



*Environmental Management Act*  
**PUBLIC NOTIFICATION REGULATION**  
**B.C. Reg. 202/94**

Deposited and effective June 23, 1994  
Last amended March 1, 2023 by B.C. Reg. 54/2023

**Consolidated Regulations of British Columbia**

*This is an unofficial consolidation.*

B.C. Reg. 202/94 (O.C. 832/94), deposited and effective June 23, 1994, is made under the *Environmental Management Act*, S.B.C. 2003, c. 53, ss. 138 (2) 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).

See the User Guide for more information about the *Consolidated Regulations of British Columbia*. The User Guide and the *Consolidated Regulations of British Columbia* are available online at [www.bclaws.ca](http://www.bclaws.ca).

Prepared by:  
Office of Legislative Counsel  
Ministry of Attorney General  
Victoria, B.C.

# *Environmental Management Act*

## **PUBLIC NOTIFICATION REGULATION**

**B.C. Reg. 202/94**

### *Contents*

- 1 Interpretation
- 2 Application for permit, approval or amendment
- 3 Director may request additional information
- 4 Duties of applicant and director
- 5 Posting requirements
- 6 Publication and notice requirements
- 7 Notice by concerned persons
- 8 Clarification of application
- 9 [Repealed]

### **SCHEDULE A**

**SCHEDULE B** [Repealed]

### **Interpretation**

- 1** (1) In this regulation:
  - “**Act**” means the *Environmental Management Act*;
  - “**discharge**” means the total amount of a solid, liquid or gaseous material introduced into the environment from works;
  - “**emission**” means the total amount of a solid, liquid or gaseous material emitted into the atmosphere from works;
  - “**reviewable project**” has the same meaning as in the *Environmental Assessment Act*;
  - “**significant amendment**” means an amendment to a permit or approval which is not a minor amendment as defined in subsection (2).
- (2) In this regulation “**minor amendment**” means an amendment to a permit or approval for any of the following purposes:
  - (a) a change of ownership or name;
  - (b) a change of legal address or mailing address;
  - (c) a decrease in the authorized quantity of the discharge, emission or stored material;
  - (d) an increase in the authorized quantity of the discharge, emission or stored material that does not exceed 10% of the authorized quantity;
  - (e) a change in the authorized quality of the discharge, emission or stored material such that, in the opinion of a director, the change has or will have an equal or lesser impact on the environment;
  - (f) a change in a monitoring program;

- (g) a change to the works, method of treatment or any other condition of a permit or approval such that, in the opinion of a director, the change has or will have an equal or lesser impact on the environment.

[am. B.C. Regs. 321/2004, s. 24 (a) to (c); 54/2023, s. 1.]

#### **Application for permit, approval or amendment**

- 2** (1) Every person who applies for a permit or approval must make an application in the form and manner specified by the director and that includes the following information:
- (a) the name, address and postal code of the applicant;
  - (b) a clear description of the source and location of the waste, including any commonly known name of the plant, operation or facility;
  - (c) if applicable, the legal description of the land or the premises where the plant, operation or source and treatment works are or will be located;
  - (d) the legal description of the place where the waste is or will be introduced into the environment;
  - (e) a description of the waste in general terms based on the origin or nature of the operation that produced it;
  - (f) the characteristics of the waste in specific terms including the content of potential pollution causing substances expressed in metric scientific units;
  - (g) the volume of material to be discharged, emitted or stored during a specific time period;
  - (h) particulars concerning the applicant's title to the works and the land on which the waste originates;
  - (i) details of the works;
  - (j) a description of the land on which it is proposed to construct the works;
  - (k) any other records or information requested by the director.
- (2) If a holder of a permit or approval proposes to make a significant amendment, that person must make an application on a form supplied by a director, sign and date the application and provide the following information:
- (a) the name, address and postal code of the applicant;
  - (b) identification of the permit or approval to be amended, identified by permit or approval number and date of issue and, if applicable, the date last amended;
  - (c) the name and a clear description of the source of the waste;
  - (d) a clear description of the changes in the permit or approval being requested.
- (3) If a person who holds a permit or approval proposes to make a minor amendment, that person must write to the director who issued the permit or approval indicating the desired changes.

- (4) An application under this section must be submitted to a director by the applicant or the applicant's agent and, unless the director requires otherwise, an obligation imposed by this regulation on an applicant may be carried out by the applicant's agent.

[am. B.C. Regs. 321/2004, s. 24 (c); 54/2023, s. 2.]

**Director may request additional information**

- 3** An applicant must, on the request of a director, provide the director with any records or information the director considers relevant to the application.

[en. B.C. Reg. 54/2023, s. 3.]

**Duties of applicant and director**

- 4**
- (1) Every person who applies for a permit or approval must give notice of the application in accordance with Schedule A.
  - (2) Every person who applies for a significant amendment to a permit or approval must give notice of the application in accordance with Schedule A.
  - (3) Despite subsections (1) and (2), if, in the opinion of a director, any method of giving notice as specified in Schedule A is not adequate or practical, the director may require an applicant to give notice of the application by another method that, in the opinion of the director, is more effective.
  - (4) When a director decides to issue or amend a permit or approval, the director must give notice of the decision in accordance with Schedule A.
  - (5) Despite subsection (4), if, in the opinion of the director, any method of giving notice as specified in Column 5 is not adequate or practical, the director may give notice of the decision by another method that, in the opinion of the director, is more effective.
  - (6) A director must, at least 14 days before an operational certificate or amended operational certificate is issued,
    - (a) give written notice to the person to be named in the operational certificate or amended operational certificate of the director's intention to issue the operational certificate or amended operational certificate, and
    - (b) do one or more of the following:
      - (i) serve a copy of the notice given under paragraph (a) on every person who, in the opinion of the director, may be adversely affected by the waste introduced into the environment or storage of recyclable material or waste;
      - (ii) post a copy of the notice given under paragraph (a);
      - (iii) publish a copy of the notice given under paragraph (a).

[am. B.C. Regs. 321/2004, s. 24 (c); 54/2023, s. 4.]

---

**Posting requirements**

- 5** (1) If Schedule A requires that an application be posted, the applicant must do all of the following:
- (a) within 15 days after the date of the application, post a readable copy of the application in a conspicuous place at all main road entrances to the property;
  - (b) keep the copy posted for a period of not less than 30 days;
  - (c) state in writing to a director the date the copy of the application was posted.
- (2) and (3) Repealed. [B.C. Reg. 54/2023, s. 5 (a).]
- (4) Despite any posting instructions in Schedule A to the contrary, a director may require an applicant to post the application on a billboard in the form and manner specified by the director.
- [am. B.C. Regs. 321/2004, s. 24 (c); 54/2023, s. 5.]

**Publication and notice requirements**

- 6** (1) Repealed. [B.C. Reg. 54/2023, s. 6 (a).]
- (2) If Schedule A requires that notice of an application be published in one or more local newspapers or be published electronically, the director may specify, in respect of the notice, the form, manner, content and means of publication.
- (3) Repealed. [B.C. Reg. 54/2023, s. 6 (a).]
- (4) The applicant must, within 30 days of the date of publication of the notice of application, provide to the director evidence satisfactory to the director that notice of the application was published.
- (5) If, in the opinion of a director, the publication of the notice of application is insufficient to notify local residents about the application, the director may require the applicant to post or publish a notice of the application and may specify, in respect of the notice, the form, manner, content and means of publication.
- (6) If Schedule A requires that notice be given to residents and owners of property, the applicant must
- (a) mail or deliver a copy of the application to each resident and owner of property immediately adjacent to the property under application,
  - (b) mail or deliver a copy of the application to each resident and property owner within an area specified by the director, and
  - (c) provide proof to the director, within 30 days after the date of the application, of the mailing or delivery required by paragraphs (a) and (b).
- (7) If Schedule A requires that notice be given to a municipality, the applicant must
- (a) mail or deliver a copy of the application to the clerk of the municipality and the secretary of the regional district in which the discharge, emission or storage is located, and

- (b) provide proof to a director, within 30 days after the date of the application, of the mailing or delivery required by paragraph (a).
- (8) If the applicant does not own the property associated with the introduction of waste, the applicant must
  - (a) mail or deliver a copy of the application to the owner of the property, and
  - (b) provide proof to a director, within 30 days after the date of the application, of the mailing or delivery required by paragraph (a).
- (9) A director may require the applicant to
  - (a) mail or deliver a copy of the application to any other person, agency or group who, in the opinion of the director, would have an interest in the application, and
  - (b) provide proof to the director, within 30 days after the date of the application, of the mailing or delivery required by paragraph (a).

[am. B.C. Regs. 321/2004, s. 24 (c) and (d); 54/2023, s. 6.]

#### Notice by concerned persons

- 7 (1) A person who may be adversely affected by the granting of a permit, approval or operational certificate, or by the granting of an amendment to a permit, approval or operational certificate, may, within 30 days after the last date of posting, publishing, service or display required by this regulation, notify a director in writing stating how that person is affected.
- (2) The director may take into consideration any information received after the 30 day period prescribed by subsection (1) if the director has not made a decision on the permit, approval or operational certificate.

[am. B.C. Reg. 321/2004, s. 24 (c).]

#### Clarification of application

- 8 (1) The applicant must, if required by a director, offer to meet with any person or persons who, in the opinion of the director, may be adversely affected by the introduction of waste, to explain and clarify the intent of the application and to describe the introduction of waste and its potential effect on the receiving environment.
- (2) The director may specify the form, location, time, date, agenda and any other details of the meeting required by subsection (1).

[am. B.C. Regs. 321/2004, s. 24 (c); 54/2023, s. 7.]

- 9 Repealed. [B.C. Reg. 321/2004, s. 24 (e).]

**SCHEDULE A**

[en. B.C. Reg. 54/2023, s. 8.]

**NOTIFICATION, POSTING AND PUBLICATION REQUIREMENTS****Determining notice requirements for permit or approval**

- 1** A person who applies for
  - (a) a permit in relation to a facility requiring a permit under section 24.1 of the Hazardous Waste Regulation must provide the notice described in item 1 of column 3 of Table 1,
  - (b) a permit in relation to any other application must provide the notice described in item 2 of column 3 of Table 1, and
  - (c) an approval must provide the notice described in item 3 of column 3 of Table 1.

**Determining notice requirements for significant amendment to permit or approval**

- 2** A person who applies for a significant amendment in relation to
  - (a) a permit in relation to a facility requiring a permit under section 24.1 of the Hazardous Waste Regulation must provide the notice described in item 1 of column 4 of Table 1,
  - (b) a permit in relation to any other application, must provide the notice described in item 2 of column 4 of Table 1, and
  - (c) an approval must provide the notice described in item 3 of column 4 of Table 1.

**Notice of decision**

- 3** If a director issues or amends a permit or approval, the director must give notice as follows:
  - (a) in relation to a permit for a facility requiring a permit under section 24.1 of the Hazardous Waste Regulation, the director must provide the notice described in item 1 of column 5 of Table 1;
  - (b) in relation to a permit for any other application, the director must provide the notice described in item 2 of column 5 of Table 1;
  - (c) in relation to an approval, the director must provide the notice described in item 3 of column 4 of Table 1.

**Table 1: Notice requirements**

Item	Column 1 Type of authorization	Column 2 Type of project	Column 3 Application for new permit or approval	Column 4 Application for significant amendment to permit or approval	Column 5 Notice of decision to issue or amend a permit or approval for significant amendment
1	Permit	Project requiring permit under section 24.1 of the Hazardous Waste Regulation	M, R, N, A and D	M, R, N, A and D	M and C
2	Permit	All other applications	M, S, N, A and D	M, S, N, A and D	C
3	Approval	All other applications	A	A	C

**Abbreviations:**

- M = give notice to municipalities and regional districts
- R = give notice to residents and owners of property immediately adjacent to the property under application and within an area specified by a director
- C = give notice to all persons who submitted written notice of concerns
- S = post on site
- N = publish in local newspaper(s) or publish electronically
- A = give notice as specified by the director
- D = publish on website approved by the director

**SCHEDULE B**

Repealed. [B.C. Reg. 54/2023, s. 9.]