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IMPORTANT INFORMATION

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Environmental Management Act

Vehicle Dismantling and Recycling Industry

Environmental Planning Regulation

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Definitions

1 In this regulation:

"Act" means the *Environmental Management Act*;

"association" means an association of two or more facilities, which association includes in its purposes

(a) preparing a plan for the purposes of this regulation, and

(b) monitoring and reporting on compliance with the plan;

"facility" means an establishment that is engaged in the vehicle dismantling and recycling industry;

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

"plan" means an environmental management plan required under section 2 (1);

"qualified professional" , in relation to a duty or function under this regulation, means an applied scientist or technologist specializing in an applied science or technology applicable to the duty or function, including, if applicable and without limiting this, agrology, biology, chemistry, engineering, geology or hydrogeology and who

(a) is registered in British Columbia with the appropriate professional organization, is acting under that organization's code of ethics and is subject to disciplinary action by that organization, and

(b) through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide

advice within their area of expertise;

"vehicle dismantling and recycling industry" has the same meaning as in Schedule 2 of the Waste Discharge Regulation;

"wet vehicle" means a motor vehicle that

(a) is no longer used for transportation purposes, and

(b) has not been reduced to a steel hulk or to a steel hulk with only the plastic, fabric or foam components still attached.

Requirement for an environmental management plan

2 (1) A person that operates or plans to operate a facility that dismantles more than 5 wet vehicles in a calendar year must

(a) either

(i) have an environmental management plan for waste management, reduction or prevention, or

(ii) be a member of an association that has an environmental management plan for waste management, reduction or prevention, and

(b) register with a director under section 3.

(2) A person must comply with subsection (1),

(a) if operating the facility on or before September 1, 2008, on or before that date, and

(b) otherwise, before beginning to operate the facility.

(3) A plan for the purposes of this section must

(a) be approved by a qualified professional,

(b) describe how each of the following wastes will be removed from wet vehicles at facilities to which the plan applies:

(i) ozone depleting substances and other halocarbons;

(ii) oils, brake fluids, solvents, fuels and other hydrocarbons;

(iii) antifreeze;

(iv) lead and lead-acid batteries;

(v) tires;

(vi) mercury switches;

(vii) windshield washer fluid,

(c) describe how each waste referred to in paragraph (b) will be stored, treated, recycled or disposed of in compliance with the Act and applicable regulations, and

(d) set out

(i) management processes for minimizing or eliminating the discharge of wastes to the environment, and

(ii) a contingency plan documenting procedures to be followed during an emergency.

(4) Within 3 months after each 5th anniversary of the date their registration is effective under section 3 (2), a person operating a facility for which there is a plan specific to the facility must

(a) review the plan,

(b) amend or replace the plan if necessary to ensure that that person has a plan that complies with subsection (3), and

(c) have the reviewed, amended or replacement plan approved by a qualified professional.

(5) Within 3 months after September 1, 2013 and within 3 months of each fifth anniversary of that date, an association that has a plan for 2 or more facilities must

(a) review the plan,

(b) amend or replace the plan if necessary to ensure that the association has a plan that complies with subsection (3), and

(c) have the reviewed, amended or replacement plan approved by a qualified professional.

Registration

3 (1) A person described in section 2 (1) must register by providing all the following information to a director in a form approved by the director:

(a) the full legal name of the individual, partnership, corporation or other entity operating or planning to operate the facility;

(b) the name, address and telephone number of an individual who is located at or near the facility and is the local contact for the facility;

(c) the address of the facility and the legal description of the land on which the facility is located;

(d) the address at which the plan that applies to the facility may be viewed or copied;

(e) confirmation that the facility has a plan that complies with section 2 (3), or is a member of an association that has a plan that complies with section 2 (3) and the name, address and telephone number of that association;

(f) any other relevant information the discharger wishes to provide.

(2) Registration under this section takes effect on the date a complete registration is received by a director.

(3) A person registered under this section must provide a director with written notice within 30 days after

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

(b) ceasing to

(i) operate the facility, or

(ii) dismantle more than 5 wet vehicles in a calendar year.

Reporting by facility

4 (1) A person operating a facility that is not a member of an association must have a report prepared by a qualified professional on the matters described in subsection (2) (b)

(a) for the period up to the date that is 2 years after the date of registration under this regulation, and

(b) for each 2-year period after that date.

(2) A report under subsection (1) must

(a) be in writing,

(b) describe

(i) how the wastes described in the plan for the facility were managed,

(ii) whether the management of those wastes was in accordance with the plan, and

(iii) the effectiveness of the management processes used for minimizing or eliminating the discharge of wastes to the environment, and

(c) be completed within 3 months after the end of each 2-year period described in subsection (1).

Reporting by association

5 (1) An association that has prepared a plan for more than one facility must have a report prepared by a qualified professional on the matters described in subsection (2) (d)

(a) for the period up to September 1, 2010, and

(b) for each 2-year period after that date.

(2) A report under subsection (1) must

(a) be in writing,

(b) provide the name and address of each facility to which the plan applies,

(c) specify how many members of the association were audited for compliance with the plan and the identity of each of those members, and

(d) describe

(i) how the wastes described in the plan were managed by each facility audited,

(ii) whether the management of those wastes was in accordance with the plan, and

(iii) the effectiveness of the management processes used for minimizing or eliminating the discharge of wastes to the environment, and

(e) be completed within 3 months after the end of each period described in subsection (1).

(3) An association that has at least 3 members must audit

(a) one third of its members for a report under this section, and

(b) each of its members at least once in the course of completing 3 consecutive reports under this section.

(4) An association that has 2 members must audit

(a) one member for a report under this section, and

(b) each of its members at least once in the course of completing 2 consecutive reports under this section.

Maintaining a plan

6 At all times, a person operating a facility that has its own plan, and an association that has a plan for 2 or more facilities, must maintain the plan, and amend it as necessary, so that if a person complies with the plan, the person also complies with the requirements of the Act and applicable regulations.

Records

7 (1) A person described in section 2 (1) must keep, at the address required under section 3 (1) (d) for the person's registration form, an up-to-date copy of the plan that applies to the facility, and the report prepared under section 4 or 5, as applicable, in relation to the plan.

(2) On request of a director or officer, a person described in subsection (1) must produce the plan or report to the director or officer for inspection or copying.

Offences and penalty

8 (1) A person described in section 2 (1) who is not a member of an association commits an offence and is liable on conviction to a fine of not more \$200 000 if the person does any of the following:

- (a) fails to have a plan when required under section 2 (2);
- (b) fails to register with a director when required under section 2 (2);
- (c) has a plan that contains false or misleading information;
- (d) provides false or misleading information in a registration form;
- (e) fails to have a reviewed, amended or replacement plan approved by a qualified professional within the period established by section 2 (4);
- (f) fails to have a report prepared when required under section 4 (1);
- (g) has a report prepared that
 - (i) does not comply with section 4 (2), or
 - (ii) contains false or misleading information;
- (h) fails to maintain the plan as required under section 6.

(2) An incorporated association, or each member of an unincorporated association, that does any of the following commits an offence and is liable on conviction to a fine of not more than \$200 000:

- (a) fails to have a plan prepared when the facilities to which the plan relates are required under section 2 (2) to have a plan;
- (b) has a plan that contains false or misleading information;
- (c) fails to have a reviewed, amended or replacement plan approved by a qualified professional within the period established by section 2 (5);
- (d) fails to have a report prepared when required under section 5;
- (e) has a report prepared that
 - (i) does not comply with section 5 (2), and with section 5 (3) or (4) as applicable, or
 - (ii) contains false or misleading information;

(f) fails to maintain the plan as required under section 6.

(3) A member of an association commits an offence and is liable on conviction to a fine of not more \$200 000

(a) whether or not the association is incorporated, if the person

(i) does not have a plan,

(ii) fails to register with a director when required under section 2 (2),

(iii) has a plan that includes false or misleading information, or

(iv) provides false or misleading information in a registration form, and

(b) if the association is incorporated and the association

(i) fails to have a plan reviewed, amended or replaced when required under section 2 (5),

(ii) fails to have a report prepared when required to do so under section 5,

(iii) has a report prepared that

(A) does not comply with section 5 (2), and with section 5 (3) or (4) as applicable, or

(B) contains false or misleading information, or

(iv) fails to maintain the plan as required under section 6.

(4) Subsection (3) (b) does not apply to a member if the member,

(a) in relation to subsection (3) (b) (i), has a reviewed, amended or replacement version of the association's plan approved by a qualified professional when the association is required to do so under section 2 (5),

(b) in relation to subsection (3) (b) (ii), has a report on the association's plan prepared under section 4 when the association is required to do so under section 5,

(c) in relation to subsection (3) (b) (iii), when the association is required to have a report prepared that complies with section 5 (2), and with section 5 (3) or (4) as applicable, has a report prepared that

(i) complies with section 4 (2), and

(ii) does not contain false or misleading information, and

(d) in relation to subsection (3) (b) (iv), maintains the association's plan as required under section 6.

[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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