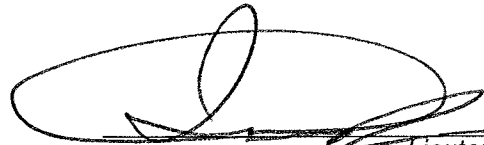


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

561 , Approved and Ordered **JUL 20 2006**



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

- (a) the Oil and Gas Waste Regulation, B.C. Reg. 254/2005, is amended as set out in section 1 of the attached schedule,
- (b) the Ozone Depleting Substances and Other Halocarbons Regulation, B.C. Reg. 387/99, is amended as set out in section 2 of the attached schedule,
- (c) the Spill Reporting Regulation, B.C. Reg. 263/90, is amended as set out in sections 3 and 4 of the attached schedule,
- (d) the Waste Discharge Regulation, B.C. Reg. 320/2004, is amended as set out in sections 5 to 13 of the attached schedule, and
- (e) the Wood Residue Burner and Incinerator Regulation, B.C. Reg. 519/95, is amended as set out in section 14 of the attached schedule.



*Minister of Environment and Minister Responsible for
Water Stewardship and Sustainable Communities*



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:- Environmental Management Act, S.B.C. 2003, c. 53, ss. 21, 92, 138 and 139

Other (specify):- oics 541/2005; 1594/99; 1223/90; 723/2004; 1488/95

SCHEDULE
OIL AND GAS WASTE REGULATION

- 1 *Section 6 of the Oil and Gas Waste Regulation, B.C. Reg. 254/2005, is amended*
- (a) *in subsection (4) by striking out “provided, in the registration report” and substituting “provided in the registration report”, and*
- (b) *in subsection (6) by striking out “subsection (3),” and substituting “subsection (4),”.*

OZONE DEPLETING SUBSTANCES AND OTHER HALOCARBONS REGULATION

- 2 *Section 27 (4) (b) (iv) of the Ozone Depleting Substances and Other Halocarbons Regulation, B.C. Reg. 387/99, is amended by striking out “a valve assembly” and substituting “a vane assembly”.*

SPILL REPORTING REGULATION

- 3 *The definition of “PEP” in section 1 of the Spill Reporting Regulation, B.C. Reg. 263/90, is amended by striking out “of the Ministry of Attorney General,” and substituting “continued under the Emergency Program Act;”.*
- 4 *Section 2 (1) is amended by striking out “A person” and substituting “For the purposes of section 79 (5) of the Act, a person” and by striking out everything after “report the spill to PEP” and substituting “by telephoning 1-800-663-3456.”*

WASTE DISCHARGE REGULATION

- 5 *Section 3 of the Waste Discharge Regulation, B.C. Reg. 320/2004, is amended*
- (a) *by repealing subsection (1) and substituting the following:*
- (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.

(b) by adding the following subsections:

(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.

(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.

(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*.

6 *Section 4 (8) is amended by striking out “from section 6 (1) or (2) of the Act” and substituting “from section 6 (2) or (3) of the Act”.*

7 *Section 8 (9) is amended by striking out “ministry employee” and substituting “public service employee”.*

8 *Section 9 (2) (a) (i) is amended by striking out “section 4 (3) (k)” and substituting “section 4 (2) (k)”.*

9 *Schedule 1 is amended by renumbering section 1 as section 2 and by adding the following section:*

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.

10 *Section 2 of Schedule 1 is amended*

(a) by repealing the definition of “burning of waste” and substituting the following:

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

- (b) *by repealing the definition of “chemical and chemical products industry” and substituting the following”*

“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”;

- (c) *in the definition of “commercial waste management or waste disposal industry” by striking out “engaged commercially in the handling, storing, treating” and substituting “primarily engaged in the commercial collection, handling, storage, treatment,”*

- (d) *in the definition of “electrical or electronic products industry” by striking out “establishments engaged in manufacturing” and substituting “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing or recycling”*;

- (e) *in the definition of “flour, prepared cereal food or feed industry” by striking out “establishments engaged” and substituting “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged”*;

- (f) *by repealing the definition of “incineration of municipal waste industry” and substituting the following:*

“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; ,

- (g) *by repealing the definition of “incineration of wood residue” and substituting the following:*

“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; ,

- (h) *in the definition of “metal processing and metal products manufacturing industry” by striking out “establishments engaged” and substituting “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged”*;

- (i) *in the definition of “metal smelting, iron and steel foundry and metal refining industry” by striking out “except home-based businesses and” and substituting “except home-based businesses, educational facilities and”*;

- (j) *in the definition of “mining and coal mining industry” by striking out “mining metals,” and substituting “the mining of, or activities related to the mining of, metals,” by adding “or” at the end of paragraph (a) and by repealing paragraph (b),*
- (k) *in the definition of “paper industry” by striking out “establishments engaged” and substituting “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged”, and*
- (l) *by repealing the definitions of “plastic and synthetic resin manufacturing industry” and “rendering industry” and substituting the following:*
“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; ,

11 *The Table to Schedule 1 is amended by striking out “Burning of Waste” and substituting “Burning or Incineration of Waste” in alphabetical order, by striking out “Incineration of Municipal Waste Industry” and substituting “Municipal Waste Incineration or Burning Industry” in alphabetical order and by striking out “Incineration of Wood Residue” and substituting “Burning or Incineration of Wood Residue” in alphabetical order.*

12 *Section 1 of Schedule 2 is amended*

- (a) *in the definitions of “aquaculture – land-based industry”, “aquaculture – marine-based industry”, “plastics and composite products industry” and “vehicle dismantling and recycling industry” by striking out “establishments engaged” and substituting “establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged”,*
- (b) *by repealing the definition of “beverage industry” and substituting the following:*
“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; ,
- (c) *by repealing the definition “fruit and vegetable industry” and substituting the following:*
“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;
- (d) *in the definition of “industrial non-hazardous waste landfills” by striking out “for the disposal to land of wastes” and substituting “for the disposal to land of solid wastes”,*
- (e) *by repealing the definitions “primary wood manufacturing industry” and “secondary wood manufacturing industry” and substituting the following:*

“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; , *and*

(f) by repealing the definition of “wood preservation industry” and substituting the following:

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

- 13** *The Table to Schedule 2 is amended by striking out “Fruit and Vegetable Industry” and substituting “Fruit and Vegetable Processing Industry” in alphabetical order, by striking out “Primary Wood Manufacturing Industry” and substituting “Wood Processing Industry – Primary” in alphabetical order, by striking out “Secondary Wood Manufacturing Industry” and substituting “Wood Processing Industry – Secondary” in alphabetical order and by striking out and “Wood Preservation Industry” and substituting “Wood Treatment Industry” in alphabetical order.*

WOOD RESIDUE AND INCINERATOR REGULATION

- 14** *The definition of “wood residue incinerator” in section 1 of the Wood Residue Burner and Incinerator Regulation, B.C. Reg. 519/95, is amended by striking out everything after “but does not include” and substituting “a pulp mill wood-fired boiler, a wood-fired boiler that generates electricity, a beehive burner or an unmodified silo burner.”*