
Asphalt Plant Regulation (APR) Response Form

The Ministry of Environment (the ministry) intends to establish an Asphalt Plant Code of Practice to replace the current Asphalt Plant Regulation (APR). The proposed code of practice would apply across the province and would replace the current APR requirements.

Comments regarding the proposed intentions of the ministry are being solicited and will be carefully considered in preparing regulatory amendments. The ministry welcomes all suggestions with respect to potential changes discussed in the intentions paper, or other aspects of the Asphalt Plant Regulation.

Comments to the ministry should be made on or before April 16, 2012.

The intentions paper, the response form for providing comments to the ministry, and links to related legislation are posted on the ministry's consultation webpage: www.env.gov.bc.ca/epd/codes/.

Those interested are invited to submit comments on the ministry's intentions – using the instructions and questions provided on this response form. Individuals or organizations may also make written submissions to the ministry without following the format set out in the response form – as desired.

A summary report of comments and submissions received, including both printed and web-based responses, will be compiled and summarized without specific attribution by an independent contractor and posted on the Ministry of Environment website. Comments received will be treated with confidentiality by government staff and contractors. However, comments that you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information (FOI) request is made under the *Freedom of Information and Protection of Privacy Act*.

Following review of comments and submissions, the ministry will complete legal drafting of the proposed regulatory changes for legislative review.

If you have any questions or comments, check the website address above, or contact Cindy Bertram of C. Rankin & Associates who has been contracted to manage consultation comments, at:

Email: cindybertram@shaw.ca
Mail: PO Box 28159 Westshore RPO
Victoria B.C. V9B 6K8
Fax: (250) 598-9948

Completed response forms or submissions may be returned by any of the means listed above (email, fax or mail), or by directly submitting the web-based response form on the ministry website.

Thank you for your time and comments!

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Discussion Areas and Questions

The following discussion areas and questions are based on a policy intentions paper for consultation available from the Ministry of Environment website: www.env.gov.bc.ca/epd/codes/.

1. Ministry objectives for proposed revisions

The ministry's objectives in revising the Asphalt Plant Regulation are to: establish consistent emission standards and monitoring requirements for asphalt plants to protect the environment and human health; to provide clear regulatory direction, appropriate to degree of risk to the environment and human health, for operation of asphalt plants; and to update regulatory provisions to incorporate current and emerging trends and technologies in asphalt plants (see section 2 of the intentions paper).

- 1.1 Do you have any general comments regarding the ministry's objectives for proposed revisions?

2. Replacement of the current regulation with a code of practice

The ministry intends to establish a code of practice to regulate waste discharges to the environment from asphalt plants – to provide consistent requirements across the province and to protect the environment and human health in the areas where asphalt plants operate (see section 4.1 of the intentions paper).

- 2.1 Do you have any comments or suggestions regarding the ministry's intention to replace the current regulation with a code of practice?

3. Revised definitions

The ministry intends to update definitions in the revised regulation to ensure that they are consistent with ministry intention, current practices and other legislation (see section 4.2 of the intentions paper).

- 3.1 Do you have any comments or suggestions regarding the ministry's intention to remove the distinction between mobile and stationary asphalt plants?
- 3.2 Do you have any comments or suggestions regarding the new definitions proposed by the ministry (asphalt plant, portable recycled asphalt plant, recycled asphalt pavement, warm mix asphalt, aggregate and hot mix asphalt)?

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4. Air emissions standards

A. Asphalt plant air emission (see intentions paper section 4.3 A)

4.1 Do you have any comments regarding the ministry's proposed asphalt plant emission parameters and limits?

4.2 Do you have any other comments or suggestions regarding air emission standards related to asphalt plants?

B. Hot-in-place asphalt recycling plant air emission standards (see intentions paper section 4.3 B)

4.3 Do you have any comments regarding air emission standards for hot-in-place asphalt recycling plants?

5. Registration requirements

The ministry intends to update requirements for registration information for asphalt plants (see intentions paper section 4.4).

5.1 Do you have any comments or suggestions regarding the ministry's proposed registration requirements for asphalt plants (including hot-in-place asphalt plants)?

6. Revised monitoring requirements for asphalt plants

A. Operational sampling conditions (see intentions paper section 4.5 A)

6.1 Do you have any comments or suggestions regarding the ministry's proposed operational sampling conditions?

6.2 Do you have any comments regarding the proposed requirements for maintenance of daily records?

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B. Stack monitoring frequency (see intentions paper section 4.5 B)

- 6.3 Do you have any comments or suggestions regarding monitoring of stack emissions for consideration in the revised regulation?

C. Test failures – required action and subsequent monitoring (re-testing) (see intentions paper section 4.5 C)

- 6.4 Do you have any comments or suggestions regarding the ministry's proposed requirements in the case of a test failure?

7. Revised record keeping and reporting requirements for asphalt plants

- 7.1 Do you have any comments regarding proposed record keeping and reporting requirements (see intentions paper section 4.6)?

8. Notification for relocation of mobile plants

- 8.1 Do you have any comments or suggestions regarding notification requirements for relocation of mobile plants (see intentions paper section 4.7)?

9. Asphalt plant siting requirements

The ministry is considering introducing siting requirements for stationary plants at new locations that mirror requirements for mobile plants (see intentions paper section 4.8).

- 9.1 Do you have any comments or suggestions regarding siting requirements for asphalt plants?

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10. Inclusion of portable recycled asphalt pavement (PRAP) plants

A. PRAP plant air emission standards (see intentions paper section 4.9 A)

10.1 Do you have any comments or suggestions regarding air emission standards and PRAP plants?

B. Registration requirements for PRAP plants (see intentions paper section 4.9 B)

10.2 Do you have any comments or suggestions regarding registration requirements for PRAP plants?

C. Environmental management plan (see intentions paper section 4.9 C)

10.3 Do you have any comments or suggestions regarding environmental management plan requirements for PRAP plants?

11. Dust and odour management plan

11.1 Do you have any comments or suggestions regarding requirements for managing dust and odours associated with asphalt plants (see intentions paper section 4.10)?

12. Requirements for handling of material collected by emission controls

The ministry is proposing to update requirements for the handling of process water and runoff management (see intentions paper section 4.11).

12.1 Do you have any comments or suggestions regarding proposed requirements for the handling of process water and runoff management related to asphalt plants?

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13. Best management practices (BMPs)

The proposed code of practice may be supported by guidelines and/or best management practices (BMPs) that could provide detailed discussion and direction related to practices and procedures (see intentions paper section 5).

- 13.1 Do you have any comments or suggestions regarding development and use of guidelines and/or best management practices for asphalt plants?

14. Assuring compliance

Section 6 of the intentions paper outlines ministry intentions addressing awareness and compliance promotion, as well as compliance verification and enforcement, of the regulation.

- 14.1 Do you have any comments on or suggestions for the ministry to support **awareness of and compliance with** the regulation?

- 14.2 Do you have any comments on or suggestions for the ministry with respect to **compliance verification and enforcement** of the regulation?

15. Fees

- 15.1 Do you have any comments on or suggestions regarding fees for asphalt plants (as set out in section 9 of the Waste Discharge Regulation) (see intentions paper section 7)?

16. Protection of human health and the environment – meeting ministry objectives

- 16.1 In your view, how effectively do the ministry's intentions and proposals for revising the Asphalt Plant Regulation address the ministry's objectives?

Not effective at all	Significant gaps	Adequate	Quite effective	Very effective
Circle or highlight one				
1	2	3	4	5

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What are the reasons for your choice? What suggestions do you have for the ministry to improve the effectiveness of the regulation?

- 16.2 Do you have any other comments or suggestions for the ministry regarding the regulation of asphalt plants?

Thank you for your time and comments!

Please remember to return this response form to the ministry on or before March 12, 2012.

If you wish, you may also provide contact information on the following page. This information will be compiled separate from responses and used to inform respondents of posting of the summary of comments and subsequent actions to develop and implement the regulatory changes.

Asphalt Plant Regulation (APR) Response Form

(Optional) Contact Information

If you wish to receive further information concerning review and revision of the Asphalt Plant Regulation, please provide your contact information – **including an email address** – below. Note that all submissions will be treated with confidentiality by government staff and contractors however information that identifies you as the source of those comments may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

Contact Name:

Business or Organization Name (if appropriate):

Email:

Mailing address:

Telephone:

Background and Area of Interest

Please mark an "x" in the appropriate boxes if your primary interest in the ministry's intentions relates to your:

- Owner or operator of an asphalt plant:**
- Work in the private sector consulting to or supplying asphalt plants:**
Please describe the primary nature of your work (e.g., engineer, supplier):
- Work for a government regulatory agency:**
Please describe (e.g., federal, provincial, municipal):
- Work for a public sector organization:**
Please describe (e.g., health authority, education institution, Crown corporation):
- First Nation**
Please describe:
- Involvement or work for an environmental or community interest group**
Please describe:
- Other interest:**
Please describe

Thank you once more for your time and interest in the review process.

If you have any further questions, please contact Cindy Bertram at: cindybertram@shaw.ca