

# Instructions to Applicants for an Application to Substitute a Requirement in a Code of Practice

Director, Environmental Management Act  
Ministry of Environment  
PO Box 9377, Stn Prov Govt  
Victoria, British Columbia  
V8W 9M1  
Telephone: (250) 387-9971 Facsimile: (250) 356-0299  
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## Instructions for Applicants:

- Step 1: A person making an application to substitute a requirement in a code of practice is encouraged to review the legal requirements for such applications in Section 8 of the Waste Discharge Regulation (B.C Reg. 320/2004).
- Step 2: To avoid delays applicants are encouraged to review the content and process of an application with Ministry of Environment regional office staff before submitting the application.
- Step 3: Complete the notice of the application form (Environmental Protection Notice) and submit to the appropriate regional office staff, who will review requirements for posting, publishing, consultation and fees with the applicant.
- Step 4: The Ministry regional office will send a letter to the applicant confirming the requirements for notification (posting and publishing), consultation and payment of fees.
- Step 5: Post the application for 30 days at a conspicuous place at all entrances to the site(s) (see example of Environmental Protection Notice attached).
- Step 6: Publish the notice of the application in a newspaper specified by the director. The published version of the notice must be at least 10 cm wide and at least 100 square cm in area with a minimum type size of 8 points. (The director may also require the application to be displayed in a post office or a copy to be served on persons who may be affected by the substitution.)
- Step 7: Consult with agencies and other parties as specified by the Director.
- Step 8: Thirty days after the last day that the application was posted, published, displayed at a post office or served on a person, prepare a consultation report summarizing the consultation process and the comments received from agencies and other parties. The consultation report should include a list of the names and mailing addresses of all parties consulted and of anyone who otherwise provided comments on the application.
- Step 9: Mail a complete "Application Package" which should include:
- a copy of the notice of the application form;
  - a copy of the "additional information form" fully completed (attached);
  - a full page tear sheet<sup>1</sup> from each newspaper showing the published notice of the application;
  - a copy of the application posted at the site(s);
  - a copy of the consultation report;
  - payment for the full amount, or at least ½ of the total fees as estimated in the letter from the Director's delegate to the applicant (Step 4)<sup>2</sup>;
  - any additional information that supports the application.

to:

Director, Environmental Management Act  
Ministry of Environment  
PO Box 9377, Stn Prov Govt  
Victoria BC V8W 9M1

cc:

Manager, Environmental Protection Division  
Ministry of Environment Regional Office

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<sup>1</sup> A **tear sheet** is a page cut or torn from a publication to prove that the advertisement was published.

<sup>2</sup> As per Section 8(9) of the Waste Discharge Regulation, the fee is set at \$150 per hour of Ministry time. The full estimated amount, or at least 1/2, as indicated in the letter to the applicant (Step 4), must be paid up front as a processing fee. The balance of the application fee will be due within 30 days of receipt of final decision on the substitution.

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]

[Insert company/individual name] of [insert mailing address], is applying to the Director, *Environmental Management Act* to substitute a requirement in the [insert name of the Code of Practice] pertaining to a discharge of [insert whether waste is air contaminants, effluent, or solid waste] from a [insert type of facility i.e., sawmill] located at [insert street address or commonly identified location link].

This application asks the Director to make the following substitution(s):

Section of Code	Current Requirement in Code	Requested Substitution
[insert section of Code]	[insert Current Requirement in Code]	[insert Requested Substitution]

The intent of the Code of Practice will be met by:

[Insert 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 [insert regional office mailing address – see last page]. 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: [insert phone number and area code]

## 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

Name (registered company name, partnership or individual):	[insert name or company name]
Address:	[insert mailing address]

### 2. Contact Person

Name: [insert]	Title/position: [insert]
Address: [insert]	
E-mail: [insert]	
Phone Number: (    )	Fax Number: (    )

### 3. Background Information

Current registration number for discharge	[insert]
Type of waste	[insert]
Type of facility or operation (e.g., sawmill)	[insert]
Location of facility	[insert]
Name of Applicable Code of Practice	[insert]
If registration refers to more than one discharge location, specify location(s) where the substitution is required.	[insert]
Region where discharge occurs	[insert address from last page]

### 4. Substitution Request – Proposed changes

Section of code	Current Requirement in Code	Proposed Substitution
[insert Section of Code]	[insert Current wording]	[insert 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.

Sections 6 and 7 are to be completed 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)
b.	Date and Name of newspaper(s) where notice of application was published:
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.
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.
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: \_\_\_\_\_  
(All information contained in this form is true and accurate.)

Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Dated (yyyy/mm/dd) \_\_\_\_\_

This application form is to be mailed to:

Director, Environmental Management Act  
 Ministry of Environment  
 PO Box 9377, Stn Prov Govt  
 Victoria BC V8W 9M1

### Location of Regional Offices

<p>Vancouver Island Region 2080-A Labieux Rd Nanaimo BC V9T 6J9 Ph: (250) 751-3100 Fax: (250) 751-3103</p>	<p>Lower Mainland Region 2 Fl 10470-152 St Surrey BC V3R 0Y3 Ph: (604) 582-5200 Fax: (604) 584-9751</p>
<p>Thompson &amp; Okanagan Regions, Kamloops 1259 Dalhousie Dr Kamloops BC V2C 5Z5 Ph: (250) 371-6200 Fax: (250) 371-6234</p>	<p>Kootenay &amp; Okanagan Regions, Penticton 102 Industrial Pl Penticton BC V2A 7C8 Ph: (250) 490-8200 Fax: (250) 490-2231</p>
<p>Kootenay Regional Office, Nelson 401-333 Victoria St Nelson BC V1L 4K3 Ph: (250) 354-6333 Fax: (250) 354-6332</p>	<p>Kootenay Subregion, Cranbrook 205 Industrial Rd G Cranbrook BC V1C 6H3 Ph: (250) 489-8540 Fax: (250) 489-8506</p>
<p>Cariboo Region 400-640 Borland St Williams Lake BC V2G 4T1 Ph: (250) 398-4530 Fax (250) 398-4214</p>	<p>Skeena Region Bag 5000 3726 Alfred Ave Smithers BC V0J 2N0 Ph: (250) 847-7260 Fax (250) 847-7591</p>
<p>Omineca &amp; Peace Regions 325 -1011-4 Ave Prince George BC V2L 3H9 Ph: (250) 565-6135 Fax: (250) 565-6629</p>	<p>Victoria Headquarters Office PO Box 9377 Stn Prov Govt 3 Fl 2975 Jutland Rd Victoria BC V8W 9M1 Ph: (250) 387-3705 Fax: (250) 356-0299</p>
<p>Oil and Gas Commission 200-10003 110 Ave Fort St. John BC V1J6M7</p>	