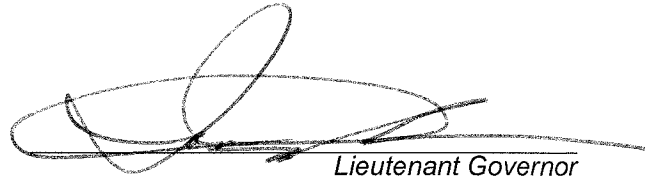


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. **580**, Approved and Ordered

JUN 10 2004



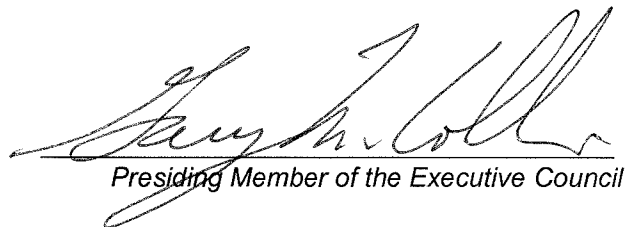
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Ozone Depleting Substances and Other Halocarbons Regulation, B.C. Reg. 387/99, is amended as set out in the attached Schedule.



Minister of Water, Land and Air Protection



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Waste Management Act, R.S.B.C. 1996, c. 482, section 57

Other (specify):- oic 1594/99

May 13, 2004

641 /2004/14

SCHEDULE

1 *Section 1 (1) of the Ozone Depleting Substances and Other Halocarbons Regulation, B.C. Reg. 387/99, is amended by adding the following definitions:*

“**chiller**” means an air-conditioning system or refrigeration system that has a compressor, an evaporator and a secondary refrigerant;

“**mobile refrigeration system**” means a refrigeration system that is installed in or normally operates in or in conjunction with or is attached to a mode of transportation such as a freight truck, rail car or ferry;

“**seller**” means a person who sells an ozone depleting substance and includes, without limitation, a retailer, a supplier and a manufacturer; .

2 *Sections 12, 23 and 27 are repealed and the following substituted:*

Seller take-back of ozone depleting substances

- 12** (1) If a person who purchased an ozone depleting substance returns the ozone depleting substance during normal business hours
- (a) to the seller from which it was purchased,
 - (b) at the seller’s normal place of business, and
 - (c) in a container designed to contain that substance,
- the seller must accept the substance and store it until the seller can deliver it to a person who manufactures, recycles, converts or destroys the ozone depleting substance.
- (2) Subsection (1) does not apply to a Class I, II or III substance that has been mixed with one or more other substances so that the mixture is a special waste.
- (3) A seller must
- (a) prepare and retain at the seller’s normal place of business a plan for accepting an ozone depleting substance returned for recycling, conversion or destruction, or
 - (b) participate in a stewardship program.
- (4) A plan under subsection (3) (a) and a stewardship program under subsection (3) (b) must do all the following:
- (a) demonstrate how ozone depleting substances will be effectively collected and stored;
 - (b) demonstrate how the returned ozone depleting substances will be disposed of in an environmentally responsible manner;
 - (c) provide for keeping records relating to returned substances.

Phase out of ozone depleting substances

- 27
- (1) Effective 6 months after the date this section comes into force, a person must not charge, or permit the charging of, a mobile refrigeration system with any Class I substance.
 - (2) A person must not charge, or permit the charging, with any Class I substance, of the following systems:
 - (a) effective January 1, 2006, a refrigeration system with a capacity of 4 KW or less;
 - (b) effective January 1, 2007, a refrigeration system with a capacity greater than 4 KW and less than 22 KW;
 - (c) effective January 1, 2008, a refrigeration system with a capacity of 22 KW or more;
 - (d) effective January 1, 2006, all air conditioning systems.
 - (3) Subsection (2) does not apply to a chiller, a household refrigerator, a household freezer or a water cooler.
 - (4) Effective January 1, 2005, a person must not charge or permit the charging of a chiller with any Class I substance if the chiller has undergone an overhaul that includes the following procedure or repair:
 - (a) the replacement or modification of an internal sealing device;
 - (b) the replacement or modification of an internal mechanical part other than
 - (i) an oil heater,
 - (ii) an oil pump,
 - (iii) a float assembly, or
 - (iv) a valve assembly in the case of a chiller with a single-stage compressor;
 - (c) any procedure or repair that resulted from the failure of an evaporator or a condenser heat-exchange tube.
 - (5) Despite subsection (4), during the period January 1, 2005 to December 31, 2014, a person may charge or permit the charging of a chiller with a Class I substance, but the person must not operate that chiller later than one year after the charging unless it no longer contains a Class I substance.
 - (6) The owner of a chiller referred to in subsection (5) must provide written notice to the director within 30 days after the chiller is charged.
 - (7) On and after January 1, 2015, a person must not charge or permit the charging of a chiller with any Class I substance.
 - (8) During the period January 1, 2005 to December 31, 2009, a person may charge or permit the charging of fixed fire extinguishing equipment with a Class I substance subject to the following restrictions:
 - (a) the fixed fire extinguishing equipment may be charged with a Class I substance one time only;
 - (b) within one year after the charging described in paragraph (a),

- (i) the fixed fire extinguishing equipment must be replaced with equipment that does not require the use of a Class I substance, or
 - (ii) the fixed fire extinguishing equipment must be recharged with a substance that is not a Class I substance.
- (9) A person is exempt from the restrictions in subsection (8) (a) and (b) if the charging is necessary to prevent an immediate danger to human life or health.
- (10) Effective January 1, 2010, a person must not charge or permit the charging of fixed fire extinguishing equipment with any Class I substance.

3 *Section 16 (b) is amended by adding “, as amended from time to time” after “J2211”.*

4 *Section 17 is amended by striking out “SAE Standard J1990, J2209, or J2210” and substituting “Society of Automotive Engineers (SAE) Standard J1990, J2209 or J2210, as amended from time to time.”.*