



*Environmental Management Act*  
**LAND-BASED FINFISH WASTE  
CONTROL REGULATION**  
**B.C. Reg. 68/94**

Deposited and effective March 3, 1994  
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**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 68/94 (O.C. 276/94), deposited and effective March 3, 1994, is made under the *Environmental Management Act*, S.B.C. 2003, c. 53, ss. 21, 38, 138 and 139.

This is an unofficial consolidation provided for convenience only. This is not a copy prepared for the purposes of the *Evidence Act*.

This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at [www.bclaws.ca](http://www.bclaws.ca).

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## *Environmental Management Act*

# **LAND-BASED FINFISH WASTE CONTROL REGULATION**

**B.C. Reg. 68/94**

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### **Interpretation**

- 1** In this regulation:

**“dilution ratio”** means a ratio calculated by dividing the best estimate of the 10-year return period 7-day low flow in the receiving stream by the maximum 7 day average effluent flow, where

- (a) the 10-year return period 7-day low flow is the magnitude of flow such that the average flow for 7 consecutive days is expected to be less than this magnitude once in any 10 year period, based on statistical analysis of observed stream flow, and
- (b) if sufficient data is not available to calculate the 10-year return period 7-day low flow or the discharge is to a lake, the dilution ratio must be calculated using a method and data that are to the satisfaction of a director;

**“land-based finfish facility”** means a fish hatchery, rearing pond, or other similar facility where finfish are fed, nurtured, held, maintained or reared in fresh water to reach a size for release or for market sale, but does not include a net pen facility or spawning channel;

**“non-filterable residue concentration”** means the concentration of non-filterable residue determined according to the *British Columbia Laboratory Methods Manual: 2003 – for the Analysis of Water, Wastewater, Sediment, Biological Materials and Discrete Ambient Air Samples*, Victoria, August 2003, as updated from time to time, published by the Ministry of Environment and Climate Change Strategy;

**“total phosphorous concentration”** means the total concentration of phosphorus determined according to the *British Columbia Laboratory Methods Manual: 2003 – for the Analysis of Water, Wastewater, Sediment, Biological Materials and Discrete Ambient Air Samples*, Victoria, August 2003, as updated from time to time, published by the Ministry of Environment and Climate Change Strategy.

[am. B.C. Regs. 321/2004, s. 12 (a) and (b); 191/2018, App. 2, s. 3.]

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**Exemption**

- 2** The owner of a land-based finfish facility is exempt from section 6 (2) and (3) of the *Environmental Management Act* with respect to the discharge of wastes from the land-based finfish facility if the owner
- (a) submits a preoperational report, if required under section 3,
  - (b) registers under section 4 of this regulation, and
  - (c) complies with the requirements set out in this regulation.
- [am. B.C. Reg. 321/2004, s. 12 (c).]

**Water quality report**

- 3** (1) Subject to subsection (2) the owner of a land-based finfish facility must submit a receiving water quality report to a director before construction begins on
- (a) a land-based finfish facility built after the date this regulation comes into force, or
  - (b) an expansion of a land-based finfish facility if the proposed resulting annual production is 20% greater than the annual production before the expansion.
- (2) Unless requested by a director, a receiving water quality report is not required for facilities with a dilution ratio greater than 20 to 1.
- (3) The receiving water quality report must include an analysis of the proposed discharge, the existing beneficial uses of the receiving water and predicted effects the proposed discharge will have on the receiving water, including, but not limited to
- (a) hydraulic effects,
  - (b) the effects of both nitrogen and phosphorous compounds and the potential for eutrophication of the receiving waters, and
  - (c) the effect on receiving water temperature and dissolved oxygen concentrations.
- [am. B.C. Reg. 321/2004, s. 12 (a).]

**Registration for exemption**

- 4** (1) An owner of a land-based finfish facility must submit a completed registration to a director before construction of the facility begins.
- (2) A registration under subsection (1) must include
- (a) the name, mailing address and phone number of the owner of the land-based finfish facility,
  - (b) the name, mailing address and phone number of the operator of the land-based finfish facility if these differ from those of the owner,
  - (c) the location and mailing address of the land-based finfish facility,
  - (d) a site plan showing
    - (i) the site boundaries,

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- (ii) all building and works, and
  - (iii) all water courses, nearby wells, water intake and effluent discharge locations,
  - (e) the annual finfish production rate in kilograms,
  - (f) the maximum daily amount of effluent in cubic metres to be discharged by the land-based finfish facility into the receiving waters,
  - (g) the dilution ratio, and
  - (h) the number printed on the aquaculture licence issued by the minister charged with the administration of the *Fisheries Act*.
- [am. B.C. Reg. 321/2004, s. 12 (d) and (e).]

**Reporting requirements**

- 5** The owner of a land-based finfish facility must give 60 days prior notice in writing to a director of any substantial change in registration information submitted under section 4.

[am. B.C. Reg. 321/2004, s. 12 (a).]

**Effluent standards**

- 6** (1) A person must not discharge effluent from a land-based finfish facility to the environment
- (a) if the non-filterable residue concentration in the effluent exceeds
    - (i) 10 mg/L and the dilution ratio is less than 20 to 1, or
    - (ii) 20 mg/L and the dilution ratio is 20 to 1 or greater,
  - (b) if the total phosphorous concentration in the effluent exceeds
    - (i) 0.1 mg/L and the dilution ratio is less than 20 to 1, or
    - (ii) 0.2 mg/L and the dilution ratio is 20 to 1 or greater, or
  - (c) if the effluent has detectable chlorine as measured by the amperometric titration method as defined by the American Public Health Association, Standard Methods 17th Edition, New York, 1989.
- (2) Notwithstanding subsection (1) (b), a total phosphorous concentration more or less stringent than (1) (b) (i) or (ii) may be specified by a director.

[am. B.C. Reg. 321/2004, s. 12 (a).]

**General requirements**

- 7** (1) The operator of a land-based finfish facility must not discharge to surface water or ground water
- (a) sand, silt, mud, solids, sludges, filter backwash, debris or other pollutants arising from treatment or control of water supply or effluent,
  - (b) untreated cleaning wastes such as those obtained from a vacuum or standpipe bottom drain system,
  - (c) accumulated solids from raceways or ponds,

- (d) detergents, disinfecting agents, cleaning agents or chemicals, if the effluent does not pass a 96 hour LC20 bioassay test as defined by Environment Canada's *Biological Test Method: Reference Method for Determining Acute Lethality of Effluents to Rainbow Trout*, or
  - (e) dead fish, blood, or processing wastes.
- (2) The operator of a federal or provincial land-based finfish facility that rears fish for release into the wild may release fish carcasses to the originating surface waters if the carcasses result from the removal of eggs and sperm.

**Waste management plan**

- 8** An owner of a land-based finfish farm must, upon request of a director, prepare and submit to a director a written waste management plan.

[am. B.C. Reg. 321/2004, s. 12 (a).]

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