements

6 (1) A person who is exempt from section 6 (2) or (3) of the Act because of compliance with section 4 (1) [*exemption by compliance with code of practice*] of this regulation must also comply with the requirements of the code of practice not described in section 4 (1) (c) of this regulation .

(2) A person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$200 000.

Substituted requirements

7 (1) The minister or a director, on his or her own initiative, may, by order, substitute a different requirement for a requirement contained in a code of practice if, in the individual case, the minister or the director considers that

- (a) the substitution is necessary to protect the public or the environment, or
- (b) the intent of the code of practice is met by the substituted requirement.

(2) If the minister or a director makes a substitution under subsection (1), he or she may order that notification of the substitution be given to the public in the manner the minister or director specifies.

(3) A director, on application under section 8, may, by order, substitute a different requirement for a requirement contained in a code of practice if he or she considers that, in the individual case, the intent of the code of practice will be met by the substituted requirement.

Application for substituted requirement

8 (1) A person who is exempt from section 6 (2) or (3) of the Act under section 4 (1) of this regulation may apply for a substitution described in section 7 (3) by filing with a director a copy of a completed application in the form specified by the director.

(2) A person who makes an application under subsection (1) must do all of the following:

(a) within 15 days after the date the application is filed with the director, post a readable copy of the application in a conspicuous place at all main entrances to the site where the introduction of waste into the environment will occur;

(b) keep the copy posted for a period of not less than 30 days;

(c) publish notice of the application in the form approved by the director in one or more newspapers specified by the director;

(d) advise the director in writing of the date the copy of the application was posted under paragraph (a) and the date notice was published under paragraph (c).

(3) If directed to do so by a director, a person who makes an application under subsection (1) must

(a) serve a signed copy of the application on any person who, in the director's opinion, may be adversely affected by an environmental impact of the proposed substituted requirement, and

(b) display a copy of the application in one or more branch post offices of Canada Post Corporation specified by the director.

(4) A person who may be adversely affected by an environmental impact of a proposed substitution under this section may notify a director and the applicant in writing, stating how the person is affected, within 30 days after the occurrence of the later of the following events:

(a) the application is posted or published under subsection (2);

(b) the application is served or displayed under subsection (3).

(5) If directed to do so by a director, the applicant must consult in the manner directed with a person who, in the director's opinion, may be adversely affected by an environmental impact of the proposed substitution to explain and clarify the intent of the application.

(6) An applicant must demonstrate to the satisfaction of a director that the substituted requirement requested meets the intent of the code of practice.

(7) A director, on receipt of an application under this section, may

(a) request additional information from the applicant if the director considers the information necessary for the evaluation of the application, and

(b) after the 30 day period referred to in subsection (4) is ended and having considered any information provided under that subsection,

(i) refuse to grant the substitution, or

(ii) grant any or all the requested substitutions to any or all the requirements of the code of practice, for a definite or indefinite period of time, and subject to the conditions the director considers appropriate.

(8) On granting or refusing an application, a director must

(a) serve a signed copy of his or her decision on the applicant, and

(b) give notice of it to all persons who gave notice under subsection (4).

(9) The fee for an application for a substitution is \$150 per hour of time a public service employee is engaged in considering or processing the application and the director may

(a) require the fee or a portion of the fee from the applicant before beginning to process the application, and

(b) invoice the applicant for the fee.

(10) A director may cancel or amend a decision made under this section whenever new information demonstrates to the satisfaction of the director that

(a) the applicant provided false or misleading material information in the application, or

(b) the cancellation or amendment is necessary to protect the environment or the public.

(11) A decision granting an application under this section ceases to have effect if the fee under subsection (9) remains unpaid 30 days after the date of the invoice.

[am. B.C. Reg. 220/2006, Sch. s. 7.]

Annual fees

9 (1) The annual fee for a registration under section 4 (2) is the sum of the following amounts:

(a) the sum of the amounts of the base fee set out in Table 1 in Schedule 3 for each type of discharge that

(i) is authorized under the applicable code of practice, and

(ii) is discharged in the course of conducting the industry, trade, or business, or carrying out the activity or operation, to which the registration relates;

(b) the sum of the fees for each contaminant that is discharged under the code of practice and, under that code, is subject to a fee.

(2) For the purposes of subsection (1) (b), the fee for each contaminant is the maximum discharge multiplied by the maximum concentration multiplied by the applicable fee from Schedule 3, where

(a) maximum discharge is the maximum quantity of discharge

(i) specified in the registration, if the minister has specified under section 4 (2) (k) that the maximum discharge is information required for the purposes of a registration under section 4, or

(ii) specified in or calculated under the code of practice, as applicable, if subparagraph (i) does not apply,

calculated on an annual basis,

(b) maximum concentration is the maximum concentration of the contaminant authorized under the code of practice, and

(c) applicable fee from Schedule 3 is the unit fee for the contaminant set out in column 2 opposite the contaminant in Column 1 of Table 2, 3 or 4 of Schedule 3.

(3) As a limitation on subsection (1) (a), if a person

(a) has paid a base fee for a year in relation to a type of discharge , and

(b) at the same time or later obtains a discharge authorization or registers under a code of practice in relation to the same type of discharge for a period that overlaps with all or part of the year referred to in paragraph (a),

the person need not pay the part of the second base fee in relation to that type of discharge that applies to the overlapping part of that year.

(4) For the purposes of subsection (2), the minister may specify

(a) the contaminants regulated under the code of practice that are subject to fees, and

(b) how the maximum quantity of each contaminant is to be calculated.

(4.1) Despite subsection (1) (b), if neither the maximum discharge nor a calculation for maximum discharge is included in a code of practice and the minister has not exercised the authority under

section 4 (2) (k) in relation to registrations under the applicable code, the first and subsequent annual fee for the purposes of section 4 (3) (b) and (5) (a) is the fee described in subsection (1) (a).

(5) If a substitution is ordered under section 7 (1) or (3) in relation to a requirement of a code of practice that affects the calculation of fees under this section, the order must specify how the maximum quantity of each contaminant must be calculated.

(6) If the annual fee in respect of a registration is changed by an order under section 7 (1) or (3), the change is effective on the next anniversary of the effective date of the registration.

[am. B.C. Regs. 464/2004, s. 5 (c)-(f); 220/2006, Sch. s. 8.]

Rebates of fees

10 A director may refund a fee paid under section 4 (3) (b) or (5) (a) only on a prorated basis and in the following circumstances:

(a) the registration under section 4 in respect of which the fee was paid is withdrawn by the person who paid the fee;

(b) the person has already paid an amount that under section 9 (3) the person was not required to pay.

Minister may amend Schedule 2

11 If the minister prescribes a code of practice in relation to an industry, trade, business, activity or operation listed in Column 1 of the Table in Schedule 2, the minister may amend the Table by adding the title of the code of practice to Column 2 opposite the industry, trade, business, activity or operation in Column 1.

[en. B.C. Reg. 464/2004, s. 5 (g).]

Schedule 1

[am. B.C. Reg. 220/2006, Sch. ss. 9 to 11; 198/2007, s. 1 and 2.]

Definition

1 In this Schedule:

"burning" means the combustion of material without using a stack or chimney to vent the emitted products of combustion to the atmosphere;

"incineration" means the controlled combustion or thermal decomposition of material using a stack or chimney to vent the emitted products of the combustion or thermal decomposition to the atmosphere, and includes pyrolysis and gasification.

Industries, trades, businesses, operations and activities defined

2 In this Schedule:

"abrasives industry" means establishments engaged in manufacturing grinding wheels or other abrasive products;

"aluminum and aluminum alloy products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing

(a) aluminum or aluminum alloys, or

(b) aluminum products including, but not limited to, pipe tubing, aluminum powder or diecast aluminum;

"asbestos mining industry" means establishments engaged in mining or milling asbestos;

"asphalt roofing manufacturing industry" means establishments involved in manufacturing asphalt saturated or tar saturated roofing or siding materials;

"biotechnology industry" means establishments that use living organisms or biological techniques for research and development or in a production process, if there is a potential for the entry of living organisms that can sustain or modify themselves to the detriment of an ecosystem into the natural environment or the food chain, and includes, but is not limited to, establishments engaged in the development or manufacture of antibiotics, insulin, interferon or recombinant DNA;

"burning of vegetative debris" means burning, without a stack or chimney to vent air contaminants, vegetative matter on the parcel of land from which it originated;

"burning or incineration of waste " means the burning, partial burning or incineration of waste material generated from an industry, trade or business;

"burning or incineration of wood residue" means the burning, partial burning or incineration of wood residue in a beehive burner, a modified or unmodified silo burner or a wood residue incinerator;

"cement and lime manufacturing industry" means establishments engaged in manufacturing lime or Portland cement;

"chemical and chemical products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing industrial organic or inorganic chemicals, fertilizers, pesticides, plastics, synthetic resins or moulding compounds, and includes, but is not limited to, establishments manufacturing food supplements, vitamins or pharmaceuticals, except pharmaceuticals referred to in the definition of "biotechnology industry";

"clay industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing structural, ceramic, porcelain or china clay products;

"commercial waste management or waste disposal industry" means establishments primarily engaged in the commercial collection, handling, storage, treatment, destruction or disposal of waste soil, solids or liquids;

"contaminated site contaminant management" means an activity, at or away from a contaminated site, for the treatment, removal, recycling or destruction of contaminated substances from the site, if the activity involves a discharge of waste to the environment;

"dairy products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in processing fluid milk or manufacturing other dairy products;

"electrical or electronic products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing or recycling electrical or electronic products, including batteries;

"electrical power industry" means establishments that

(a) are engaged in the production of electricity by the combustion of fuel, and

(b) have a rated production of more than 5 megawatts under peak load;

"flour, prepared cereal food or feed industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing cereal grain flour, prepared flour mixes, prepared cereal foods or feed;

"glass and glass products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing glass, glass containers or other glass products, including establishments engaged in processing recycled glass;

"hazardous waste management" means the generation, transportation, treatment, recycling, storage, blending, disposal or destruction of hazardous waste ;

"industrial fastener industry" means establishments engaged in manufacturing industrial metal fasteners;

"meat by-product processing industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in processing or rendering by-products, other than fish oil, from the processing of red meat, poultry or fish;

"metal processing and metal products manufacturing industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing metal products that are also engaged in

(a) spray coating or dip coating metal and metal products, or

(b) galvanizing or electroplating;

"metal smelting, iron and steel foundry and metal refining industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in

(a) smelting or refining metals or metal alloys including aluminum, or

(b) secondary smelting,

and includes, but is not limited to,

(c) establishments engaged in producing metal products by thermal melting and casting or moulding metals, including reclaimed metal;

"mining and coal mining industry" means establishments engaged in the mining of, or activities related to the mining of, metals, non-metals, coal, gemstones or industrial mineral ores or in beneficiating mineral ores but does not include

(a) establishments located in areas or places defined as "exploration sites" in section 65 of the Act, or

(b) Repealed. [B.C. Reg. 330/3006, Sch. s. 10 (j).]

(c) gravel, sand, crushed rock or dimensional stone quarries;

"municipal sewage management" means the management of domestic sewage, domestic waste water or liquid waste originating primarily from residences, but that may include contributions from

(a) holding tanks in recreational vehicles, boats and houseboats,

(b) commercial, institutional and industrial sources, and

(c) inflow and infiltration,

but does not include an operation exempted from the Act under section 3 of this regulation ;

"municipal solid waste management" means activities and operations for the management, treatment or discharge of refuse that

(a) originates from residential, commercial, institutional, demolition, land clearing or construction sources, or

(b) is included in a waste management plan;

"municipal waste incineration or burning industry" means establishments engaged in the burning or incineration of waste , except hazardous waste ,

(a) originating from residential, commercial or institutional sources or from demolition, land clearing or construction sources, or

(b) specified in a waste management plan;

"non-metallic mineral products industry" means establishments engaged in manufacturing non-metallic mineral products using a rotary kiln or dryer;

"oil and natural gas industry — large" means establishments engaged in exploring for, producing, transporting, storing or processing crude oil or natural gas that, in any 15 day period,

(a) discharge or remove 30 tonnes or more of total sulphur, not including any mass of sulphur discharged from the facility subsurface in acid gas, or

(b) discharge or remove 4 tonnes or more of volatile organic carbon compounds;

"ozone depleting substances and other halocarbons management" means establishments, activities or operations that use ozone depleting substances or other halocarbons or that sell, collect, recycle or manage ozone depleting substances or other halocarbons;

"paperboard industry" means establishments engaged in manufacturing paperboard, including recycled paperboard and building paper;

"paper industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing any type of paper, except paperboard and building paper, but including recycled paper;

"particle and wafer board industry" means establishments engaged in manufacturing boards or panels made from very small pieces of wood bonded together, and includes, but is not limited to, establishments that manufacture medium density fibre board or oriented strand board;

"pipeline transport industry with approved operating plan" means establishments that

(a) are engaged in operating or maintaining a pipeline in British Columbia for the transport of natural gas, and

(b) operate under a specific environmental operating plan approved by a director;

"pulp industry" means establishments engaged in manufacturing wood pulp;

"refined petroleum and coal products industry" means establishments engaged in

(a) manufacturing petroleum or coal products, including asphalt paving materials, emulsified asphalt, liquid asphalt, coal or coke briquettes, coal coke, petroleum coke, synthetic gasoline from coal, fuels, lubricating oils or greases, or

(b) re-processing of waste oil;

"sugar processing and refining industry" means establishments engaged in processing raw cane sugar, sugar beets, or starches to produce sucrose, glucose or fructose;

"veneer and plywood industry" means establishments engaged in manufacturing veneer, plywood or laminated wood products;

"wire and wire rope fabricating industry" means establishments engaged in manufacturing plain, coated or uncoated steel wire, flat, twisted or braided steel wire or steel rope.

Table

Industries, Trades, and Businesses, Operations and Activities	
1	Abrasives Industry
2	Aluminum and Aluminum Alloy Products Industry
3	Asbestos Mining Industry
4	Asphalt Roof Manufacturing Industry
5	Biotechnology Industry
6	Burning of Vegetative Debris
7	Burning or Incineration of Waste
8	Burning or Incineration of Wood Residue
9	Cement and Lime Manufacturing Industry
10	Chemical and Chemical Products Industry
11	Clay Industry
12	Commercial Waste Management or Waste Disposal Industry
13	Contaminated Site Contaminant Management
14	Dairy Products Industry
15	Electrical or Electronic Products Industry
16	Electrical Power Industry
17	Flour, Prepared Cereal Food and Feed Industry
18	Glass and Glass Products Industry
19	Hazardous Waste Management
20	Industrial Fastener Industry
21	Metal Processing and Metal Products Manufacturing Industry
22	Metal Smelting, Iron and Steel Foundry and Metal Refining Industry
23	Mining and Coal Mining Industry
24	Municipal Sewage Management
25	Municipal Solid Waste Management
26	Municipal Waste Incineration or Burning Industry
27	Non-Metallic Mineral Products Industry
28	Oil and Natural Gas Industry – Large

29	Ozone Depleting Substances and other Halocarbons Management
30	Paperboard Industry
31	Paper Industry
32	Particle and Wafer Board Industry
33	Pipeline Transport Industry with Approved Operating Plan
34	Plastic and Synthetic Resin Manufacturing Industry
35	Pulp Industry
36	Refined Petroleum and Coal Products Industry
37	Meat By-product Processing Industry
38	Sugar Processing and Refining Industry
39	Veneer and Plywood Industry
40	Wire and Wire Rope Fabricating Industry

Schedule 2

[am. B.C. Regs. 464/2004, s. 6; 156/2005, s. (b); 220/2006, Sch. ss. 12 and 13; 246/2007, s. (a) (ii).]

Industries, trades, businesses, operations and activities defined

1 In this Schedule:

"agricultural operations" means operations or activities carried out on farms for purposes of agriculture, including, but not limited to,

- (a) producing or keeping livestock, poultry, farmed game, fur bearing animals, crops, grain, vegetables, milk, eggs, honey, mushrooms, horticultural products, trees, tree fruits or berries, and
- (b) operating machinery and equipment for agricultural waste management or for applying fertilizers and soil conditioners;

"antisapstain chemicals management" means activities and operations that apply chemicals to lumber to protect the lumber from staining;

"aquaculture — land-based industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in land-based aquaculture, including but not limited to,

- (a) those engaged, for the purposes of land-based aquaculture, in
 - (i) culturing or collecting freshwater or saltwater species of finfish or shellfish, or

(ii) harvesting other freshwater or saltwater products, and

(b) those engaged in operating finfish or shellfish hatcheries, rearing ponds or other similar facilities where finfish or shellfish are fed, nurtured, held, maintained or reared in fresh water or salt water to reach a size for release or for market sale;

"aquaculture — marine-based industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in saltwater aquaculture, including but not limited to

(a) those engaged, for the purposes of saltwater aquaculture, in

(i) culturing or collecting all species of saltwater finfish,

(ii) trapping or otherwise catching saltwater shellfish, or

(iii) harvesting other sea products,

(b) those engaged in operating saltwater fish farms (finfish aquaculture), and

(c) those engaged in other activities that create waste and are incidental to saltwater fish farms, such as net washing;

"asphalt plant industry" means establishments that operate hot-mix asphalt plants, hot-in-place asphalt recycling plants or operations using cutback asphalt;

"beverage industry" means establishments, except home-based businesses, establishments of hobbyists and artisans and establishments providing goods, facilities or services to persons producing or manufacturing wine, beer or cider in the establishment for their own consumption or consumption at no charge by others, engaged in producing, or filling containers with, alcoholic or non-alcoholic beverages other than water;

"coalbed gas exploration and production industry" means establishments, at all stages of an operation from exploration through to abandonment, engaged in discharging to the environment produced water or related solids from a coalbed gas operation;

"composting operations" means composting of organic wastes or other feedstocks;

"concrete and concrete products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing ready-mix concrete or concrete products;

"deep well disposal" means the disposal of waste fluids underground to porous rock formations, through wells or other means;

"fish products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in the processing, including but not limited to eviscerating, skinning, filleting, breaching, pre-cooking or blanching of fish, molluscs, crustaceans, or other marine animals, and includes establishments engaged in processing fish oil or fish roe;

"fruit and vegetable processing industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in processing fruits or vegetables by canning, drying, freezing or any other preservation process, and includes fruit or vegetable growers and cooperatives and producers of juices, pickles, ketchup and similar products;

"industrial non-hazardous waste landfills" means activities or operations, incidental to industrial operations, for the disposal to land of solid wastes that are not hazardous waste ;

"naturally occurring radioactive materials management" means activities and operations associated with controlling or discharging naturally occurring radioactive materials that exceed the limits specified in Tables 5.1, 5.2 or 5.3 of the Canadian Guidelines for the Management of Naturally Occurring Radioactive Materials (NORMs),

(a) prepared by the Canadian NORM Working Group of the Federal Provincial Territorial Radiation Protection Committee,

(b) published by authority of the Ministry of Health (Canada), and

(c) as amended from time to time,

but does not include managing radon in buildings;

"oil and natural gas industry — small" means establishments engaged in exploring for producing, transporting, storing or processing crude oil or natural gas that, in any 15 day period,

(a) discharge or remove less than 30 tonnes of total sulphur, not including any mass of sulphur discharged from the facility subsurface in acid gas, and

(b) discharge or remove less than 4 tonnes of volatile organic carbon compounds;

"petroleum storage" means the storage or transfer, except by pipeline, of bulk petroleum products;

"pipeline transport industry" means establishments that are engaged in operating or maintaining pipelines for the transport of natural gas, crude oil or related products or commodities, but does not include those with an operating plan;

"placer mining industry" means establishments that mine placer minerals as defined in section 1 of the *Mineral Tenure Act*;

"plastics and composite products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in using synthetic resins to fabricate shapes or forms of plastic;

"poultry" includes domesticated chickens, turkeys, ducks, geese, guinea fowl, ratites, squab and pheasants;

"poultry processing industry" means establishments that are engaged in processing poultry for human consumption, but does not include establishments included in the definition of "meat by-product processing industry" in section 2 of Schedule 1;

"product storage — bulk solids" means activities and operations for the storage or handling of cement, lime, gypsum or gypsum products, elemental sulphur, coal, grain, flour, metal concentrates, industrial minerals, fertilizers or explosives;

"red-meat animals" include cattle, swine, sheep, fallow deer, farmed game and farmed bison;

"slaughter industry" means establishments engaged in processing red-meat animals for human consumption, but does not include establishments included in the definition of "meat by-product processing industry" in section 2 of Schedule 1;

"soil enhancement using wastes" means activities and operations applying organic or inorganic wastes to land as a soil conditioner or ground cover;

"vehicle dismantling and recycling industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in wrecking or dismantling vehicles or in recycling or disposing of parts and other waste material from vehicles;

"vehicle, industrial machinery and parts and accessories manufacturing industry" means establishments engaged in manufacturing automobiles, buses, truck chassis, truck tractors or other vehicles, industrial machinery, vehicle engines or other transportation equipment, supplies or parts;

"wood processing industry — primary" means establishments, except establishments that are wood processing industry – secondary establishments, engaged in manufacturing lumber or lumber products, including, but not limited to, dimensional lumber, shingles and shakes;

"wood processing industry — secondary" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing wood or millwork products, including, but not limited to, finger-jointing products, prefabricated buildings, furniture, chopsticks and pellets;

"wood treatment industry" means establishments engaged in treating wood products against decay.

(2) For the purposes of the definitions of "poultry processing industry" and "slaughter industry" in subsection (1), **"processing"** includes holding, killing, defeathering, deboning, eviscerating, chilling, cooking, packaging, curing, smoking and canning.

Table

<p style="text-align: center;">Column 1 Industries, Trades, Businesses, Operations and Activities</p>	<p style="text-align: center;">Column 2 Code of Practice</p>
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1	Agricultural Operations	
2	Antisapstain Chemicals Management	
3	Aquaculture — Land-based Industry	
4	Aquaculture — Marine-based Industry	
5	Asphalt Plant Industry	
6	Beverage Industry	
7	Coalbed Gas Exploration and Production Industry	Code of Practice for the Discharge of Produced Water from Coalbed Gas Operations
8	Composting Operations	
9	Concrete and Concrete Products Industry	
10	Deep Well Disposal	
11	Fish Products Industry	
12	Fruit and Vegetable Processing Industry	
13	Industrial Non-hazardous Waste Landfills	
14	Naturally Occurring Radioactive Materials Management	
15	Oil and Natural Gas Industry — Small	
16	Petroleum Storage	
17	Pipeline Transport Industry	
18	Placer Mining Industry	
19	Plastics and Composite Products Industry	
20	Poultry Processing Industry	Code of Practice for the Slaughter and Poultry Processing Industries
21	Product Storage — Bulk Solids	
22	Slaughter Industry	Code of Practice for the Slaughter and Poultry Processing Industries
23	Soil Enhancement Using Wastes	
24	Vehicle Dismantling and Recycling Industry	
25	Vehicle, Industrial Machinery and Parts and Accessories Manufacturing Industry	
26	Wood Processing Industry — Primary	
27	Wood Processing Industry — Secondary	
28	Wood Treatment Industry	

Schedule 3

[am. B.C. Reg. 464/2004, s. 7.]

**Table 1
Base Fees**

Column 1 Type of Discharge	Column 2 Base Fee
Air	\$100.00
Effluent	\$100.00
Refuse	\$100.00
Storage	\$100.00

**Table 2
Contaminant Fees for Air Emissions**

Column 1 Contaminant	Column 2 Fee Per Tonne Discharged		
	If Payment Date Before March 31, 2005	If Payment Date April 1, 2005 — March 31, 2006	If Payment Date After April 1, 2006
Ammonia	\$14.69	\$15.74	\$16.78
Asbestos*	\$14.69	\$15.74	\$16.78
Carbon Monoxide	\$0.39	\$0.42	\$0.45
Chlorine and Chlorine Oxides expressed as chlorine dioxide equivalent	\$9.88	\$10.58	\$11.29
Fluorides	\$589.68	\$631.64	\$673.60
Hydrocarbons	\$14.69	\$15.74	\$16.78
Hydrogen Chloride	\$9.88	\$10.58	\$11.29
Metals	\$589.68	\$631.64	\$673.60
Nitrogen Oxides expressed as nitrogen dioxide equivalent	\$9.88	\$10.58	\$11.29
Phenols	\$14.69	\$15.74	\$16.78
Sulphur and Sulphur Oxides expressed as sulphur dioxide equivalent	\$11.44	\$12.25	\$13.07
Total Particulate	\$14.69	\$15.74	\$16.78
TRS	\$491.40	\$526.37	\$561.33

VOCs	\$14.69	\$15.74	\$16.78
Other contaminants not otherwise specified in this table	\$14.69	\$15.74	\$16.78

*Units of Asbestos are equivalent to cubic metres of air emissions per minute at a concentration of 2 fibres per cubic centimetre.

**Table 3
Contaminant Fees For Effluent**

Column 1 Contaminant	Column 2 Fee Per Tonne Discharged		
	if payment date before March 31, 2005	if payment date April 1, 2005 — March 31, 2006	if payment date after April 1, 2006
Ammonia	\$90.09	\$96.50	\$102.91
AOX	\$239.20	\$256.22	\$273.24
Arsenic	\$239.20	\$256.22	\$273.24
BOD	\$18.07	\$19.36	\$20.64
Chlorine	\$239.20	\$256.22	\$273.24
Cyanide	\$239.20	\$256.22	\$273.24
Fluoride	\$90.09	\$96.50	\$102.91
Metals	\$239.20	\$256.22	\$273.24
Nitrogen and Nitrates	\$36.01	\$38.57	\$41.13
Oil and Grease	\$60.06	\$64.33	\$68.61
Other Petroleum Products	\$60.06	\$64.33	\$68.61
Other Solids	\$11.96	\$12.81	\$13.66
Phenols	\$239.20	\$256.22	\$273.24
Phosphorus and Phosphates	\$90.09	\$96.50	\$102.91
Sulphates	\$3.51	\$3.76	\$4.01
Sulphides	\$239.20	\$256.22	\$273.24
Surfactants	\$60.06	\$64.33	\$68.61
Suspended Solids	\$11.96	\$12.81	\$13.66
Other contaminants not otherwise specified	\$11.96	\$12.81	\$13.66

in this table.			
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**Table 4
Contaminant Fees for Refuse**

Column 1 Contaminant	Column 2 Fee		
	if payment date before March 31, 2005	if payment date April 1, 2005 — March 31, 2006	if payment date after April 1, 2006
Refuse per tonne	\$0.65	\$0.70	\$0.74

[Provisions of the *Environmental Management Act*, S.B.C. 2003, c. 53, relevant to the enactment of this regulation : sections 21, 138 and 139]

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Appendix B – Explanatory Notes to the Waste Discharge Regulation (WDR) Schedules 1 & 2

Introduction

The intent of the Explanatory Notes is to provide a detailed explanation of the definitions of the industries, trades, businesses, activities and operations listed in Schedules 1 and 2 of the Waste Discharge Regulation (WDR) and to give examples of what is expected to be captured or excluded by the definition. Ministry staff have used their judgment based on many years of experience to develop these notes. The notes may be amended from time to time to meet the needs of the ministry, stakeholders and other interests. In the case of a difference or discrepancy between these notes and the WDR or the *Environmental Management Act* (EMA), the latter two pieces of legislation take precedence.

Upon reviewing the schedules it may become apparent that there are overlaps or interrelationships between industries and activities in the schedules. For examples of these types of overlaps or interrelationships, see the section below titled “Examples of Industry Classifications.”

In some circumstances, the Director may exercise judgment in determining whether a certain industry, trade, business, operation or activity is prescribed by WDR. It is important to note that industries, trades, businesses, operations or activities listed in Schedule 1 or 2 of WDR require ministry authorization in order to discharge waste into the environment under section 6 of EMA. If the industry, trade, business, operation or activities is listed in Schedule 2 and there is no code of practice yet approved, EMA requires some other form of authorization (such as a permit or approval) for the discharge of waste into the environment.

For the purposes of this technical guide, the following definitions apply:

- *Artisan* is a trained or skilled person who creates an object or performs a task that has aesthetic value and who, generally in a small business, produces arts and crafts for retail or wholesale trade.
- *Home-based Business* is a small business that operates from a (residential) home base including a family farm.
- *Hobbyist* is a person who conducts a pursuit outside of their regular occupation for recreation without expectation of commercial benefit.
- *Educational Facility* is a facility where teachers provide academic or practical education to students.

The definitions of industries trades and businesses attached to Schedule 1 or 2 of the Waste Discharge Regulation (WDR) often start with the phrase “means establishments engaged in...”. The word “establishments” in this context refers to industries, trades and businesses.

Industry Code Reference

The Explanatory Notes with each definition includes a possible Industry Code (IC) reference, which is for ministry use only. This number will form part of the registration submission. The Industry Code is set so that the provincial database can be easily manipulated to search for and extract information on various types of prescribed industries, trades, businesses, operations and activities. The ministry is in the process of switching over from the 1980 Standard Industry Code (SIC) system of classification to the 2002 North American Industry Classification System (NAICS). For each definition below, possible IC references are provided in both coding systems (SIC and NAICS) however, the list is not exhaustive. When an asterisk follows a NAICS code, this indicates there was not a direct correlation between the given SIC and the NAICS code. The following website explains variations in SIC to NAICS concordance further, with some concrete examples. <http://www.statcan.ca/english/Subjects/Standard/concordances/naics-bckgrnd.htm>.

Examples of Determining the Main Industry:

- **Schedule 1 industry with Schedule 1 industry:** Pulp Industry occurring at the same facility as a Paper Industry – the main industry would be the one which generates the greatest environmental impact.
- **Schedule 1 industry with Schedule 2 industry:** Pulp Industry with a Plastic Fabricating Shop (Plastic and Composites Products Industry) on the same site – all discharge may be authorized under the permit in Schedule 1 because the main industry is pulp production and has the greatest potential impact, provided the code in Schedule 2 did not apply or did not exist. It is also possible that an industry in Schedule 1 may also be partially regulated by a code of practice in Schedule 2.
- **Schedule 2 industry with Schedule 2 industry:** Primary Wood Manufacturing Industry (sawmill) with a Secondary Wood Manufacturing Industry (small planer mill which planes only a portion of the lumber produced) are part of the same facility and are located on the same site – the main industry would be considered a “primary wood manufacturing industry” based on the larger potential environmental impact. However, the conditions of the discharge may be governed by more than one code of practice where the codes exist.
- **An industry that is not included in either Schedule 1 or Schedule 2 but performs an activity listed in Schedule 1** – A construction company decides to open burn scrap from its operation. The burning of business waste is an activity on Schedule 1 and would require authorization to discharge air contaminants from the burn.
- **An industry that is not included in either Schedule 1 or Schedule 2 but performs an activity listed in Schedule 2** – A fertilizer manufacturing company decides to store fertilizer at their plant location. The Code of Practice for “Product Storage –Bulk solids” would apply.

- **An industry that is not included in either Schedule 1 or Schedule 2 and performs an un-prescribed activity** – A carwash with an oil-water separator discharging to the environment (i.e. ditch, rock pit) does not require any authorization to discharge but must not cause pollution.

As mentioned above, these Explanatory Notes are in draft form and will be amended from time to time. As Codes of Practice are developed, definitions will become more succinct. Please contact your local Ministry of Environment office for additional assistance in interpreting the Waste Discharge Regulation (WDR) schedules. (See Appendix C for regional contact information).

SCHEDULE 1 – ABRASIVES INDUSTRY

DEFINITION: “establishments engaged in manufacturing grinding wheels or other abrasive products”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- manufacturing grinding wheels or other abrasive products, including-sandblasting sand, sand paper, pulp stones or abrasive cloths

Typical discharges include:

- air emissions from the manufacturing process
- effluent from hydraulic size reduction and classification operations

IC classification to be used for the following SIC code(s) = 3571

NAICS code(s) = 327910

Examples do not include:

- the use of abrasives and sandblasting materials
- the disposal of waste sand from sandblasting process

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – ALUMINUM AND ALUMINUM ALLOY PRODUCTS INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing

- (a) aluminum or aluminum alloys, or
- (b) aluminum products including, but not limited to, pipe tubing, aluminum powder or die cast aluminum”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- re-processing recycled aluminum
- secondary processing of aluminum and alloys to produce products such as tubing, aluminum siding, bars, car wheels, aluminum powder, wire, or aluminum foil
- manufacture of aluminum food and beverage containers

Typical discharges include:

- air emissions
- effluent discharges including cooling water
- solid wastes

IC classification to be used for the following SIC code(s) = 2951, 2961

NAICS code(s) = 331313, 331317*, 331529*, 332113*, 332810*

Examples do not include:

- aluminum welding
- discharges from home-based businesses, educational facilities, hobbyists, or artisans
- “metal smelting, iron and steel foundry and metal refining industry” as defined in Schedule 1
- “metal processing and metal products manufacturing industry” as defined in Schedule 1
- aluminum boat building as defined in “vehicle, industrial machinery parts and accessories manufacturing industry” found in Schedule 2

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – ASBESTOS MINING INDUSTRY

DEFINITION: “establishments engaged in mining or milling asbestos”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- mining or extracting asbestos from its natural state
- processing of asbestos, such as milling or crushing

Typical discharges include:

- air emissions including fugitive dust
- effluent discharges from the tailings area and storm water
- solid wastes

IC classification to be used for the following SIC code(s) = 0621

NAICS code(s) = 212394

Examples do not include:

- other non-metals included in “mining and coal mining industry” in Schedule 1
- “non-metallic mineral products industry” as defined in Schedule 1 which includes the manufacture of asbestos based products
- the use or disposal of asbestos or asbestos products as regulated under the Hazardous Waste Regulation
- the storage of bulk asbestos at other establishments (e.g. ports, terminals)
- the disposal of tailings or waste rock as regulated under the *Mines Act* (section 10)

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Contaminated Sites Regulation (B.C. Reg. 375/96)

SCHEDULE 1 – ASPHALT ROOFING MANUFACTURING INDUSTRY

DEFINITION: “establishments involved in manufacturing asphalt saturated or tar saturated roofing or siding materials”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- manufacturing asphalt shingles, paper laminates, rolled roofing, siding, or tar saturated roofing paper

Typical discharges include:

- air emissions
- effluent discharges including cooling water
- solid wastes

IC classification to be used for the following SIC code(s) = 2721

NAISC code(s) = 324122*

Examples do not include:

- “asphalt plant industry” which refers to the production of road asphalt as defined in Schedule 2
- tar roof and asphalt roof installations
- refineries or other facilities where asphalt oil is produced as defined in the “refined petroleum and coal products industry” in Schedule 1
- “paper industry” as defined in Schedule 1 where the building paper may be manufactured which in turn may be used as the base for the tar saturated roofing paper

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Contaminated Sites Regulation (B.C. Reg. 375/96)

SCHEDULE 1 – BIOTECHNOLOGY INDUSTRY

DEFINITION: “establishments that use living organisms or biological techniques for research and development or in a production process, if there is a potential for the entry of living organisms that can sustain or modify themselves to the detriment of an ecosystem into the natural environment or the food chain, and includes, but is not limited to, establishments engaged in the development or manufacture of antibiotics, insulin, interferon or recombinant DNA”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- any establishment, including research and education facilities
- establishments that use live organisms or biological techniques where there is a potential for live organisms to enter the environment or food chain
- any such live organism or biological technique, and is not limited to the development or manufacture of antibiotics, insulin, interferon, recombinant DNA or enzymes

Typical discharges include:

- air emissions
- effluent discharges including cooling water

IC classification to be used for the following SIC code(s) = use the code for a specific industry sector

Examples do not include:

- “chemical and chemical products industries” as defined in Schedule 1
- food processing plants generally (e.g. yoghurt manufacturing plants)
- farms that use genetically modified seeds

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – BURNING OF VEGETATIVE DEBRIS

DEFINITION: “means burning, without a stack or chimney to vent air contaminants, vegetative matter on the parcel of land from which it originated”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

This definition is specific to the burning of vegetative matter or land-clearing debris. The burning of vegetative debris is regulated under the Open Burning Smoke Control Regulation (B.C. Reg. 145/93). The “burning of waste” is a related activity, found in Schedule 1 which includes the burning of any business waste, both processed and non-processed.

Examples include:

- open burning or burning without a stack or chimney to vent air contaminants
- restricted to disturbed or non-disturbed vegetative matter on the parcel of land from which it originated
- the disposal of ash

Typical discharges include:

- air emissions
- solid wastes including ash and partially burned materials

IC classification to be used for the following SIC code(s) = use the code for a specific industry sector

Regulation code = WOOD (Open Burning Smoke Control Regulation)

Examples do not include:

- Section 6(5)(e) of EMA – “the burning of leaves, foliage, weeds, crops or stubble for domestic or agricultural purposes or in compliance with the *Weed Control Act*”
- Section 6(5)(b) of EMA – “the discharge into the air of an air contaminant from an incinerator operated under an authority, license or permit of a municipality”
- Section 6(5)(g) of EMA – “fires set or controlled by a person
 - (i) acting under an order of a local assistant, as defined in the *Fire Services Act*, if the local assistant orders the fire for training purposes, or
 - (ii) carrying out
 - (A) fire control and suppression operations under section 89 of the *Forest Practices Code of British Columbia Act*, or
 - (B) a resource management open fire, as that term is defined in the Forest Fire Prevention and Suppression Regulation B.C. Reg. 169/95, if the person carries out the fire in accordance with the *Forest Practices Code of British Columbia Act* and the regulations made under that Act”
- “burning or incineration of waste” as defined in Schedule 1 which refers to disposal of waste associated with an industry, trade, or business
- “municipal waste incineration or burning industry” as defined in Schedule 1
- “burning or incineration of wood residue” as defined in Schedule 1

- burning of prohibited materials as defined in the Open Burning Smoke Control Regulation (B.C. Reg. 145/93)
- burning of other business wastes which may be mixed with the vegetative debris (i.e. wood pallets, etc.) which would be captured in “burning or incineration of waste” in Schedule 1.
- campfires or fires for ceremonial purposes

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Open Burning Smoke Control Regulation (B.C. Reg. 145/93)

SCHEDULE 1 – BURNING OR INCINERATION OF WASTE

DEFINITION: "the burning, partial burning or incineration of waste material generated from an industry, trade or business", where "burning" means the combustion of material without using a stack or chimney to vent the emitted products of combustion to the atmosphere, and "incineration" means the controlled combustion or thermal decomposition of material using a stack or chimney to vent the emitted products of the combustion or thermal decomposition to the atmosphere, and includes pyrolysis and gasification.

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

This definition is specific to the burning or incineration of business waste, both processed and non-processed. The "burning of vegetative debris" is a related activity also found in Schedule 1 and includes the burning of vegetative matter and land-clearing debris on the property it originated. The burning of vegetative debris is regulated under the Open Burning Smoke Control Regulation (B.C. Reg. 145/93).

Note that the authorization strategy under the Waste Discharge Regulation is unchanged from the authorization scheme under the former *Waste Management Act* with respect to industries, trades or businesses. Unless specifically regulated under a code of practice, burning or incineration for disposal requires some form of site specific authorization (e.g. permit, approval, plan or order). Generally the burning of putrescible wastes or other municipal wastes from industries, trades or businesses is not authorized. Authorization for burning or incinerating waste material is on a site-specific basis, and may only be authorized when all other options of reusing, recycling and reducing have been pursued. Note that open burning may also be restricted by municipal or regional district bylaws. Additional restrictions on the conditions, frequency and type of material to be burned or incinerated are very common, especially in sensitive air sheds.

Examples include:

- Burning, partial burning or incineration of waste generated from an industry, trade or business whether "prescribed" in the Waste Discharge Regulation or not
- open burning, trench burning or burning of business generated waste in a barrel
- the disposal of ash
- the burning or incineration of materials, substances or waste with the intention of disposal
- typical wastes that may be burned for disposal are trim ends, pallets or breakage at dry land sorts

Typical discharges include:

- air emissions
- solid wastes including ash and partially burned materials

IC classification to be used for the following SIC code(s) = use the code for a specific industry sector

Examples do not include:

- the burning of vegetative waste regulated under the Open Burning Smoke Control Regulation (B.C. Reg. 145/93)
- the burning or incineration of waste if a specific code of practice for that sector governs the burning or incineration of that sector's waste
- the burning of waste if the discharge is captured under another business, industry, trade, activity or operation specified in Schedule 1 or Schedule 2 (e.g. the burning of wood waste in a power boiler at a pulp mill would be captured under the prescribed industry of "pulp industry" as defined in Schedule 1)
- pet crematoria
- Section 6(5)(c) – "the disposition of human remains in crematoria in compliance with the *Cemetery and Funeral Services Act*"
- Section 6(5)(e) of EMA – "the burning of leaves, foliage, weeds, crops or stubble for domestic or agricultural purposes or in compliance with the *Weed Control Act*"
- Section 6(5)(b) of EMA – "the discharge into the air of an air contaminant from an incinerator operated under an authority, license or permit of a municipality"
- Section 6(5)(g) of EMA – "fires set or controlled by a person
 - (i) acting under an order of a local assistant, as defined in the *Fire Services Act*, if the local assistant orders the fire for training purposes, or
 - (ii) carrying out
 - (A) fire control and suppression operations under section 89 of the *Forest Practices Code of British Columbia Act*, or
 - (B) a resource management open fire, as that term is defined in the Forest Fire Prevention and Suppression Regulation, B.C. Reg. 169/95, if the person carries out the fire in accordance with the *Forest Practices Code of British Columbia Act* and the regulations made under that Act"
- "municipal waste incineration or burning industry" as defined in Schedule 1
- "burning or incineration of wood residue" as defined in Schedule 1
- "burning of vegetative debris" as defined in Schedule 1
- burning of prohibited materials as defined in the Open Burning Smoke Control Regulation (B.C. Reg. 145/93)
- campfires or fires for ceremonial purposes
- burning of putrescible wastes

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Open Burning Smoke Control Regulation (B.C. Reg. 145/93)

SCHEDULE 1 – BURNING OR INCINERATION OF WOOD RESIDUE

DEFINITION: “the burning, partial burning, or incineration of wood residue in a beehive burner, a modified or unmodified silo burner or a wood residue incinerator”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

Examples include:

- incineration of wood residue using only beehive burners, modified or unmodified silo burners or wood residue incinerators
- the disposal of ash

Typical discharges include:

- air emissions
- solid wastes including ash

IC classification to be used for the following SIC code(s) = 2511 to 2599

Regulation code = WOOD (Wood Residue Burner and Incineration Regulation)

NAICS code(s) = 321112, 321111, 321919*, 321920*, 321999*, 321211, 321212, 321992, 337110, 321911, 321215, 321919*, 337215*, 321920*, 333920*, 339990*, 321114, 321216*, 321217, 321919*, 321920*, 321999*, 337920*

Examples do not include:

- Section 3(7) of WDR where an exemption for emissions and ash from a commercially available auxiliary fuel fired refuse incinerator is given
- Section 6(5)(e) of EMA – “the burning of leaves, foliage, weeds, crops or stubble for domestic or agricultural purposes or in compliance with the *Weed Control Act*”
- Section 6(5)(b) of EMA – “the discharge into the air of an air contaminant from an incinerator operated under an authority, license or permit of a municipality”
- Section 6(5)(g) of EMA – “fires set or controlled by a person
 - (i) acting under an order of a local assistant, as defined in the *Fire Services Act*, if the local assistant orders the fire for training purposes, or
 - (ii) carrying out
 - (A) fire control and suppression operations under section 89 of the *Forest Practices Code of British Columbia Act*, or
 - (B) a resource management open fire, as that term is defined in the Forest Fire Prevention and Suppression Regulation, B.C. Reg. 169/95, if the person carries out the fire in accordance with the *Forest Practices Code of British Columbia Act* and the regulations made under that Act”
- Section 6(5)(k) of EMA – “emissions of an air contaminant from combustion of wood or fossil fuels used solely for the purpose of comfort heating of domestic, institutional or commercial buildings”

- Section 18 of the Agricultural Waste Control Regulation (B.C. Reg. 131/92) where emissions from a wood fired boiler must not exceed 180 mg per cubic metre of particulate matter and 20% opacity, except that
 - (a) for a permanent wood fired boiler installed before April 1, 1992 and not operating under a waste management permit, emissions must not exceed 230 mg per cubic metre of particulate matter and 20% opacity, and
 - (b) for a permanent wood fired boiler installed before April 1, 1992 and operating under a waste management permit, the emission levels under that permit apply unless those levels are higher than the levels specified in (a)
- burning of prohibited materials as defined in the Open Burning Smoke Control Regulation (B.C. Reg. 145/93)
- “municipal waste incineration or burning industry” as defined in Schedule 1
- “burning or incineration of wood residue” as defined in Schedule 1
- “burning of vegetative debris” as defined in Schedule 1
- “burning or incineration of waste” as defined in Schedule 1
- campfires or fires for ceremonial purposes
- burning of putrescible wastes
- wood fired power boilers

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Wood Residue Burner and Incinerator Regulation (B.C. Reg. 519/95)
- Ootsa Lake Beehive Burner Regulation (B.C. Reg. 142/2001)
- Site specific permits for the operation of beehive burners or modified or unmodified silo burners

SCHEDULE 1 – CEMENT AND LIME MANUFACTURING INDUSTRY

DEFINITION: “establishments engaged in manufacturing lime or Portland cement”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- manufacturing of lime
- manufacturing of Portland cement

Typical discharges include:

- air emissions from rotary kilns and associated equipment
- air emissions associated with the handling and storage of raw materials and products at the site and fugitive dust from the site
- effluent discharges including cooling water and surface water run-off

IC classification to be used for the following SIC code(s) = 3521

NAISC code(s) = 327310

Examples do not include:

- “product storage – bulk solids” as defined in Schedule 2
- lime kilns at pulp mills

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Petroleum Storage and Distribution Facilities Storm Water Regulation (B.C. Reg. 168/94)
– storage of waste oil

SCHEDULE 1 – CHEMICAL AND CHEMICAL PRODUCTS INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing industrial organic or inorganic chemicals, fertilizers, pesticides, plastics, synthetic resins or moulding compounds, and includes, but is not limited to, establishments manufacturing food supplements, vitamins or pharmaceuticals, except pharmaceuticals referred to in the definition of ‘biotechnology industry’ ”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- plants that manufacture base chemicals that are used in other processes, or in other industries, trades, businesses, operations and activities
- manufacturing or processing of organic or inorganic chemicals, fertilizers, agricultural chemicals or pesticides
- manufacturing of food supplements, vitamins, pharmaceuticals or other medicines for human or animal use, perfumes, cosmetics or other similar products
- manufacturing of plastics, synthetic resins or moulding compounds, paint and varnishes, printing inks or adhesives
- manufacturing of soap and other cleaning compounds
- manufacturing of charcoal and charcoal products or activated carbon products
- a variety and range of other chemical products for a variety of purposes

Typical discharges include:

- air emissions
- effluent discharges such as cooling water
- effluent discharges including solvent washing
- solid wastes

IC classification to be used for the following SIC code(s) = 3711, 3712, 3721, 3722, 3729, 3731, 3741, 3751, 3761, 3771, 3791, 3792, 3799, 1611 to 1699

NAICS code(s) = 311940*, 324122*, 324190*, 325110, 325120*, 325130*, 325181, 325189, 325190*, 325210*, 325313*, 325314*, 325320*, 325410*, 325510, 325520*, 325610*, 325620*, 325910, 325920, 325991, 325999 *, 326111, 326114*, 326121*, 326122, 326130, 326140, 326150, 326160, 326191, 326198*, 326220*, 327990*, 332999*, 337215*, 339110*, 339990*

Examples do not include:

- on-site chemical production at given facilities of specific sectors listed in Schedule 1 or 2 (e.g. chlorine dioxide at a pulp mill, explosives blending at mines, production of sulphuric acids at smelters, preparation of glue at finger jointing plants, mixing of fibreglass resins at a plastic products industry)
- “biotechnology industry” as defined in Schedule 1
- “refined petroleum and coal products industry” as defined in Schedule 1

- “plastics and composite products industry” as defined in Schedule 2
- home-based businesses, hobbyist and artisans who produce soaps, shampoos, candles, etc.

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – CLAY INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing structural, ceramic, porcelain or china clay products”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- operations engaged in the manufacturing of clay based materials typically using high temperature kilns or ovens
- manufacturing of structural clay products, ceramic, porcelain or china products
- manufacturing of products such as tiles, toilets, bathtubs, drain tile, ceramic or clay bricks
- commercial production of pottery or dinnerware excluding home-based businesses
- manufacturing of clay based cat litter or bentonite
- may include the glazing process

Typical discharges include:

- air emissions from kilns
- effluent discharges
- solid wastes

IC classification to be used for the following SIC code(s) = 3511, 3512
NAICS code(s) = 212326*, 327120*, 327110

Examples do not include:

- “concrete and concrete products industry” as defined in Schedule 2
- home-based businesses, educational facilities, hobbyist and artisans

SCHEDULE 1 – COMMERCIAL WASTE MANAGEMENT OR WASTE DISPOSAL INDUSTRY

DEFINITION: “establishments primarily engaged in the commercial collection, handling, storage, treatment, destruction or disposal of waste soil, solids or liquids”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- waste disposal that is on a commercial basis or for profit, and does not simply provide a service such as a municipality where tipping fees may be involved. However if the management of a municipality’s landfill is contracted to a third party, then this may be considered “commercial waste management”
- commercial landfills, and non-hazardous waste land treatment or land farming operations such as those companies that treat non-hazardous oil and gas wastes

Typical discharges may include:

- air emissions such as fugitive dust
- effluent discharges from runoff or leachate during treatment or storage

IC classification to be used for the following SIC code(s) = NC02

NAICS code(s) = 562210

Examples do not include:

- “municipal solid waste management” as defined in Schedule 1
- “hazardous waste management” as defined in Schedule 1
- “municipal sewage management” as defined in Schedule 1 (septic tank waste haulers)
- “burning or incineration of wood residue” as defined Schedule 1
- “composting operations” as defined in Schedule 2
- recycling depots such as bottle depots, or paper recycling centers where there is no discharge to the environment, and these centers simply provide a collection, transfer and storage area
- other sectors specifically prescribed elsewhere in Schedule 1 or Schedule 2 where the primary purpose is not commercial waste management or commercial waste disposal (e.g. a pulp mill that may receive money to burn railway ties from a rail company, or the processing of waste battery scrap at a smelter where the battery lead is a small proportion of the total feed). Note that with these sectors if the waste discharge is not specifically authorized, a separate authorization may be required such as for the disposal of railway ties in a power boiler.
- transport haulers where there is no discharge to the environment.

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Solid Waste Management Plans or Operational Certificates
- Storage of Recyclable Material Regulation (B.C. Reg. 133/92)

- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)
- Contaminated Sites Regulation (B.C. Reg. 375/96)

SCHEDULE 1 – CONTAMINATED SITE CONTAMINANT MANAGEMENT

DEFINITION: “an activity, at or away from a contaminated site, for the treatment, removal, recycling or destruction of contaminated substances from the site, if the activity involves a discharge of waste to the environment”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

Examples include:

- activities at a contaminated site or activities involving a contaminant from a contaminated site but not located on the physical contaminated property
- activities at a contaminated site or activities involving a contaminant physically located on the contaminated property
- the treatment, removal, recycling or destruction of a contaminant where there is a discharge to the environment

Typical discharges include:

- air emissions
- effluent discharges including cooling water
- disposal of treated soil

IC classification to be used for the following SIC code(s) = NC12 and NC13 (special waste treatment), NC14 and NC15 (special waste treatment facility), NC19 (land farming), NC60 (approval in principle)

NAICS code(s) = 412110, 415110, 541620, 562910, 562920, 911240, 913150

Examples do not include:

- “hazardous waste management” as defined in Schedule 1
- discharges from hazardous waste treatment facilities

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Contaminated Sites Regulation (B.C. Reg. 375/96)

For further information on the Contaminated Sites Regulation and the Contaminated Sites Program, contact the Contaminated Site Program of Environmental Protection phone: (250) 387-4441

web site: http://www.env.gov.bc.ca/epd/epdpa/contam_sites/index.html

SCHEDULE 1 – DAIRY PRODUCTS INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in processing fluid milk or manufacturing other dairy products”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- processing of raw milk and cream such as buttermilk, chocolate milk, eggnog, cream or yoghurt
- homogenizing or pasteurizing milk
- manufacturing of dairy products such as cheese, yoghurt, ice-cream, dairy powder, canned and evaporated milk products, butter or cottage cheese
- canning, freezing, storing, handling and packaging

Typical discharges include:

- air emissions
- effluent discharges (such as whey and wash water)
- solid wastes

IC classification to be used for the following SIC code(s) = 1041, 1049

NAICS code(s) = 311511*, 311515*, 311520

Examples do not include:

- “agricultural operations” as defined in Schedule 2
- “beverage industry” as defined in Schedule 2
- “soil enhancement using wastes” as defined in Schedule 2
- the wholesale or retail sale of dairy products
- the actual farming activities associated the production of milk
- home-based business, educational facilities, hobbyists, or artisans

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Agricultural Waste Control Regulation (B.C. Reg. 131/92)
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)

SCHEDULE 1 – ELECTRICAL OR ELECTRONIC PRODUCTS INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing or recycling electrical or electronic products, including batteries”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- manufacturing electrical or electronic products such as batteries, computer parts, LEDs, lighting components, capacitors, resistors or satellite parts
- manufacturing of small electrical appliances, major appliances, lighting fixtures, electric lamps, electric bulbs, tubes and related light sources, microwave ovens
- manufacturing of radios, televisions, computers, telephones and other communication equipment
- manufacturing of transformers, ballasts
- assembling of electric and electronic products
- electrical motor rewinding and the rebuilding of electric motors
- manufacturing of batteries, non-current carrying wiring devices and power fuses
- post consumer dismantling where materials are used for manufacturing of other products

Typical discharges include:

- air emissions
- effluent discharges including treated solvent washing
- solid wastes

IC classification to be used for the following SIC code(s) = 3311, 3321, 3331, 3332, 3333, 3341, 3351, 3352, 3359, 3361, 3362, 3369, 3371, 3372, 3379, 3381, 3391, 3392, 3399

NAICS code(s) = 327215*, 331317*, 331420*, 333299*, 333310*, 333416*, 333611*, 333990*, 334110*, 334210*, 334220*, 334290*, 334310*, 334511*, 334512*, 335120*, 335210, 335223, 335229*, 335311, 335312*, 335315*, 335910, 335920, 335930*, 335990*, 336320*, 339940*

Examples do not include:

- “burning or incineration of waste” as defined in Schedule 1
- “electrical power industry” as defined in Schedule 1
- “vehicle, industrial machinery and parts and accessories manufacturing industry” as defined in Schedule 2
- wire burning for recovery of metals
- home-based businesses, educational facilities, hobbyists and artisans

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – ELECTRICAL POWER INDUSTRY

DEFINITION: “establishments that

- (a) are engaged in the production of electricity by the combustion of fuel,
and
- (b) have a rated production of more than 5 megawatts under peak load”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- thermal, gas turbine, diesel powered, steam, nuclear or electrical cogeneration plants that produce electricity by the combustion of fuel
- the fuel used may include tires, municipal solid waste, railway ties or any other material approved by the Director
- plants that have a rated production of more than 5 megawatts under peak load

Typical discharges include:

- air emissions
- effluent discharges such as cooling water
- solid wastes such as ash

IC classification to be used for the following SIC code(s) = 4111

NAICS code(s) = 237130*

Examples do not include:

- standby generators from hospitals or other institutions or other industries
- power plants with rated production under 5 megawatts
- hydro-generation
- plants that provide power at other facilities where the power plant is linked to the operation of a facility prescribed separately in Schedule 1 (e.g. a wood fired electrical generator at a pulp mill where emissions would be authorized under “pulp industry” in Schedule 1)
- geothermal power plants
- wind or solar powered electrical generation

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- *Environmental Assessment Act*
- “hazardous waste management” in Schedule 1

SCHEDULE 1 – FLOUR, PREPARED CEREAL FOOD OR FEED INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists and artisans, engaged in manufacturing cereal grain flour, prepared flour mixes, prepared cereal foods or feed”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- manufacturing of cereal grain flour, prepared flour mixes, prepared cereal foods and feed
- the milling of flour from wheat, corn, buckwheat, rye or other cereal grains
- manufacturing of human and/or animal food including feeds, pre-mixes or feed concentrates
- manufacturing of alfalfa pellets

Typical discharges include:

- air emissions
- effluent discharges

IC classification to be used for the following SIC code(s) = 1051, 1052, 1053

NAICS code(s) = 311211*, 311822*, 311230, 311822*, 311111, 311119, 311611*

Examples do not include:

- Section 6(5)(1) of EMA – “the emission of an air contaminant from food preparation in residential premises or retail food outlets such as bakeries or stores that grind grains for retail sales”
- home-based businesses, educational facilities, hobbyists and artisans
- operations that manufacture dog biscuits
- “product storage – bulk solids” as defined in Schedule 2
- “agricultural operations” as defined in Schedule 2 such as the manufacture of silage
- the crushing, expressing, oxidizing, dehydrating or otherwise processing of oil seed
- manufacturing of products from prepared flour such as breads, biscuits, pasta or other food products
- “meat by-products processing industry” as defined in Schedule 1

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)

SCHEDULE 1 – GLASS AND GLASS PRODUCTS INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing glass, glass containers or other glass products, including establishments engaged in processing recycled glass”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- manufacturing glass, glass containers or other glass products
- glass recyclers who process glass for manufacturing
- manufacturing of flat (e.g. windows), blown and moulded glass products
- commercial glass blowers
- manufacturing of automobile or other tempered glass

Typical discharges include:

- air emissions from furnaces
- effluent discharges including cooling water
- solid wastes

IC classification to be used for the following SIC code(s) = 3561 (primary glass & glass containers industry), 3562 (glass products industry except glass containers)

NAICS code(s) = 323113*, 327214*, 327215*

Examples do not include:

- glass recycling depots that simply collect and store glass
- home-based business, educational facilities, hobbyists or artisans

SCHEDULE 1 – HAZARDOUS WASTE MANAGEMENT

DEFINITION: “means the generation, transportation, treatment, recycling, storage, blending, disposal or destruction of hazardous waste”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

Generally industries, trades, businesses, operations and activities that fall under this category are regulated under the Hazardous Waste Regulation. Compliance with the Hazardous Waste Regulation may include a person holding an additional permit or approval, registration as a generator, submission of manifests, and having valid licenses for transportation of hazardous wastes.

There is no exemption for contaminants from the use of an incinerator, domestic, institutional or commercial heating equipment for the purpose of destroying hazardous waste by combustion (EMA section 6(6)).

Examples include:

- activities associated with the generation, transportation, treatment, recycling, storage, blending, disposal or destruction of hazardous waste as defined in section 1 of the Hazardous Waste Regulation
- management of biomedical waste, which is defined in the “Guidelines for the Management of Biomedical Waste in Canada” (CCME-EPC-WM-42E, February 1992) as amended from time to time
- land farming of hazardous wastes even if it occurs on a for-profit arrangement under “commercial waste management or waste disposal industry” as defined in Schedule 1

Typical discharges include:

- air emissions
- effluent discharges
- residues from treatment

IC classification to be used for the following SIC code(s) = NC12, NC13, NC14, NC15 and NC16 (special waste treatment), NC17 and NC18 (special waste recycling)

NAICS code(s) = 562910, 562920

Examples do not include:

- the management of hazardous waste as specified in section 2 of the Hazardous Waste Regulation
- the management of small quantities of hazardous waste as specified in section 2(6) of the Hazardous Waste Regulation

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Contaminated Sites Regulation (B.C. Reg. 375/96)
- Recycling Regulation (B.C. Reg. 449/04)

SCHEDULE 1 – INDUSTRIAL FASTENER INDUSTRY

DEFINITION: “establishments engaged in manufacturing industrial metal fasteners”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- manufacturing industrial metal fasteners such as nuts, nails, bolts or screws

Typical discharges include:

- air emissions
- effluent discharges
- solid wastes

IC classification to be used for the following SIC code(s) = 3053

NAICS code(s) = 332720*

Examples do not include:

- “wire and wire rope fabricating industry” as defined in Schedule 1

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – MEAT BY-PRODUCT PROCESSING INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists and artisans, engaged in processing or rendering by-products, other than fish oil, from the processing of red meat, poultry or fish”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- the processing of by-products from red meats, poultry or fish
- “red meat” includes rabbits, sheep, goats, other domestic livestock and wild game
- the processing of bone meal, blood meal, and fish meal
- tanneries from wild game and domestic animals (i.e. bear, deer or cattle)
- manufacturing of pet food
- processing of animal fat from restaurants, institutions, retail or wholesale processing centres
- manufacturing of other animal by-products including animal waste based glues
- manufacturing of animal based by-products which in turn is converted to animal feed
- Manufacture of fish fertilizer

Typical discharges include:

- air emissions
- effluent discharges
- solid wastes

IC classification to be used for the following SIC code(s) = 1011, 1012, 1021

NAICS code(s) = 311611*, 311614*, 311615, 311710

Examples do not include:

- “chemical and chemical products industry” as defined in Schedule 1
- “slaughter industry” as defined in Schedule 2
- “agriculture operations” as defined in Schedule 2
- “fish products industry” as defined in Schedule 2
- “flour, prepared cereal food and feed industry” as defined in Schedule 1
- “poultry processing industry” as defined in Schedule 2
- taxidermists
- sausage manufacturing
- processing of fish oil
- the collection, storage and transport of restaurant waste products

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Agricultural Waste Control Regulation (B.C. Reg. 131/92)
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)

SCHEDULE 1 – METAL PROCESSING AND METAL PRODUCTS MANUFACTURING INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists and artisans, engaged in manufacturing metal products that are also engaged in

- (a) spray coating or dip coating metal and metal products, or
- (b) galvanizing or electroplating”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- manufacturing of metal products where spray coating, dip coating, galvanizing or electroplating is also done. Electroplating includes chrome plating, powder coating, or surface coating metal products

Typical discharges include:

- air emissions including sandblasting emissions
- effluent discharges
- solid wastes

IC classification to be used for the following SIC code(s) = 3011 to 3099

NAICS code(s) = 327215*, 331222*, 332113*, 332118*, 332210*, 332311*, 332314, 332319*, 332321*, 332329*, 332410, 332420, 332431, 332439*, 332510*, 332611*, 332619*, 332710, 332720*, 332810*, 332999*, 333310*, 333413*, 333416*, 333511, 333519*, 333990*, 334512*, 335120*, 336310*, 336350*, 337215*, 339110*, 339990*

Examples do not include:

- “metal smelting, iron and steel foundry and metal refining industry” as defined Schedule 1
- “vehicle dismantling and recycling industry” as defined in Schedule 2
- “vehicle, industrial machinery, transportation parts and accessories manufacturing industry” as defined in Schedule 2
- manufacturing of metal products such as metal railings, culverts, sheet metal where no spray, dip, galvanizing or electroplating of the metal is involved
- welding shops
- jewelers
- automotive repair shops
- establishments that manufacture metal products but do not also spray, dip, galvanize or electroplate the metal products

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – METAL SMELTING, IRON AND STEEL FOUNDRY AND METAL REFINING INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in

- (a) smelting or refining metals or metal alloys including aluminum, or
- (b) secondary smelting,

and includes, but is not limited to,

- (c) establishments engaged in producing metal products by thermal melting and casting or moulding metals, including reclaimed metal”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- metal foundries
- smelting and refining metals or metal alloys including aluminum smelters, lead-zinc smelters, copper smelters, gold and silver refining
- secondary smelting such as processing battery lead scrap
- production of metal products through thermal melting, casting or moulding or reclaiming, such as thermal metal recycling of scrap automobiles into rebar
- hydrometallurgical processes
- heap leaching at metal smelting operations and mines

Typical discharges include:

- air emissions
- effluent discharges
- solid wastes

IC classification to be used for the following SIC code(s) = 2911 to 2999

NAICS code(s) = 331210, 331221, 331313, 331410, 331514, 331523, 331110 *, 331317 *, 331420 *, 331490 *, 331511 *, 331529 *, 332113 *, 332810 *, 332999 *

Examples do not include:

- “aluminum and aluminum alloy products industry” as defined in Schedule 1
- home-based businesses, hobbyists or artisans that produce such items as fish weights, jewelers or metal birdbaths

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – MINING AND COAL MINING INDUSTRY

DEFINITION: “establishments engaged in mining of, or activities related to the mining of, metals, non-metals, coal, gemstones or industrial mineral ores or in beneficiating mineral ores but does not include

- (a) establishments located in areas or places defined as an “exploration site” in section 65 of the Act, or
- (b) Repealed. [B.C. Reg. 330/3006, Sch. s. 10 (j).]
- (c) gravel, sand, crushed rock or dimensional stone quarries”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- mining of metal, non-metal, coal, gemstones or industrial mineral ores and/or beneficiating (or “milling”) mineral ores. Examples include the mining of:
 - o gold (includes cyanide leach processes), copper, zinc, nickel, copper, lead, molybdenum, uranium, iron, and other metals not specifically listed here
 - o non-metals such as fertilizers
 - o coal, geyserrite, limestone, silica, mica, potash, diamonds, jade, and gold
- beneficiating ores without associated mining activities (i.e. custom milling)
- effluent from waste rock dumps and coarse coal refuse
- heap leach processes
- open pit and underground operations
- mining at an “advanced exploration site” as described in section 65 of EMA requires authorization

Typical discharges include:

- air emissions
- effluent discharges (e.g. acid rock drainage, metal leachate and surface run-off containing sediment)
- solid wastes (e.g. mill tailings and sludges and other solid wastes incidental to the mining/milling operation)

IC classification to be used for the following SIC code(s) = 0611, 0612, 0613, 0614, 0615, 0616, 0617, 0619, 0621, 0623, 0624, 0629, 0631, 0632, 0633

NAICS code(s) = 212220 *, 212114, 212115, 212116, 212210, 212231, 212232, 212233, 212291, 212392, 212393, 212394, 212395, 212396, 212397, 212220 *, 212299 *, 212326 *, 212398 *

Examples do not include:

- “**exploration site**” as defined in section 65 of EMA
- coarse coal refuse, waste rock or overburden if managed under section 10 of the *Mines Act*
- “asbestos mining industry” as defined in Schedule 1
- “non-metallic mineral products industry” as defined in Schedule 1
- “placer mining industry” in Schedule 2
- sand, gravel, crushed rock, or dimensional stone quarries

- gravel washing operations
- peat and salt mining
- borrow pits for mines

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Placer Mining Waste Control Regulation (B.C. Reg. 107/89)
- Section 3(10) Waste Discharge Regulation (B.C. Reg. 320/2004)

SCHEDULE 1 – MUNICIPAL SEWAGE MANAGEMENT

DEFINITION: “the management of domestic sewage, domestic waste water or liquid waste originating primarily from residences, but that may include contributions from

- (a) holding tanks in recreational vehicles, boats and houseboats,
 - (b) commercial, institutional and industrial sources, and
 - (c) inflow and infiltration,
- but does not include an operation exempted from the Act under section 3 of this regulation”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

Examples include:

- management of domestic sewage, domestic waste water or municipal liquid waste regardless of source
- septic haulers and disposal companies
- sewer systems that handle a combination of municipal wastes and storm water, commercial waste, industrial wastes or other miscellaneous wastes
- holding tanks and septic systems
- land based systems serving off-shore sources (such as floating homes)

Typical discharges include:

- air emissions
- sewerage

IC classification to be used for the following SIC code(s) = 4999, NC02

Regulation code = MUNSEW (Municipal Sewage Regulation)

NAICS = 221320, 562210

Examples do not include:

- Section 6(5)(j) of EMA exempts the disposal of waste by a person other than a municipality by means of a system of waste disposal lawfully operated by a municipality or other public authority, and in compliance with the rules and regulations that apply to that system
- “municipal solid waste management” as defined in Schedule 1
- The discharge of domestic sewage to a sewerage system is exempt from the Act and regulations if the Sewerage System Regulation applies to the construction and maintenance of the sewerage system and one or both of the following apply (a) the domestic sewage is not discharged into surface water, as defined in the Sewerage System Regulation, or marine waters; (b) the discharge is from a sewerage system serving a single family residence or a duplex (section 3(2) Waste Discharge Regulation)
- other facilities in Schedule 1 that co-treat their municipal effluent with other waste water (such as pulp mill that treat municipal sewage in their effluent systems)
- “soil enhancement using wastes” as defined in Schedule 2

- “composting operations” as defined in Schedule 2
- off shore treatment and/or disposal from boats or ships or floating homes or floating resorts
- stand alone storm water systems

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)
- Municipal Sewage Regulation (B.C. Reg. 321/2004)
- Section 3(2) Waste Discharge Regulation (B.C. Reg. 320/2004)
- Liquid Waste Management Plans and Operation Certificates
- Section 13 of EMA dealing with the discharge of waste from recreational vehicles

SCHEDULE 1 – MUNICIPAL SOLID WASTE MANAGEMENT

DEFINITION: “means activities and operations for the management, treatment or discharge of refuse that

- (a) originates from residential, commercial, institutional, demolition, land clearing or construction sources, or
- (b) is included in a waste management plan”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

Examples include:

- the management, treatment or discharge of refuse that originates from residential, commercial, institutional, demolition, land clearing or construction sources or is included in a waste management plan

Typical discharges include:

- air emissions such as fugitive dust,
- leachate and surface water run-off
- solid wastes including litter

IC classification to be used for the following SIC code(s) = NC02, NC50

NAICS code(s) = 562210

Examples do not include:

- activities and operations for the management, treatment or discharge of refuse generated from or associated with an industry, trade, business, activity or operation otherwise defined in Schedule 1 or Schedule 2
- Section 6(5)(b) of EMA – the discharge into the air of an air contaminant from an incinerator operated under an authority, license or permit of a municipality
- “burning of vegetative debris” as defined in Schedule 1
- “burning or incineration of waste” as defined in Schedule 1
- “municipal waste incineration or burning industry” as defined in Schedule 1
- “industrial non-hazardous waste landfills” as defined in Schedule 2
- “soil enhancement using wastes” as defined in Schedule 2

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Municipal Solid Waste Plans and Operational Certificates
- Open Burning Smoke Control Regulation (B.C. Reg. 145/93)
- Storage of Recyclable Material Regulation (B.C. Reg. 133/92)
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)
- Recycling Regulation (B.C. Reg. 449/04)
- Municipal solid waste managed under a Solid Waste Management Plan and Operational Certificate

SCHEDULE 1 – MUNICIPAL WASTE INCINERATION OR BURNING INDUSTRY

DEFINITION: “means establishments engaged in the burning or incineration of waste, except hazardous waste,

- (a) originating from residential, commercial or institutional sources or from demolition, land clearing or construction sources, or
- (b) specified in a waste management plan”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- the incineration of waste originating from residential, commercial, institutional, demolition, land clearing or construction sources or specified in a waste management plan
- a single source of waste or a combination of varied sources of waste
- companies, trades, businesses, or industries that are engaged in the incineration of municipal wastes

Typical discharges include:

- air emissions from the burning of wastes
- solid wastes including ash and unburned materials

IC classification to be used for the following SIC code(s) = NC02 (waste disposal operations)

NAICS code(s) = 562210

Examples do not include:

- camp incinerators as defined in section 3(7) of WDR
- Section 6(5)(b) of EMA – “the discharge into the air of an air contaminant from an incinerator operated under an authority, license or permit of a municipality”
- Section 6(5)(e) of EMA – “the burning of leaves, foliage, weeds, crops or stubble for domestic or agricultural purposes or in compliance with the *Weed Control Act*”
- Section 6(5)(g) of EMA – “fires set or controlled by a person
 - (i) acting under an order of a local assistant, as defined in the *Fire Services Act*, if the local assistant orders the fire for training purposes, or
 - (ii) carrying out
 - (C) fire control and suppression operations under section 89 of the *Forest Practices Code of British Columbia Act*, or
 - (D) a resource management open fire, as that term is defined in the Forest Fire Prevention and Suppression Regulation, B.C. Reg. 169/95, if the person carries out the fire in accordance with the *Forest Practices Code of British Columbia Act* and the regulations made under that Act”
- “burning or incineration of waste” as defined in Schedule 1
- “burning or incineration of wood residue” as defined in Schedule 1
- “burning of vegetative debris” as defined in Schedule 1
- burning of prohibited materials as defined in the Open Burning Smoke Control Regulation

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Open Burning Smoke Control Regulation (B.C. Reg.145/93)
- Solid Waste Management Plans and Operational Certificates

SCHEDULE 1 – NON-METALLIC MINERAL PRODUCTS INDUSTRY

DEFINITION: “establishments engaged in manufacturing non-metallic mineral products using a rotary kiln or dryer”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- the manufacturing of non-metallic mineral products if a rotary kiln or dryer is used
- the production of sandblasting sand if a rotary kiln or dryer is used
- the production of drilling muds if a rotary kiln or dryer is used
- the manufacturing of gypsum products including plaster, tile and wallboard if a rotary kiln or dryer is used
- the manufacturing of asbestos based products such as asbestos cement, asbestos insulation, asbestos gaskets, asbestos pipe coverings, asbestos cement shingles, boards and sheets if a rotary kiln or dryer is used
- the manufacturing of fibrous glass products including glass wool and vermiculite if a rotary kiln or dryer is used

Typical discharges include:

- air emissions

IC classification to be used for the following SIC code(s) = 3592, 3593, 3594, 3599

NAICS code(s) = 327990*, 336340*, 339990*, 327420*, 327990*, 327420*

Examples do not include:

- “abrasives industry” as defined in Schedule 1
- “asbestos mining industry” as defined in Schedule 1
- “clay industry” as defined in Schedule 1
- “mining and coal mining industry” as defined in Schedule 1
- lime kilns at pulp mills

SCHEDULE 1 – OIL AND NATURAL GAS INDUSTRY - LARGE

DEFINITION: “means establishments engaged in exploring for, producing, transporting, storing or processing crude oil or natural gas that, in any 15 day period,

- (a) discharge or remove 30 tonnes or more of total sulphur, not including any mass of sulphur discharged from the facility subsurface in acid gas, or
- (b) discharge or remove 4 tonnes or more of volatile organic carbon compounds”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- oil and gas operations that discharge or remove more than 30 tonnes of total sulphur in 15 days, or operations that discharge or remove more than 4 tonnes of VOCs
- examples include:
 - o large drivers (greater than 3000 kilowatts) not related to pipeline transport
 - o gas plants that discharge more than 30 tonnes of sulphur in 15 days
 - o acid gas injection facilities

Typical discharges include:

- air discharges from large processing plants including flaring
- drilling mud wastes
- effluent from pressure tests
- storm water effluent
- solid wastes

IC classification to be used for the following SIC code(s) = 0711

NAICS code(s) = 211113

Examples do not include:

- “commercial waste management or waste disposal industry” as defined in Schedule 1
- “pipeline transport industry with approved operating plan” as defined in Schedule 1
- “refined petroleum and coal products industry” as defined in Schedule 1
- “coalbed gas exploration and production industry” as defined in Schedule 2
- “deep well disposal” as defined in Schedule 2
- “industrial non-hazardous waste landfills” as defined in Schedule 2
- “naturally occurring radioactive materials management” as defined in Schedule 2
- “oil and natural gas industry - small” as defined in Schedule 2
- “pipeline transport industry” as defined in Schedule 2
- “petroleum storage” as defined in Schedule 2
- “product storage – bulk solids” as defined in Schedule 2

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Oil and Gas Waste Regulation (B.C. Reg. 208/96)
- Hazardous Waste Regulation (B.C. Reg. 63/88)

- Petroleum Storage and Distribution Facilities Storm Water Regulation (B.C. Reg. 168/94)

SCHEDULE 1 - OZONE DEPLETING SUBSTANCES AND OTHER HALOCARBONS MANAGEMENT

DEFINITION: “establishments, activities or operations that use ozone depleting substances or other halocarbons or that sell, collect, recycle or manage ozone depleting substances or other halocarbons”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

A regulation is currently in place that governs various aspects of these particular substances. The Ozone Depleting Substances and Other Halocarbons Regulations (B.C. Reg. 387/99) should be consulted to determine applicability.

Examples include:

- activities and operations that use ozone depleting substances or other halocarbons
- activities and operations that sell, collect, recycle or manage ozone depleting substances or other halocarbons
- manufacturing of fire extinguishing equipment
- establishments that manage, maintain and repair air conditioning equipment
- refrigeration equipment, and/or air conditioners in motor vehicles
- recyclers and dismantlers who handle ozone depleting substances or other halocarbons from refrigerators, freezers, or motor vehicles

Typical discharges include:

- air emissions

IC classification to be used for the following SIC code(s) =

Examples do not include:

- “vehicle dismantling and recycling industry” in Schedule 2
- “vehicle, industrial machinery, transportation parts and accessories manufacturing industry” in Schedule 2

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Ozone Depleting Substances and Other Halocarbons Regulation (B.C. Reg. 387/99)

SCHEDULE 1 – PAPERBOARD INDUSTRY

DEFINITION: “establishments engaged in manufacturing paperboard, including recycled paperboard and building paper”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- establishments engaged in manufacturing paperboard or building paper (used in asphalt coated vapour barrier or in the manufacture of insulation batts)
- examples include:
 - o building paper, corrugated board including cardboard, boxboard grade paperboard, strawboard for corrugated containers
 - o recycled paperboard
 - o building board, insulation board, ceiling panels or tiles (including acoustic tiles)

Typical discharges include:

- air emissions
- effluent discharges
- solid wastes

IC classification to be used for the following SIC code(s) = 2713, 2714

NAICS code(s) = 322121*, 322130*, 321216*

Examples do not include:

- “paper industry” as defined in Schedule 1
- “pulp industry” as defined in Schedule 1
- “non-metallic mineral products industry” as defined in Schedule 1 which includes gypsum products or asbestos based products where a rotary kiln or dryer is used
- the application of asphalt to the vapour barriers
- the formation of boxes, bags or other products from the paper
- the collection and transport of used paper

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Pulp Mill and Pulp and Paper Mill Liquid Effluent Control Regulation (B.C. Reg. 470/90)
- Ozone Depleting Substances and Other Halocarbons Regulation (B.C. Reg. 387/99)

SCHEDULE 1 – PAPER INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists and artisans, engaged in manufacturing any type of paper, except paperboard and building paper, but including recycled paper”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

In addition to compliance with applicable federal and provincial legislation directly relating to this industry, a site specific authorization is required to discharge waste to the environment. Where a facility produces both pulp and paper, portions of the facility may fall into the “pulp industry” and into the “paper industry” definitions. One permit may be issued to cover both prescribed sectors. More than one permit may be needed at a facility to authorize discharges to air, water and land.

Examples include:

- establishments that manufacture paper from pulp
- examples include:
 - o specialty papers including fine, sanitary and recycled paper
 - o bleached or unbleached papers
 - o newsprint, brown paper for paper bags, rice paper, blotting paper, facial tissue, printing paper, toilet tissue stock

Typical discharges include:

- air emissions
- effluent discharges from the water treatment
- solid wastes

IC classification to be used for the following SIC code(s) = 2712, 2719

NAICS code(s) = 322122, 322121*

Examples do not include:

- “paperboard industry” as defined in Schedule 1 which includes tar or building paper, or paper board paper
- “pulp industry” as defined in Schedule 1
- the collection and transport of used paper
- the formation of boxes, bags or other products from the paper
- artisans and hobbyists who discharge effluent into the municipal sewer system

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Pulp Mill and Pulp and Paper Mill Liquid Effluent Control Regulation (B.C. Reg. 470/90)
- Ozone Depleting Substances and Other Halocarbons Regulation (B.C. Reg. 387/99)

SCHEDULE 1 – PARTICLE AND WAFER BOARD INDUSTRY

DEFINITION: “establishments engaged in manufacturing boards or panels made from very small pieces of wood bonded together, and includes, but is not limited to, establishments that manufacture medium density fibre board or oriented strand board”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- establishments that manufacture boards, panels or beams from small discrete wood elements
- examples include:
 - o medium density fibre (MDF) board
 - o oriented strand board (OSB)
 - o particle board, wafer board, flake board
- manufacturing of pre-formed moulded wood products

Typical discharges include:

- air emissions
- effluent discharges
- solid wastes

IC classification to be used for the following SIC code(s) = 2592, 2593
NAICS code(s) = 321216*, 321217

Examples do not include:

- “veneer and plywood industry” as defined in Schedule 1
- “wood processing industry - secondary” as defined in Schedule 2
- furniture manufacturing
- manufacturing of laminated veneer lumber
- manufacturing of products made from particle board or wafer board such as structural I-beams using a combination of lumber and OSB

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – PIPELINE TRANSPORT INDUSTRY WITH APPROVED OPERATING PLAN

DEFINITION: “establishments that

- (a) are engaged in operating or maintaining a pipeline in British Columbia for the transport of natural gas, and
- (b) operate under a specific environmental operating plan approved by a director”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- establishments that operate and/or maintain a pipeline that operates under a specific environmental operating plan where the environmental operating plan is authorized by an existing and valid site specific authorization approved by the director

Typical discharges include:

- air emissions

IC classification to be used for the following SIC code(s) = 4611, 4612

NAICS code(s) = 486210, 488990*, 486110

Examples do not include:

- “oil and natural gas industry – large” as defined in Schedule 1
- “pipeline transport industry” as defined in Schedule 2 which include establishments that operate without specific environmental operating plans approved by the director under a site specific authorization
- “oil and natural gas industry – small” as defined in Schedule 2

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – PULP INDUSTRY

DEFINITION: “establishments engaged in manufacturing wood pulp”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

In addition to compliance with applicable federal and provincial legislation directly relating to this industry, a site specific authorization is required to discharge waste to the environment. Where a facility produces both pulp and paper, portions of the facility may fall into the “pulp industry” and into the “paper industry” definitions. One authorization may be issued to cover both prescribed sectors. More than one authorization may be needed at a facility to authorize discharges to air, water and land.

Examples include:

- the manufacturing of wood pulp from mechanical, semi-mechanical and chemical processes or a combination of processes
- pulp recycling operations and de-inking operations
- pulp and pulp and paper operations where a combination of processes occurs at a given site

Typical discharges include:

- air emissions
- effluent discharges
- solid wastes including sludge

IC classification to be used for the following SIC code(s) = 2711

NAICS code(s) = 322111, 322112, 322121*

Examples do not include:

- “paper industry” as defined Schedule 1
- “paperboard industry” as defined in Schedule 1
- the formation of boxes, bags or other products from the paper
- the collection and transport of used paper

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Pulp Mill and Pulp and Paper Mill Liquid Effluent Control Regulation (B.C. Reg. 470/90)
- Ozone Depleting Substances and Other Halocarbons Regulation (B.C. Reg. 387/99)

SCHEDULE 1 – REFINED PETROLEUM AND COAL PRODUCTS INDUSTRY

DEFINITION: “establishments engaged in

- (a) manufacturing petroleum or coal products, including asphalt paving materials, emulsified asphalt, liquid asphalt, coal or coke briquettes, coal coke, petroleum coke, synthetic gasoline from coal, fuels, lubricating oils or greases, or
- (b) re-processing of waste oil”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- manufacturing of fuel oils, gasoline, diesel, furnace oil, aviation fuel, kerosene, bunker, propane, butane, or naphtha
- manufacturing of petroleum or coal products, including asphalt paving materials, emulsified asphalt, liquid asphalt, coal or coke briquettes, coal coke, petroleum coke, synthetic gasoline from coal
- manufacturing of lubricating oils or greases or re-processing of waste oil
- oil refineries

Typical discharges include:

- air emissions
- effluent discharges including storm water and process water
- solid wastes

IC classification to be used for the following SIC code(s) = 3611, 3612, 3699

NAICS code(s) = 324110, 324190*, 324121

Examples do not include:

- “petroleum storage” as defined in Schedule 2
- customized fuel or lubricating blending operations

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – SUGAR PROCESSING AND REFINING INDUSTRY

DEFINITION: “establishments engaged in processing raw cane sugar, sugar beets, or starches to produce sucrose, glucose or fructose”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- processing raw cane sugar, sugar beets or starches to finished products
- the production of sugar products, such as molasses, brown sugar, white sugar, corn syrup or icing sugar

Typical discharges include:

- air emissions
- effluent discharges
- solid wastes

IC classification to be used for the following SIC code(s) = 1081

NAICS code(s) = 311310

Examples do not include:

- the processing of tree sap to syrup
- manufacturing of candy, chocolate and other confections
- manufacturing of chewing gum

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Agricultural Waste Control Regulation (B.C. Reg. 131/92)
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)

SCHEDULE 1 – VENEER AND PLYWOOD INDUSTRY

DEFINITION: “establishments engaged in manufacturing veneer, plywood or laminated wood products”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- manufacturing of hard wood and soft wood veneer, plywood or laminated wood products
- manufacturing of laminated veneer lumber
- the conditioning, peeling and slicing of veneer logs
- manufacturing of laminated floor products where glues or drying processes are involved
- the lamination or application of plastic or vinyl to a wood product such as countertops or shelving

Typical discharges include:

- air emissions from glues and VOCs from wood
- effluent discharges such as conditioning water
- solid wastes including bark, trim ends, off grade chips

IC classification to be used for the following SIC code(s) = 2521, 2522

NAICS code(s) = 321211, 321212

Examples do not include:

- “burning of or incineration of waste” as defined in Schedule 1
- “burning or incineration of wood residue” as defined in Schedule 1
- “wood processing industry - primary” as defined in Schedule 2
- “wood processing industry - secondary ” as defined in Schedule 2
- engineered wood products

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 1 – WIRE AND WIRE ROPE FABRICATING INDUSTRY

DEFINITION: “establishments engaged in manufacturing plain, coated or uncoated steel wire, flat, twisted or braided steel wire or steel rope”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- production of coated or plain steel wire
- production of steel wire twisted or braided into wire rope
- production of steel wire cables or steel rope
- the coating of steel wire with plastic, lacquer or a galvanization process
- manufacturing of barbed steel wire, steel wire fencing or steel chicken wire

Typical discharges include:

- air emissions
- effluent discharges
- solid wastes

IC classification to be used for the following SIC code(s) = 3052

NAICS code(s) = 331222*, 332619*

Examples do not include:

- “aluminum and aluminum alloy products industry” as defined in Schedule 1
- “metal processing and metal products manufacturing industry” as defined in Schedule 1
- “metal smelting, iron and steel foundry and metal refining industry” as defined in Schedule 1
- “industrial fastener industry” as defined in Schedule 1
- burning of plastic coatings off wire (see “burning or incineration of waste” as defined in Schedule 1)
- melting or casting of metals
- communication and energy wire (manufacture or recovering or recycling of copper and aluminum wire)
- the use of wire to make secondary consumer products
- copper wire manufacturing which may be captured under “metal processing and metal products manufacturing industry” in Schedule 1 or “metal smelting, iron and steel foundry and metal refining industry” in Schedule 1

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 2 - AGRICULTURAL OPERATIONS

DEFINITION: “operations or activities carried out on farms for purposes of agriculture, including, but not limited to,

- (a) producing or keeping livestock, poultry, farmed game, fur bearing animals, crops, grain, vegetables, milk, eggs, honey, mushrooms, horticultural products, trees, tree fruits or berries, and
- (b) operating machinery and equipment for agricultural waste management or for applying fertilizers and soil conditioners”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

This definition applies primarily to discharges from agricultural operations regulated under the Agricultural Waste Control Regulation and its Code of Agricultural Practice for Waste Management. This includes the use and storage of manures, compost and other wastes on farms. Farms, for the purposes of this definition, are considered to be businesses for the production of food and horticultural products and include tree farms and nurseries. Nutrient management is a key factor in reducing environmental impacts of farm operations.

Examples include:

- commercial farms and agribusinesses including feedlots
- family farms
- greenhouses
- tree farms and nurseries (note that “trees” are not covered by the Agricultural Waste Control Regulation)

Typical discharges include:

- effluent discharges
- solid wastes including the disposal of manure and mortalities, and composting operations on site for farm use
- note that this sector includes all sizes of farms, including those activities on small acreages.

IC classification to be used for the following SIC code(s) = 0111, 0112, 0113, 0114, 0115, 0119, 0121, 0122, 0123, 0129, 0131, 0132, 0133, 0134, 0135, 0136, 0137, 0138, 0139, 0141, 0151, 0152, 0159, 0161, 0162, 0163, 0169, 0171, 0211, 0212, 0213, 0219, 0221, 0222, 0223, 0229, 0231, 0239, NC01

Regulation code = AGRI (Agricultural Waste Control Regulation)

NAICS code(s) = 111110, 111120, 111140, 111160, 111211, 111310, 111320, 111330, 111411, 111419, 111910, 111920, 111930, 111940, 111993, 112110, 112120, 112210, 112310, 112320, 112330, 112340, 112391, 112410, 112420, 112910, 112920, 112930, 112999, 111130 *, 111150 *, 111190 *, 111219 *, 111421 *, 111422 *, 111999 *, 112991 *, 113210 *, 541380 *, 541690 *, 541710 *, 541940 *, 561730 *, 812910 *, 413150

Examples do not include:

- dog kennels
- home gardens
- internal combustion engines in farm equipment
- commercial composting operations
- “composting operations” as defined in Schedule 2
- “soil enhancement using wastes” as defined in Schedule 2
- “commercial waste management or waste disposal industry” as defined in Schedule 1
- Section 6(5)(e) of EMA – “burning of leaves, foliage, weeds, crops or stubble for domestic or agricultural purposes or in compliance with the *Weed Control Act*”
- Section 6(5)(f) of EMA – “the use of pesticides or biocides for agricultural, domestic or forestry purposes in compliance with the *Integrated Pest Management Act*, the *Pest Control Products Act* (Canada) and any other Act or regulation governing their use”
- Section 6(5)(i) of EMA – “air emissions from soil particles or grit in the course of agriculture or horticulture”
- woodland fertilizer applications since these, by policy, are not considered “farms”

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Agricultural Waste Control Regulation (B.C. Reg. 131/92)
- *Integrated Pest Management Act* (SBC 2003) Chapter 58
- Integrated Pest Management Regulation (B.C. Reg. 604/2004)
- *Pest Control Products Act* (R.S. 1985 c. P-9)
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)
- Open Burning Smoke Control Regulation (B.C. Reg. 145/93)
- Hazardous Waste Regulation (B.C. Reg. 63/88) with respect to the use of waste oil to heat greenhouses

SCHEDULE 2 – ANTISAPSTAIN CHEMICALS MANAGEMENT

DEFINITION: “activities and operations that apply chemicals to lumber to protect the lumber from staining”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

Examples include:

- any activity or operation that applies antisapstain chemicals to lumber and stores the treated lumber
- all sizes, frequencies, and durations of operations.

Typical discharges include:

- air emissions
- effluent discharges including storm water runoff
- sludge which may be a hazardous waste

IC classification to be used for the following SIC code(s) = NC08, 2512, 2549

Regulation code = ANTSAP (Antisapstain Chemical Waste Control Regulation)

NAICS code(s) = 321999, 321111, 321919 *, 321215

Examples do not include:

- retail lumber storage yards as specified in the Antisapstain Chemical Waste Control Regulation
- preservation of poles, piles, or pressure treated wood
- “wood treatment industry” as defined in Schedule 2
- discharges which directly enter a municipal treatment system
- the application of wax and wax/water mixtures on lumber which act as a protective barrier against discoloration
- manufacturing, transporting or storing of antisapstain chemicals (i.e. products)
- “chemical and chemical products industries” as defined in Schedule 1
- it is intended that residential applications of antisapstain chemicals will not be captured by the code

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Antisapstain Chemical Waste Control Regulation (B.C. Reg. 300/90) - note that not all antisapstain chemicals are listed in this regulation. If an activity uses a chemical not specifically listed in this regulation, or if a code does not specifically mention a given chemical, a permit may be required if there is a discharge to the environment.

SCHEDULE 2 – AQUACULTURE – LAND-BASED INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in land-based aquaculture, including but not limited to,

- (a) those engaged, for the purpose of land-based aquaculture, in
 - (i) culturing or collecting freshwater or saltwater species of finfish or shellfish, or
 - (ii) harvesting other freshwater or saltwater products, and
- (b) those engaged in operating finfish or shellfish hatcheries, rearing ponds or other similar facilities where finfish or shellfish are fed, nurtured, held, maintained or reared in fresh water or salt water to reach a size for release or for market sale”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- aquaculture activities such as discharges from net pens, ponds, rearing channels, or hatcheries or tanks
- activities conducted on land, in fresh water or in salt water
- both marine and freshwater species
- finfish, shellfish, other marine or freshwater products including seaweed

Typical discharges include:

- effluent contaminated with fecal matter and remaining food
- solid wastes including mortalities

IC classification to be used for the following SIC code(s) = 0312

Regulation code = FIN (Land-based Fin Fish Waste Control Regulation)

NAICS code(s) = 112510*

Examples do not include:

- “aquaculture - marine based industry” as defined in Schedule 2
- “fish products industry” as defined in Schedule 2
- the activity of fishing with a line, trap or net for private or personal use

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Organic Matter Recycling Regulation (B.C. Reg. 18/2002) – if composting of residual organic residues is considered
- Municipal Solid Waste Management Plans (subject to the approval of the Regional Waste Manager)
- Land-based Fin Fish Waste Control Regulation (B.C. Reg. 68/94)

SCHEDULE 2 – AQUACULTURE – MARINE-BASED INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in saltwater aquaculture, including but not limited to,

- (a) those engaged, for the purposes of saltwater aquaculture, in
 - (i) culturing or collecting all species of saltwater finfish,
 - (ii) trapping or otherwise catching saltwater shellfish, or
 - (iii) harvesting other sea products
- (b) those engaged in operating saltwater fish farms (finfish aquaculture), and
- (c) those engaged in other activities that create waste and are incidental to saltwater fish farms, such as net washing”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- aquaculture activities related to salt water (in the marine environment)
- activities include, but are not limited to, culturing or collecting, trapping, harvesting of salt water finfish and shellfish for the purposes of marine aquaculture
- the operation of saltwater fish farms and operations incidental to these fish farms such as net washing
- the collection of wild organisms for the purposes of rearing or culturing (such as raising Atlantic salmon, oysters, clams, mussels).

Typical discharges include:

- effluent discharges containing fecal matter and remaining food
- effluent from net washing activities
- solid wastes such as mortalities

IC classification to be used for the following SIC code(s) = 0311

Regulation code = AQUA (Finfish Aquaculture Waste Control Regulation)

NAICS code(s) = 112510*

Examples do not include:

- “aquaculture - land based industry” as defined in Schedule 2
- the activity of fishing with a line, trap or net for private or personal use
- collecting wild marine organisms for food, fertilizer or other non-aquaculture purposes

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Organic Matter Recycling Regulation (B.C. Reg. 18/2002) – if composting of residual organic residues is considered
- Municipal Solid Waste Management Plans (subject to the approval of the Regional Waste Manager)
- Finfish Aquaculture Waste Control Regulation (B.C. Reg. 256/2002)
- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 2 – ASPHALT PLANT INDUSTRY

DEFINITION: “establishments that operate hot-mix asphalt plants, hot-in-place asphalt recycling plants or operations using cutback asphalt”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- hot-in-place recycling plants, hot-mix asphalt plants, mobile or stationary asphalt plants
- the production of cutback asphalt
- the production of rubber based asphalt

Note that this sector includes all sizes of operations, temporary, permanent, mobile or stationary asphalt producing plants.

Typical discharges include:

- air emissions from stacks and dryers
- settling pond and recycling pond effluent
- sludges and solid waste asphalt discharges

IC classification to be used for the following SIC code(s) = 3699 (stationary plants), NC99 (mobile plants)

Regulation code = ASPHLT (Asphalt Plant Regulation)

NAICS code(s) = 324121, 324122*, 324190*, 237310

Examples do not include:

- the physical laying down / rolling of asphalt on the ground or seal coating
- associated gravel production operations including crushing, screening and washing of gravel
- hot tar roofing operations which may use asphalt
- surface grinding of asphalt road surfaces
- beneficial use of surface grindings
- disposal of old asphalt in dry conditions

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Asphalt Plant Regulation (B.C. Reg. 217/97) – Note air emissions within the Lower Fraser Valley as defined in the Asphalt Plant Regulation are subject to different standards within the regulation.

SCHEDULE 2 – BEVERAGE INDUSTRY

DEFINITION: “establishments, except home-based businesses, establishments of hobbyists and artisans and establishments providing goods, facilities or services to persons producing or manufacturing wine, beer or cider in the establishment for their own consumption or consumption at no charge by others, engaged in producing, or filling containers with, alcoholic or non-alcoholic beverages other than water”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- breweries, wineries, distilleries, water and soft drink production
- soy beverage and dairy substitute beverage production
- filling cans or other containers with beverages

Typical discharges include:

- air emissions
- effluent discharges
- sludges from water purification processes, and solid process wastes

IC classification to be used for the following SIC code(s) = 1111, 1121, 1131, 1141

NAICS code(s) = 312140, 311930 *, 312110 *, 312120 *, 312130 *, 325190 *

Examples do not include:

- home-based businesses or establishments of hobbyists and artisans such as U-Brews, or micro-breweries that are associated with retail food outlets or that discharge to a municipal sewage system
- juice production which is covered by the “fruit and vegetable industry” as defined in Schedule 2
- “dairy products industry” as defined in Schedule 1
- air emissions from U-brews or micro-breweries under section 6(5)(1) of EMA

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Organic Matter Recycling Regulation (B.C. Reg.18/2002)

SCHEDULE 2 – COALBED GAS EXPLORATION AND PRODUCTION INDUSTRY

DEFINITION: “establishments, at all stages of an operation from exploration through to abandonment, engaged in discharging to the environment produced water or related solids from a coalbed gas operation”

CLARIFICATION OF INTENT:

Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Produced water is water, often contaminated with salt, which is extracted from coal bed methane wells along with natural gas.

Examples include:

- effluent in the form of produced water
- related solid wastes
- air emissions related to flaring and other equipment which are authorized under the Oil and Gas Waste Regulation or by permit

Typical discharges include:

- water from coal bed gas extraction
- discharges of solids from water treatment facilities associated with water extraction

IC classification to be used for the following SIC code(s) = 0711

NAICS code(s) = 211113

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Oil and Gas Waste Regulation (B.C. Reg. 208/96)
- Code of Practice for the Discharge of Produced Water from Coalbed Gas Operations (relates both to produced water and solids from water treatment).

SCHEDULE 2 – COMPOSTING OPERATIONS

DEFINITION: “composting of organic wastes or other feedstocks”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

Examples include:

- the production of a stabilized earthy matter beneficial to plant growth
- matter derived from organic sources

Typical discharges include:

- leachate
- composted or partially composted solids (e.g. wood waste)
- odour emissions

IC classification to be used for the following SIC code(s) =

Regulation code = COMP (general composting), MCPP (mushroom composting)

Examples do not include:

- the application of compost to land
- “soil enhancement using wastes” as defined in Schedule 2
- backyard composting, agricultural composting and demonstration gardens

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Organic Matter Recycling Regulation (B.C. Reg. 18/2002) – note there may be varying requirements regarding location, timing, climate etc.
- Mushroom Composting Pollution Prevention Regulation (B.C. Reg. 413/98)
- This activity may be included in an associated local government Solid Waste Management Plan and Operational Certificate

SCHEDULE 2 – CONCRETE AND CONCRETE PRODUCTS INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing ready-mix concrete or concrete products”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- operations that use Portland cement powder either in bags or bulk mixed with water, sand, gravel and other additives to produce a concrete slurry in truck-load batches
- the manufacturing of solid concrete products such as concrete blocks, septic tanks, pre-cast concrete products such as concrete pipe and pre-stressed beams

Typical discharges include:

- air emissions
- effluent discharges including storm water runoff
- solid wastes

IC classification to be used for the following SIC code(s) = 3541, 3542, 3549, 4224

NAICS code(s) = 327330 *, 327390 *, 327990 *, 238220*

Examples do not include:

- artisans, home-based businesses, educational facilities and hobbyists
- concrete mix operations at building sites

SCHEDULE 2 – DEEP WELL DISPOSAL

DEFINITION: “the disposal of waste fluids underground to porous rock formations, through wells or other means”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

Examples include:

- waste fluids, generally from the oil and gas exploration and development industry, that are discharged to deep subsurface geological formations
- the disposal of radioactive materials below the threshold levels, which are defined as “naturally occurring radioactive materials management” in Schedule 2, if the materials are discharged to deep subsurface geological formations
- an activity or operation which may be performed by a variety of industries, trades or businesses of which deep well disposal may not be the sole or main activity
- this activity or operation may occur one time only, occasionally or on a regular basis as needed

Typical discharges include:

- effluent discharges
- solid wastes

IC classification to be used for the following SIC code(s) = use the code for a specific industry sector (i.e. for oil and gas industry using deep well disposal the SIC = 0711 or NAICS code = 211113)

Examples do not include:

- “naturally occurring radioactive materials management” as defined in Schedule 2
- the discharge of naturally occurring radioactive materials to deep subsurface geological formations

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- *Petroleum and Natural Gas Act* (section 100)
- Oil and Gas Waste Regulation (B.C. Reg. 208/96)
- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 2 - FISH PRODUCTS INDUSTRY

DEFINITION: “means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in processing, including but not limited to eviscerating, skinning, filleting, breaching, precooking or blanching fish, molluscs, crustaceans, or other marine animals, and includes establishments engaged in processing fish oil or fish roe”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- processing of both fresh and salt water fish and other aquatic species
- smoking and canning of fish products
- freezing of fish products

Typical discharges include:

- air
- effluent discharges including storm water runoff
- solid wastes

IC classification to be used for the following SIC code(s) = 1021

NAICS code(s) = 311710

Examples do not include:

- home-based businesses, educational facilities, hobbyists or artisans
- “aquaculture – land based industry” as defined in Schedule 2
- “aquaculture – marine based industry” as defined in Schedule 2
- the retail or wholesale of such products
- the actual catching of fish or other aquatic creatures
- fishing resorts and campgrounds
- composting of fish and fish parts as defined by “composting operations” in Schedule 2
- “meat by-product processing industry” as defined in Schedule 1
- air emissions from restaurants under section 6(5)(l) of EMA

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Ozone Depleting Substances and Other Halocarbons Regulation (B.C. Reg. 387/99) - for freezing plants
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002) – for composting of fish parts

SCHEDULE 2 – FRUIT AND VEGETABLE INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in processing fruits or vegetables by canning, drying, freezing or any other preservation process, and includes fruit or vegetable growers and cooperatives and producers of juices, pickles, ketchup and similar products”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- commercial scale processing of fruits and vegetables
- manufacturing and processing including canning and bottling of fruit and vegetable juices
- manufacturing and processing of other fruit and vegetable products including pies, candies and fruit leather
- washing and packaging of fruit and vegetables

Typical discharges include:

- air emissions
- effluent including product and equipment wash water, process waste water, sterilization waste water

IC classification to be used for the following SIC code(s) = 1031, 1032

NAICS code(s) = 311211 *, 311410 *, 311420 *, 311940 *, 311990 *, 312110 *

Examples do not include:

- artisans, home-based businesses, on-farm processing
- fruit and vegetable farming
- the selling of fruit or vegetables, both wholesale and retail
- the fruit or vegetable picking industries
- “agriculture operations” as defined in Schedule 2
- “beverage industry” as defined in Schedule 2
- cooling water related to refrigeration or cold storage of fruits or vegetables

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Ozone Depleting Substances and Other Halocarbons Regulation (B.C. Reg. 387/99) - for freezing plants
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002) – for composting of organic residues

SCHEDULE 2 – INDUSTRIAL NON-HAZARDOUS WASTE LANDFILLS

DEFINITION: “activities or operations, incidental to industrial operations, for the disposal to land of solid wastes that are not hazardous waste”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

Examples include:

- landfills associated with, but not limited to, primary and secondary wood processing facilities, log yard sorts, remote landfills at camps

Typical discharges include:

- disposal of wood waste and bark to land where alternative options are not available
- disposal of ash and other industrial wastes

IC classification to be used for the following SIC code(s) = use the code for a specific industry sector (i.e. for sawmills the SIC for a landfill would be 2512 or NAICS code(s) = 321920 *, 321999 *, 321919 *, 321111)

Examples do not include:

- landfills for an industry, trade, business, activity or operation listed in Schedule 1. The authority to bury waste materials is maintained via permits or some other site specific authorization.
- “commercial waste management or waste disposal industry” as defined in Schedule 1
- “municipal solid waste management” as defined in Schedule 1
- “soil enhancement using wastes” as defined in Schedule 2
- an industry, trade, business, activity or operation which is specified in Schedule 2 where landfilling is governed in the specific code of practice for that industry, trade, business, activity or operation
- Section 3(7) of WDR – “emissions and ash from a commercially auxiliary fuel fired refuse incinerator that serves a remote industrial, recreational, exploration or construction camp designed to accommodate fewer than 100 persons are exempt from the application of section 6(2) and 6(3) of the Act.”
- effluent, liquid wastes or semi-solid waste

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Organic Matter Recycling Regulation (B.C. Reg. 18/2002) – if composting of organic residues is considered
- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 2 – NATURALLY OCCURRING RADIOACTIVE MATERIALS MANAGEMENT

DEFINITION: “activities and operations associated with controlling or discharging naturally occurring radioactive materials that exceed the limits specified in Tables 5.1, 5.2 or 5.3 of the *Canadian Guidelines for the Management of Naturally Occurring Radioactive Materials* (NORMs)

- (a) prepared by the Canadian NORM Working Group of the Federal Provincial Territorial Radiation Protection Committee,
 - (b) published by authority of the Ministry of Health (Canada), and
 - (c) as amended from time to time,
- but does not include managing radon in buildings”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

This definition applies primarily to discharges from mining and upstream oil and gas operations. At radioactivity levels below the unconditional derived release limits specified in the Canadian NORM guidelines, waste is not considered to be NORM waste. At levels above the unconditional derived release limits, the contaminated waste becomes NORM waste. “Controlling” NORM waste includes storage of NORM waste, but does not include the transportation which is subject to federal legislation. “Discharging” NORM waste includes any kind of release to the environment such as landfilling, deep well disposal in canisters or by injection.

Examples include:

- discharge of wastes that contain naturally occurring radioactive materials in levels greater than those specified
- naturally occurring radioactive materials in levels greater than the level specified in Tables 5.1, 5.2 and 5.3 of the *Canadian Guidelines for Management* which can be found at: http://www.hc-sc.gc.ca/ewh-semt/pubs/contaminants/radiation/norm-mrn/index_e.html
- examples including scale, sludge or equipment contaminated with NORMs
- operations that store or manage NORMs where there is a discharge to the environment

Typical discharges include:

- effluent
- sludge and solids contaminated with radioactive materials above the threshold listed in Tables 5.1, 5.2 and 5.3

IC classification to be used for the following SIC code(s) = use the code for a specific industry sector (i.e. for oil and gas industry using deep well disposal the SIC would be 0711, NAICS code(s) = 211113)

Examples do not include:

- radon in buildings
- radioactive materials below the threshold listed in Tables 5.1, 5.2 and 5.3 in the *Canadian Guidelines for Management of Naturally Occurring Radioactive Materials*

- other radioactive substances that have been generated or produced, and are not naturally occurring
- radioactive substances that are regulated by the Canadian Nuclear Safety Control Commission
- the export and import of NORMs which is regulated federally
- the transportation of radioactive wastes which is regulated federally by the *Transportation of Dangerous Goods Act*
- equipment that contains radioactive material from man-made sources such as x-ray machines and dental equipment, nuclear medicine instruments and biomedical wastes

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Oil and Gas Waste Regulation (B.C. Reg. 208/96)

SCHEDULE 2 – OIL AND NATURAL GAS INDUSTRY - SMALL

DEFINITION: “establishments engaged in exploring for producing, transporting, storing or processing crude oil or natural gas that, in any 15 day period,

- (a) discharge or remove less than 30 tonnes of total sulphur, not including any mass of sulphur discharged from the facility subsurface in acid gas, and
- (b) discharge or remove less than 4 tonnes of volatile organic carbon compounds”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- oil and gas operations that discharge or remove less than 30 tonnes of total sulphur, or discharge or remove less than 4 tonnes of VOCs, in 15 days
- examples include:
 - o small processing plants, treaters, line heaters, dehydrators, and maintenance and emergency flaring
 - o compressors less than 3000 kilowatts not related to pipeline transport
 - o facilities containing drivers less than 3000 kilowatts that are registered under the Oil and Gas Waste Regulation (B.C. Reg. 208/96)
- facilities processing, collecting or compressing gas
- disposal of acid gas by underground injection
- disposal of drilling muds, drill cuttings and work over solids
- water used in hydrostatic pipeline testing, and accumulated liquids in flare pits and surface water from sites associated with equipment and facilities from the oil and gas sector
- release of tank vapour emissions both during transportation and in storage and includes the tank service sector

Typical discharges include:

- air discharges
- drilling mud wastes
- effluent from pressure tests
- storm water effluent

IC classification to be used for the following SIC code(s) = 0711, 4619 (well tests)

Regulation code = OGWR (Oil and Gas Waste Regulation), OGWRWT (well tests)

NAICS code(s) = 21113, 486910, 486990

Examples do not include:

- “oil and natural gas industry –large” as defined in Schedule 1
- “pipeline transport industry” as defined in Schedule 2
- “pipeline transport industry with approved operating plan” as defined in Schedule 1
- “deep well disposal” as defined in Schedule 2
- “naturally occurring radioactive materials management” as defined in Schedule 2
- water used in hydrostatic pipeline testing from sectors not related to the oil and gas sector
- sales and marketing of refined oil and gas products

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Oil and Gas Waste Regulation (B.C. Reg. 208/96)
- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Petroleum Storage and Distribution Facilities Storm Water Regulation (B.C. Reg. 168/94)

SCHEDULE 2 – PETROLEUM STORAGE

DEFINITION: “the storage and transfer, except by pipeline, of bulk petroleum products”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

Examples include:

- bulk storage or transfer of petroleum products, including discharge of:
 - o storm water runoff from petroleum storage facilities and spill containment areas
 - o effluent from oil-water separators, and
 - o air emissions from tanks
- waste emissions from refined and crude petroleum products including waste oil
- waste emissions resulting from the transfer of product between containers or between vessels for transport purposes
- release of emissions from the transportation of products (e.g. breathing losses and tank truck losses)

Typical discharges include:

- air emissions from tanks (VOCs)
- effluent discharges, including storm water runoff
- sludge from sediment in the bottom of tanks - this may be a hazardous waste

IC classification to be used for the following SIC code(s) = 5111, 4563

Regulation code = PETROL (Petroleum Storage and Distribution Regulation), GASVAP (Gasoline Vapour Control Regulation)

NAICS code(s) = 412110, 454310*, 484221, 484231

Examples do not include:

- air emissions from retail gas stations
- oil-water separators at facilities other than where bulk refined petroleum products are stored and transferred
- “pipeline transport industry” as defined in Schedule 2
- “chemical and chemical products industry” as defined in Schedule 1
- other activities, other than storage or transfer, related to “commercial waste management or disposal industry” as defined in Schedule 1
- “hazardous waste management” as defined in Schedule 1
- other activities, other than storage or transfer, related to “oil and natural gas industry – large” as defined in Schedule 1
- other activities other than storage or transfer related to “oil and natural gas industry – small” as defined in Schedule 1
- other activities, other than storage or transfer, related to “vehicle, industrial machinery, transportation parts and accessories manufacturing industry” as defined in Schedule 1
- emissions from fuel tanks in vehicles and small portable tanks on private or service vehicles
- delivery of fuel from storage to end-users at marinas, airports or ports

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Petroleum Storage and Distribution Facilities Storm Water Regulation (B.C. Reg. 168/94)
 - additional requirements for storage where there is greater than 100,000 litres
- Gasoline Vapour Control Regulation (B.C. Reg. 226/95)
- *British Columbia Fire Code 1998* (B.C. Reg. 285/98)

SCHEDULE 2 – PIPELINE TRANSPORT INDUSTRY

DEFINITION: “establishments that are engaged in operating or maintaining pipelines for the transport of natural gas, crude oil or related products or commodities, but does not include those with an operating plan”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- facilities involved in the pipeline transport of natural gas, crude oil, gasoline, liquid fuel or propane
- facilities involved in the pipeline transport of sales/market gas regardless of amount of gas transported
- compressors, pump stations and associated service and maintenance activities to the pipeline transport industry such as blow down and pigging
- facilities containing drivers less than 3000 kilowatts that are registered under the Oil and Gas Waste Regulation (B.C. Reg. 208/96)
- water used in hydrostatic pipeline testing, and accumulated liquids in flare pits and surface water from sites associated with equipment and facilities from the oil and gas sector
- drilling mud from pipeline directional drilling operations for placement of pipelines associated with transporting oil or natural gas or produced water

Typical discharges include:

- air emissions
- effluent discharges
- sludge, which may be a hazardous waste

IC classification to be used for the following SIC code(s) = 4611, 4612, 4619 (well tests)

Regulation code = OGWR (Oil and Gas Waste Regulation), OGWRWT (well test)

NAICS code(s) = 486210, 486110, 486910, 486990, 488990 *

Examples do not include:

- compressors less than 3000 kilowatts not related to pipeline transport
- “pipeline transport industry with approved operating plan” as defined in Schedule 1 (note this plan must be approved by a director in a site specific authorization)
- “oil and natural gas industry –large” as defined in Schedule 1
- “oil and natural gas industry –small” as defined in Schedule 2
- “deep well disposal” as defined in Schedule 2
- “naturally occurring radioactive materials management” as defined in Schedule 2
- water used in hydrostatic pipeline testing from utilities not related to the oil and gas sector
- pipeline construction wastes
- cathodic protection

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

- Oil and Gas Waste Regulation (B.C. Reg. 208/96)
- Gasoline Vapour Control Regulation (B.C. Reg. 226/95)
- Petroleum Storage and Distribution Facilities Storm Water Regulation (B.C. Reg. 168/94)

SCHEDULE 2 – PLACER MINING INDUSTRY

DEFINITION: “establishments that mine placer minerals as defined in section 1 of the *Mineral Tenure Act*”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- mining of "placer minerals" which are ores of metal and other substance that can be mined and that is either loose, or found in fragmentary or broken rock that is not talus rock and occurs in loose earth, gravel and sand, and includes rock or other materials from placer mine tailings, dumps and previously mined deposits of placer minerals,
- washing, gravity separation and recovery of placer minerals using water, without using chemicals or mercury in the process
- all sizes of facilities operating at various frequencies and durations
- all locations, however, the Placer Mining Waste Control Regulation specifies locations where additional permits are required

Typical discharges include:

- effluent discharges and tailings from the washing operations

IC classification to be used for the following SIC code(s) = 0611 (this references the “gold mining” industry since in B.C., generally only gold is placer mined)

Regulation code = PLACER (Placer Mining Waste Control Regulation)

NAICS code(s) = 212220 *

Examples do not include:

- hand panning
- the mining of coal, petroleum, natural gas, marl, earth, soil, peat, sand or gravel
- rock or a natural substance that is used for a construction purposes on land that is not within a mineral title or group of mineral titles from which the rock or natural substance is mined
- rock or a natural substance on private land that is used for a construction purpose
- rock or a natural substance if the Minister of Mines and the Minister responsible for administration of the *Land Act* jointly make regulations prescribing that a rock or natural substance is not a mineral
- the operation of suction dredging or placer operations with wash water delivery system intake of greater than 38 millimeter

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- *Mineral Tenure Act*
- Placer Mining Waste Control Regulation (B.C. Reg. 107/89)

SCHEDULE 2 – PLASTICS AND COMPOSITE PRODUCTS INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in using synthetic resins to fabricate shapes or forms of plastic”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- manufacture of products using synthetic resins
- manufacture of products that are rigid or flexible
- manufacture of plastics such as polystyrene or polyurethane
- manufacture of styrofoam, lawn furniture, building materials, boats, bathtubs, truck canopies, containers and other products
- the use of recycled plastic to manufacture plastic lumber, garbage cans, toys, pipes, tanks and other products
- manufacture of plastic film, plastic sheeting, plastic bags, and vinyl coated wallpaper

Typical discharges include:

- air emissions including particulate and vapour emissions
- solid wastes

IC classification to be used for the following SIC code(s) = 1611, 1621, 1631
NAICS code(s) = 326122, 326140, 326150, 326114 *, 326121 *

Examples do not include:

- assembly of pre-formed plastic products
- “chemical and chemical products industry” as defined in Schedule 1

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

SCHEDULE 2 – POULTRY PROCESSING INDUSTRY

DEFINITION: “means establishments that are engaged in processing poultry for human consumption, but does not include establishments included in the definition of “meat by-product processing industry” in section 2 of Schedule 1”

Note: The definition of “rendering industry” in previous versions of WDR, has the same meaning as the definition of “meat by-products processing industry” in Schedule 1.

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- the slaughter of “poultry” including domesticated chicken, turkeys, ducks, geese, guinea fowl, ratites, squab and pheasants

Typical discharges include:

- air emissions from processing
- effluent discharges related to wash water and blood wastes
- solid wastes

IC classification to be used for the following SIC code(s) = 1012

NAICS code(s) = 311615

Examples do not include:

- “slaughter industry” as defined in Schedule 2 which includes the processing of red meat
- “meat by-products processing industry” as defined in Schedule 1
- “agricultural operations” as defined in Schedule 2
- wastes from poultry egg cleaning or grading operations
- wastes from the wholesale or retail sale of poultry meats
- wastes from the live sale of poultry

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Code of Practice for the Slaughter and Poultry Processing Industries
- the disposal of mortalities and other solids wastes related to agricultural operations is covered by Agricultural Waste Control Regulation (B.C. Reg. 131/92) and may be prescribed by “agricultural operations” as defined in Schedule 2
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002) – if composting of wastes is considered for non-agricultural operations

SCHEDULE 2 – PRODUCT STORAGE – BULK SOLIDS

DEFINITION: “activities and operations for the storage or handling of cement, lime, gypsum or gypsum products, elemental sulphur, coal, grain, flour, metal concentrates, industrial minerals, fertilizers or explosives”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

Generally these operations are not associated with the manufacturing of the product but only with its storage. Emissions from the manufacturing or the use in processing may be covered under main manufacturing industry sector which may be regulated in either Schedule 1 or Schedule 2.

Examples include:

- the storage and handling of bulk products limited to following specific items:
Portland cement, lime, gypsum or gypsum products, elemental sulphur, coal, grain and flour, metal concentrates, industrial minerals, fertilizers or explosives
- the transportation or movement of these substances at ports, rail transfer points or truck transfer locations and the control of waste emissions

Typical discharges include:

- air emissions from cyclones, baghouses, and fugitive dust
- effluent discharges including runoff and leachate

IC classification to be used for the following SIC code(s) = 4711, 4799
Regulation code = RECYC (Storage of Recyclable Material Regulation)
NAICS code(s) = 493130 *, 493110, 493190, 531130,

Examples do not include:

- the loss of bulk product in transit such as spills
- “flour, prepared cereal food and feed industry” as defined in Schedule 1
- any substance not identified specifically in the definition
- the storage of ready-mix concrete as defined under “concrete and concrete products industry” in Schedule 2
- “chemical and chemical products industry” as defined in Schedule 1
- “petroleum storage” as defined in Schedule 2

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Storage of Recyclable Material Regulation (B.C. Reg. 133/92)

SCHEDULE 2 – SLAUGHTER INDUSTRY

DEFINITION: “establishments engaged in processing red-meat animals for human consumption, but does not include establishments included in the definition of “meat by-product processing industry” in section 2 of Schedule 1”

Note: The definition of “rendering industry” in previous versions of WDR has the same meaning as the definition of “meat by-product processing industry” in Schedule 1.

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- the slaughter of “red-meat animals” including cattle, swine, sheep, fallow deer, farmed game and farmed bison

Typical discharges include:

- air emissions
- effluent discharges including wash water and blood water
- solid waste
- sludge

IC classification to be used for the following SIC code(s) = 1011
NAICS code(s) = 311611*, 311612*

Examples do not include:

- “meat by-product processing industry” as defined in Schedule 1
- “poultry processing industry” as defined in Schedule 2
- “fish products industry” as defined in Schedule 2
- retail butchers involved in cutting and packaging

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Code of Practice for the Slaughter and Poultry Processing Industries
- Agricultural Waste Control Regulation (B.C. Reg. 131/92)
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)

SCHEDULE 2 – SOIL ENHANCEMENT USING WASTES

DEFINITION: “activities and operations applying organic or inorganic wastes to land as a soil conditioner or ground cover”

CLARIFICATION OF INTENT: Section 6(3) of EMA governing prescribed activities or operations applies.

The intent of this activity is that it is not simply a mechanism for waste disposal. The waste application should have some benefit to the soil as a conditioner or ground cover.

Examples include:

- soil enhancement application of industrial inorganic or organic wastes such as, but not limited to, ash, lime, sulphur, pulp mill biosolids, wood waste, waste from food processing industries, and primary /secondary industrial wastewater solids, including combinations of such wastes
- wastes that may be composted, partially composted or non-composted
- a combination of both industrial and municipal wastes
- raw wastes applied to land from various sectors may be captured by this definition (i.e. fish and poultry carcasses applied to the land). However, it is envisioned that a code of practice will not authorize such applications; rather the composting of raw materials is encouraged under Organic Matter Recycling Regulation.

Typical discharges include:

- fugitive air emissions such as odour and dust
- effluent discharges such as leachate and storm water runoff

IC classification to be used for the following SIC code(s) = NC16 (land treatment), NC19 (land farming)

Regulation code = OMRR (Organic Matter Recycling Regulation)

NAICS code(s) = 562910

Examples do not include:

- composting as defined under “composting operations” in Schedule 2
- “commercial waste management or waste disposal industry” as defined in Schedule 2
- disposal of materials as defined in “industrial non-hazardous waste landfills” in Schedule 2
- the use of wood waste as exempted in section 3(5), 3(6) and 3(7) of WDR
- the application of wood waste as plant mulch, soil conditioner or ground cover to farm access ways, livestock bedding and areas where farmed animals are confined or the use or construction of berms for cranberry production as authorized in the Agricultural Waste Control Regulation. Operation of composting as defined under “composting operations” as defined in Schedule 2.
- “municipal solid waste management” as defined in Schedule 1

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Agricultural Waste Control Regulation (B.C. Reg. 131/92)

- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)
- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Solid Waste Management Plans and Operational Certificates
- Code of Practice for Soil Amendments

SCHEDULE 2 – VEHICLE DISMANTLING AND RECYCLING INDUSTRY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in the wrecking or dismantling vehicles or in recycling or disposing of parts and other waste material from vehicles”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Typically wastes from these operations include hydrocarbons, antifreeze and other liquids, metals and other solid wastes, ozone depleting substances, effluent from pressure washing, used solvents and other hazardous wastes including mercury switches and lead-acid batteries. Discharges may include pressure-washing effluent and storm water. Hazardous wastes must be contained and managed according to Hazardous Waste Regulation. All wastes should be diligently and appropriately controlled and managed to prevent environmental contamination.

Examples include:

- cleaning, salvage or recovery of parts and materials from used, damaged or scrap vehicles
- note that this sector includes all sizes of operations, including those that operate infrequently or on a part-time basis

Typical discharges include:

- effluent discharges from oil and water separators
- fugitive air emissions

IC classification to be used for the following SIC code(s) = 5911

NAICS code(s) = 415310, 418110*

Examples do not include:

- steel recyclers and crushing operations not associated with vehicle recyclers
- vehicle service stations or garages, vehicle machine shops, and auto body repair businesses, which do not recover or recycle parts from used cars

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Ozone Depleting Substances and Other Halocarbons Regulation (B.C. Reg. 387/99)
- Return of Used Lubricating Oil Regulation (B.C. Reg. 64/92)
- Spill Reporting Regulation (B.C. Reg. 189/93)
- Vehicle Dismantling and Industry Environmental Planning Regulation

OTHER GUIDANCE:

- B.C. Automotive Recyclers Guidebook (Sept. 1999)

SCHEDULE 2 – VEHICLE, INDUSTRIAL MACHINERY AND PARTS AND ACCESSORIES MANUFACTURING INDUSTRY

DEFINITION: “establishments engaged in manufacturing automobiles, buses, truck chassis, truck tractors or other vehicles, industrial machinery, vehicle engines or other transportation equipment, supplies or parts”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- the original manufacturing of vehicles, machinery, or related parts
- manufacturing of both metal and plastic parts
- manufacturing of aircraft and aircraft parts, motor vehicles, trucks, buses, commercial trailers, motor homes, mobile homes, motor vehicle engines and engine parts, motor vehicle wiring assemblies, bumpers, fuel tanks, steering and suspension parts, wheels and brakes, railroad locomotives and cars, ship building, boat building, ATVs or snowmobiles
- manufacturing of rubber products associated with vehicles or industrial machinery such as tires, drive belts or conveyor belts
- boat manufacturing

Typical discharges include:

- air emissions such as particulate matter, heavy metals, and VOCs
- hazardous wastes such as solvents and oils

IC classification to be used for the following SIC code(s) = 3111, 3121, 3191, 3192, 3193, 3194, 3199, 3211, 3231, 3241, 3242, 3243, 3244, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3259, 3261, 3271, 3281, 3299

NAICS code(s) = 321991, 326193, 332991, 333120, 333210, 333220, 333291, 336212, 336215, 336410, 336611, 336612, 327215 *, 331511 *, 332113 *, 332319 *, 332329 *, 332439 *, 332510 *, 332611 *, 332999 *, 333110 *, 333130 *, 333299 *, 333310 *, 333413 *, 333416 *, 333519 *, 333611*, 333619 *, 333910 *, 333920 *, 333990 *, 336110 *, 336120 *, 336211 *, 336310 *, 336320*, 336330 *, 336340 *, 336350 *, 336360 *, 336370 *, 336390 *, 336510 *, 336990 *

Examples do not include:

- repair and maintenance shops
- collision repair and paint shops, service stations and garages
- the wholesale or retail sale of such products
- the disposal of tires or vehicles, vehicle parts or accessories or industrial machinery
- the manufacturing of other rubber products not associated with vehicles or machinery

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Ozone Depleting Substances and Other Halocarbons Regulation (B.C. Reg. 387/99)

SCHEDULE 2 – WOOD PROCESSING INDUSTRY - PRIMARY

DEFINITION: “establishments, except establishments that are wood processing industry – secondary establishments, engaged in manufacturing lumber or lumber products, including, but not limited to, dimensional lumber, shingles and shakes”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

These establishments handle and process roundwood and convert the wood into products such as dimensional lumber. Where a facility conducts both primary and secondary wood manufacturing activities at a single location, the facility may be registered under the code that applies to the main activity which occurs at the site based on the larger potential environmental impact (i.e. planer mills, a secondary wood manufacturing industry, may be registered under the primary wood manufacturing industry if all the waste discharges are covered by the primary wood manufacturing code of practice.) However, it is possible that the conditions of the discharge may be governed by more than one code of practice if the codes co-exist and discharges from the facility are unique to specific codes. Some establishments performing similar functions may be in either “primary wood manufacturing industry” or “secondary wood manufacturing industry” depending on if they handle either the raw roundwood or already sawn wood (such as finger jointing plants).

Examples include:

- examples of this industry are sawmills, shake, shingle and finger jointing operations, log house component manufacturing industry, timber framing industry where the log in its non-processed form is manufactured into a product. This is different from the “secondary wood manufacturing industry” which takes already processed wood and converts it into a secondary product
- the manufacture of non-treated telephone poles, rail ties and fence posts
- whole log chippers, and log sorting yards
- all sizes of operations including those that operate infrequently or sporadically, and may include portable sawmills or one man operations

Typical discharges include:

- air discharges from cyclones, baghouses, fugitive dust, heat recovery systems, kilns or boilers
- effluent discharges from kilns, runoff from chip or waste piles
- solid wastes

IC classification to be used for the following SIC code(s) = 2511, 2512
Regulation code = WOOD (Wood Residue and Incinerator Regulation)
NAICS code(s) = 321111, 321112, 321919 *, 321920 *, 321999 *

Examples do not include:

- “burning or incineration of wood residue” as defined in Schedule 1
- “industrial non-hazardous waste landfills” as defined in Schedule 2

- “wood processing industry - secondary” as defined in Schedule 2
- “particle and wafer board industry” as defined in Schedule 1
- “veneer and plywood industry” as defined in Schedule 1

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Open Burning Smoke Control Regulation (B.C. Reg. 145/93)
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)
- Antisapstain Chemical Waste Control Regulation (B.C. Reg. 300/90)
- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Agricultural Waste Control Regulation (B.C. Reg. 131/92)

SCHEDULE 2 – WOOD PROCESSING INDUSTRY - SECONDARY

DEFINITION: “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing wood or millwork products, including, but not limited to, finger-jointing products, prefabricated buildings, furniture, chopsticks and pellets”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

These establishments handle and process already sawn wood into products such as furniture. Where a facility conducts both primary and secondary wood processing activities at a single location, the facility may be registered under the code that applies to the main activity which occurs at the site based on the larger potential environmental impact (i.e. planer mills, a secondary wood processing industry, may be registered under the primary wood manufacturing industry if all the waste discharges are covered by the primary wood manufacturing code of practice.) However, it is possible that the conditions of the discharge may be governed by more than one code of practice if the codes co-exist and discharges from the facility are unique to specific codes. Some establishments performing similar functions may be in either “wood processing industry - primary” or “wood processing industry - secondary” depending on if either they handle the round wood or already sawn wood (such as finger jointing plants).

Examples include:

- operations that generally handle and process products from primary or other secondary wood manufacturing industries
- examples such as planer mills, finger jointing operations, timber framing industry, remanufacturing plants, and the production of cabinets, doors, windows, sashes, chopsticks, pellets, furniture, prefabricated buildings, trusses or pre-formed fuel logs, wood siding, or fuel pellets
- note that some of these activities may be in either “wood processing industry - primary” or “wood processing industry - secondary” depending on if either they handle the round wood or already sawn wood (such as finger jointing plants)

Typical discharges include:

- air discharges from cyclones, baghouses, fugitive dust, heat recovery systems, kilns, boilers
- effluent discharges from kilns, runoff from chip or waste piles
- solid wastes and glue wastes

IC classification to be used for the following SIC code(s) = 2541, 2542, 2543, 2549, 2561, 2581, 2599, 2611

Regulation code = WOOD (Wood Residue and Incinerator Regulation)

NAICS code(s) = 321215, 321911, 321992, 337110, 337123, 321919 *, 321920 *, 321999 *, 333920 *, 337215 *, 337920 *, 339990 *

Examples do not include:

- educational facilities, hobbyists and artisans
- “burning or incineration of wood residue” as defined in Schedule 1
- “veneer and plywood industry” as defined in Schedule 1
- “wood processing industry - primary” as defined in Schedule 2
- “particle and wafer board industry” as defined in Schedule 1
- on-site building and installation of secondary products (i.e. the installation of a cabinet in a house)
- landfilling operations associated with these secondary wood manufacturing industries, businesses, and activities which may be covered under the “industrial non-hazardous waste landfill” as defined in Schedule 2

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Open Burning Smoke Control Regulation (B.C. Reg. 145/93)
- Organic Matter Recycling Regulation (B.C. Reg. 18/2002)
- Antisapstain Chemical Waste Control Regulation (B.C. Reg. 300/90)
- Hazardous Waste Regulation (B.C. Reg. 63/88)
- Agricultural Waste Control Regulation (B.C. Reg. 131/92)

SCHEDULE 2 – WOOD TREATMENT INDUSTRY

DEFINITION: “establishments engaged in treating wood products against decay”

CLARIFICATION OF INTENT: Section 6(2) of EMA governing prescribed industries, trades or businesses applies.

Examples include:

- establishments engaged in treating wood products against decay
- preserved or treated lumber, fence posts, telephone poles or railway ties
- wood creosoting
- impregnating chemicals into wood using pressure or vacuum methods

Typical discharges include:

- air emissions from vents which may include heavy metals
- effluent discharges from storm water runoff
- sludge from the pressure treatment of chemicals which may be collected on the bottom of vats and tanks and is generally treated as a hazardous waste.

IC classification to be used for the following SIC code(s) = 2591

NAICS code(s) = 321114

Examples do not include:

- antisapstain operations as defined in “antisapstain chemicals management” in Schedule 2
- application of wax to wood which may serve to provide a protective barrier against staining
- the disposal or use of treated wood, including the disposal of treated railway ties, poles and pilings

SPECIFIC RELATED MINISTRY OF ENVIRONMENT LEGISLATION:

- Hazardous Waste Regulation (B.C. Reg. 63/88)

Appendix C - Regional Contact List

VANCOUVER ISLAND REGION

Ministry of Environment
2080-A Labieux Road
Nanaimo B.C. V9T 6J9
Fax: (250)751-3103
General Inquiries (250) 751-3100

LOWER MAINLAND REGION

Ministry of Environment
10470-152nd Street
Surrey B.C. V3R 0Y3
Fax: (604) 582-5380
General Inquiries (604) 582-5200

THOMPSON REGION

Ministry of Environment
1259 Dalhousie Drive
Kamloops B.C. V2C 5Z5
Fax: (250) 371-6234
General Inquiries (250) 371-6200

CARIBOO REGION

Ministry of Environment
400 – 640 Borland Street
Williams Lake, B.C. V2G 4T1
Fax: (250) 398-4214
General Inquiries (250) 398-4530

OKANAGAN REGION

102 Industrial Place
Penticton B.C. V2A 7C8
Fax: (250) 490-2231
General Inquiries (250) 490-8200

KOOTENAY REGION

Ministry of Environment
401 – 333 Victoria Street
Nelson B.C. V1L 4K3
Fax: (250) 354-6332
General Inquiries (250) 354-6333

205 Industrial Road G
Cranbrook B.C. V1C 7G5
Fax: (250) 489-8506
General Inquiries (250) 489-8540

SKEENA REGION

3726 Alfred Street
Bag 5000
Smithers B.C. V0J 2N0
Fax: (250) 847-7591
General Inquiries (250) 847-7260

OMINECA REGION

1011 – 4TH Avenue
Prince George B.C. V2L 3H9
Fax: (250) 565-6629
General Inquiries (250) 565-6135

PEACE REGION

400 – 10003 110 Avenue
Fort St. John B.C. V1J 6M7
Fax: (250) 787-3490
General Inquiries (250) 787-3411

Appendix D – Exemption Table for Industries, Trades, Business, Operations and Activities in the Waste Discharge Regulation (B.C. Reg. 320/2004)

Industries, Trades, and Businesses, Operations and Activities with Exemptions						
		Home Based Business	Educational Institution	Hobbyist	Artisan	Size Threshold
	Schedule 1					
1	Abrasives Industry					
2	Aluminium and Aluminium Alloy Products Industry	X	X	X	X	
3	Asbestos Mining					
4	Asphalt Roof Manufacturing Industry					
5	Biotechnology Industry					
6	Burning of Vegetative Debris					
7	Burning or Incineration of Waste					
8	Cement and Lime Manufacturing					
9	Chemical and Chemical Products Industry	X		X	X	
10	Clay Industry	X	X	X	X	
11	Commercial Waste Management or Waste Disposal Industry					
12	Contaminated Site Contaminant Management					
13	Dairy Products Industry	X	X	X	X	
14	Electrical or Electronic Products Industry					
15	Electrical Power Industry					X
16	Flour, Prepared Cereal Food and Feed Industry					
17	Glass and Glass Products Industry	X	X	X	X	
18	Hazardous Waste Management					
19	Incineration of Municipal Waste					
20	Incineration of Wood Residue					
21	Industrial Fastener Industry					
22	Metal Processing and Metal Products Manufacturing Industry					
23	Metal Smelting, Iron and Steel Foundry and Metal Refining	X		X	X	
24	Mining and Coal Mining Industry					
25	Municipal Sewage Management					
26	Municipal Solid Waste Management					
27	Non-Metallic Mineral Products Industry					
28	Oil and Natural Gas Industry-Large					
29	Ozone Depleting Substances and other Halocarbons Management					

Industries, Trades, and Businesses, Operations and Activities with Exemptions						
		Home Based Business	Educational Institution	Hobbyist	Artisan	Size Threshold
30	Paperboard Industry					
31	Paper Industry					
32	Particle and Wafer Board Industry					
33	Pipeline Transport Industry with Approved Operating Plan					
34	Plastic and Synthetic Resin Manufacturing Industry					
35	Pulp Industry					
36	Refined Petroleum and Coal Products Industry					
37	Rendering Industry					
38	Sugar Processing and Refining Industry					
39	Veneer and Plywood Industry					
40	Wire and Wire Rope Fabricating Industry					
	Schedule 2					
1	Agricultural Operations					
2	Antisapstain Chemicals Management					
3	Aquaculture — Land-based Industry					
4	Aquaculture — Marine-based Industry					
5	Asphalt Plant Industry					
6	Beverage Industry	X		X	X	
7	Coalbed Gas Exploration and Production Industry					
8	Composting Operations					
9	Concrete and Concrete Products Industry	X	X	X	X	
10	Deep Well Disposal					
11	Fish Products Industry	X	X	X	X	
12	Fruit and Vegetable Industry	X		X		
13	Industrial Non-hazardous Waste Landfills					
14	Naturally Occurring Radioactive Materials Management					
15	Oil and Natural Gas Industry — Small					
16	Petroleum Storage					
17	Pipeline Transport Industry					
18	Placer Mining Industry					
19	Plastics and Composite Products Industry					
20	Poultry Processing Industry					X
21	Primary Wood Manufacturing Industry					
22	Product Storage — Bulk Solids					
23	Secondary Wood Manufacturing Industries		X	X	X	
24	Slaughter Industry					X
25	Soil Enhancement Using Wastes					
26	Vehicle Dismantling and Recycling Industry					

Industries, Trades, and Businesses, Operations and Activities with Exemptions						
		Home Based Business	Educational Institution	Hobbyist	Artisan	Size Threshold
27	Vehicle, Industrial Machinery and Parts and Accessories Manufacturing Industry					
28	Wood Preservation Industry					

Appendix E – Sample Registration Form

DRAFT Registration Form for the Discharge of Produced Water from Coal Bed Gas Operations

Implementation and Review Unit
PO Box 9377, Stn Prov Govt
Victoria, British Columbia V8W 9M1
Telephone: (250) 387-3205
Facsimile: (250) 356-0299
Email: PermitAdministration.VictoriaEPD@gov.bc.ca

Registration File # _____
(Office use only)

Pursuant to the Waste Discharge Regulation (B.C Reg. 320/2004) and the Code of Practice for the Discharge of Produced Water from Coal Bed Gas Operations, use this form for registering the disposal of produced water directly to the ground or perennial stream or seasonal stream. This form does not apply to the disposal of produced water to the ground by deep well disposal.

This registration form is to be filed with the Ministry of Environment, Implementation and Review Unit, at the above address. The director may require additional information as per section 4(2) (1) of the Waste Discharge Regulation in the region where the discharge occurs, before the registration is effective and authorization to discharge is allowed.

1. Report Type – Indicate one choice (a, b or c)

To update a registration, a person must re-submit a registration form with all the information within 30 days of the changes in registration information. (See (b) below).
To cancel a registration, a person must notify a director in writing within 30 days of ceasing the discharge. (See (c) below).

(a)	Initial registration		
	Do you hold any permits or approvals under the <i>Environmental Management Act</i> issued for this site? (List all)	No	Yes
	In the past, have you ever registered under this code of practice for this site?	No	Yes
	Do you currently hold any other registrations for effluent discharges at this facility under the <i>Environmental Management Act</i> ? (i.e. sewage)	No	Yes
(b)	Updated registration	Date of last report (yy/mm/dd):	Registration #: RE-
(c)	Withdraw registration	Registration #:	RE-
Without registration, there is no authorization to discharge contaminants associated with this code of practice for this site.			

2. Type of ownership - Indicate one choice (a, b, c, d, or e).

Attach B.C. Online printout if registered with the Registrar of Companies in British Columbia.	
<input type="checkbox"/> owner <input type="checkbox"/> operator	
(a)	Registration is assigned to an individual Individual name:
(b)	Registration is assigned to a corporation / entity registered with the Registrar of Companies Name of corporation as registered with Registrar of Companies:
(c)	Registration is assigned to a corporation not registered with the Registrar of Companies Name of corporation <u>not</u> registered with Registrar of Companies:
(d)	Registration is assigned to a partnership Partnership name:
(e)	Registration is assigned to a corporation or entity operating under a name other than its registered name Operating Name:

Single discharge point

Latitude/ Longitude of sites where discharge enters the stream(s) or ground (degree, minute, second):

Multiple discharge points:
 Site 1 – Site 2 –
 Lat: Deg/Min/Sec Long: Deg/Min/Sec Lat: Deg/Min/Sec Long: Deg/Min/Sec
 site 3 – Site 4 -
 Lat: Deg/Min/Sec Long: Deg/Min/Sec Lat: Deg/Min/Sec Long: Deg/Min/Sec

Local address (person responsible for site – i.e. operator), facility address (physical location where majority of equipment is located), mailing address (where correspondence will be sent) and billing address (where future invoices will be sent) may be different

(f)	Name of local contact:		(g)	Facility address which produces the waste:	
	Title of local contact:			City, Province, Postal Code of the facility that produces the waste:	
	Address of Local Contact:			Legal description of the facility that produces the waste:	
	City, Province, Postal Code of Local Contact	Legal description where discharge occurs (e.g. land district, township, range, etc)			
	Phone – Local Contact ()	Fax – Local Contact ()		Phone of Facility ()	Fax of facility ()
	Email – Local Contact:	Cell - Local Contact		In addition, is this address also the:	
<input type="checkbox"/> Billing Address <input type="checkbox"/> Mailing Address		<input type="checkbox"/> Billing Address <input type="checkbox"/> Mailing Address			

3. Additional contact information – Indicate billing and mailing address if different from part 2 above

Billing Office if different		Mailing address if different	
(a)	Full company name	(b)	Full company name
	Address		Address
	City, Province, Postal Code		City, Province, Postal Code
	Name of Contact		Name of Contact

	Phone ()	Fax ()		Phone ()	Fax ()
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4. Fee Schedule -For the registration to be effective, please enclose a cheque or money order made payable to the Minister of Finance for the first annual fee. Without separate notice of cancellation, annual fees will be charged.

(a)	Number of wells where produced water enters a perennial stream
(b)	Number of wells where produced water enters a seasonal stream
(c)	Number of wells where produced water discharges directly to ground (excludes deep well injection of produced water)
(d)	<p>Total annual fee Base Fee = \$100.00*</p> <p>If disposal occurs July 1, 2005 – March 31, 2006: (Total wells) x \$216.25 / well = (a)</p> <p>If disposal occurs after March 31, 2006: (Total wells) x \$230.60 / well = (b)</p> <p>(*Base Fee = \$0.00 if there are other effluent registrations at this facility) Fee: Base Fee + (a) or (b) =</p>

5. Facility Schedule

(a)	Start date of first discharge (YYYY/MM/DD)
(b)	<p>Anticipated finish date of discharge (YYYY/MM/DD)</p> <p>Note: Registration will not be automatically cancelled without further written notification. To request cancellation, re-submit a form marking 1(c) as report type. Annual fees will continue to be assessed until a cancellation of registration is requested.</p>

6. Form completed by:

Print name:

Title:

Dated:

(yyy/mm/dd)

Note: The authorization to discharge does not become effective until 45 days after the director receives both a completed registration form and full payment of fees. Where additional information has been requested by a director, the registration date may be altered. Authorization to discharge is contingent on full compliance with the Waste Discharge Regulation and the Code of Practice for the Discharge of Produced Waste from Coal Bed Gas Operations.

Appendix F - Sample Substitution Decision Notice

DRAFT NOTICE OF A SUBSTITUTION DECISION
NOTICE OF A <MINISTER'S / DIRECTOR'S> DECISION FOR A SUBSTITUTION
TO <insert name of code of practice> **UNDER THE PROVISIONS OF**
THE *ENVIRONMENTAL MANAGEMENT ACT* FOR A REGISTRATION
HELD IN THE NAME OF <insert name of registered person>

Take note that a decision to substitute a requirement in the <insert name of code of practice> has been issued to registered site number <insert R – file number> in the name of <insert name of registered person>. The substitution is effective <insert effective date>. The following substitution has been granted:
Section <insert section number> of <insert name of code of practice> now reads:
<insert substituted requirement>

A copy of the Substitution Order may be viewed at the Ministry of Environment in <insert location of nearest office> during normal business hours.

<insert Director's name>

Director, *Environmental Management Act*

Appendix G - Sample Substitution Form

DRAFT Application to Substitute a Requirement in a Code of Practice Under the Environmental Management Act

ENVIRONMENTAL PROTECTION NOTICE

Waste Discharge Registration No.: **insert registration number**

company/individual name of **mailing address** , is applying to the Director, *Environmental Management Act* to substitute a requirement in the **insert name of code** pertaining to a discharge of **indicate whether waste is air contaminants, effluent, solid waste** from a **type of facility** located at **street address or commonly identified location** .

This application asks the Director to make the following substitution(s):

Section of Code	Current Requirement in Code	Requested Substitution

The intent of the Code of Practice will be met by:

provide justification for the requested substitution

Any person who may be adversely affected by the proposed substitution and wishes to provide relevant information may, within 30 days after the last date of posting, publishing, service or display, send written comments to the applicant, with a copy to the Director, Environmental Protection at **regional office mailing address** [Use **following names for regions: Vancouver Island, Lower Mainland, Thompson, Okanagan, Kootenay, Cariboo, Skeena, Omineca, Peace, Oil and Gas Commission**].

The identity of any respondents and the contents of anything submitted in relation to this application will become part of the public record.

Date: _____, 20____.

(Signature)

Contact person **insert name** _____ Telephone No. **insert tel no.** _____

Additional Information for an Application to Substitute a Requirement in a Code of Practice

Until such time as the Director has made a decision on this application, authorization to discharge is contingent on full compliance with all existing conditions of the applicable Code of Practice and compliance with the Waste Discharge Regulation.

1. Applicant Information	
a.	Name (registered company name, partnership or individual)
b.	Registered Address, City and Postal Code
c.	Phone number

2. Contact Person	
a.	Name
b.	Title / Position
c.	Mailing Address: Street, City, Postal Code
d.	Email address
e.	Telephone number(s)
f.	Fax No.

3. Background Information	
a.	Current registration number for discharge (e.g. RE - #) [link to (26) on Notice]
b.	Type of waste
c.	Type of facility or operation (e.g. sawmill)
d.	Location of facility
e.	Name of Applicable Code of Practice
f.	If registration refers to more than one discharge location, specify location(s) of the discharge where the substitution is

	required (latitude & longitude)	
g.	Region where the discharge occurs	Use following names for regions: Vancouver Island, Lower Mainland, Thompson, Okanagan, Kootenay, Cariboo, Skeena, Omineca, Peace, Oil and Gas Commission

4. Substitution Request – Proposed changes		
Section of code	Current wording	Proposed wording

5. Rationale for Substitution	
a.	In summary, the reasons for the application for the substitution are (list all):
b.	The intent of the code of practice will be met with the proposed change(s) because:
c.	The public and the environment will be protected with the proposed substitution to the code of practice because:
d.	Additional information supporting the substitution is attached separately. This may include, but is not limited to, supporting documentation on the site location, pollution control works, methods, contaminant properties, ambient environmental conditions, economics, etc.

Complete Sections 6 and 7 after Publication and Notification as outlined the instruction letter from the Director

6. Publication and Notification		
a.	Date application was posted at all main entrances to the site(s)	Date: YYYY/MM/DD

b.	Date and Name of newspaper(s) where notice of application was published:	Date: YYYY/MM/DD Newspaper(s):
c.	If the Director required you to serve a copy of the application on individual(s) potentially impacted by the substitution application, please list the names, mailing addresses and the dates that they were served. Attach separate page if necessary.	Date: YYYY/MM/DD Names:
d.	If the Director required you to post a copy of the application at a branch post office of Canada Post Corporation, please indicate the date and location this posting occurred.	Date: YYYY/MM/DD Locations:
e.	If additional consultation for the proposed substitution occurred, list dates and events. Summarize concerns and resolutions if applicable. Attach separate page if necessary.	

7. Form completed by:

Signature: _____ Print name: _____

(All information contained in this form is true and accurate.)

Title: _____ Dated : _____
(yyyy/mm/dd)

Mail this application form to:
 Director, *Environmental Management Act*
 Ministry of Environment
 PO Box 9377, Stn Prov Govt
 Victoria B.C. V8W 9M1

Appendix H - Sample Substitution Newspaper Notice

DRAFT ENVIRONMENTAL PROTECTION NOTICE

Application to Substitute a Requirement in a Code of Practice

Under the *Environmental Management Act*

Waste Discharge Registration No. _____

Company/individual name and mailing address is applying to the Director, *Environmental Management Act* to substitute a requirement in the insert name of coder pertaining to a discharge of indicate whether waste is air contaminants, effluent, solid waste from a type of facility located at street address or commonly identified location.

This application asks the Director to make the following substitution(s):

Section of Code	Current Requirement in Code	Requested Substitution

The intent of the Code of Practice will be met by:

provide justification for the requested substitution

Any person who may be adversely affected by the proposed substitution and who wishes to provide relevant information may send written comments to the applicant, with a copy to the Director, Environmental Protection at regional office mailing address [Use following names for regions: Vancouver Island, Lower Mainland, Thompson, Okanagan, Kootenay, Cariboo, Skeena, Omineca, Peace, Oil and Gas Commission] within 30 days after the last date of posting, publishing, service or display. The identity of respondents and the contents of any submissions in relation to this application will become part of the public record.

Contact person

Telephone No.

Date: _____ 20____

