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Waste Management Act

AQUACULTURE WASTE CONTROL REGULATION

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Interpretation

1 In this regulation:

"dry weight" means the gravimetric determination of the total residue left in a vessel after drying to a constant weight at a temperature of 103° to 105° C;

"mortalities" means finfish that have died from disease, plankton bloom, stress or other similar causes and that are not marketed for human consumption;

"finfish netcage aquaculture operation" means a finfish netcage aquaculture operation located in tidal salt water at a site that is leased or licensed under section 38 or 39 of the *Land Act*;

"operator" means a person who owns a finfish netcage aquaculture operation and includes a person authorized by the owner to act as the operator.

Exemptions

2 A person who carries out a class of operation, activity, industry or work referred to in section 3 is exempt from the requirement to hold a permit or approval under the *Waste Management Act* in respect of the class if he meets the conditions and circumstances set out in section 3 in respect of the class and if he provides to the Regional Waste Manager, on his request, information that allows him to determine the existence and extent of the discharge of waste.

Classes

3 The classes of operations, activities, industries or works referred to in section 2 are:

(a) the introduction of finfish feed or finfish faeces to tidal salt water from a finfish netcage aquaculture operation where

(i) the total feed usage does not exceed 630 tonnes dry weight per year,

(ii) the use, storage and disposal of materials and wastes on or off the finfish netcage aquaculture site is carried out in a manner that minimizes odour, risk of spillage and attraction of and impact on wildlife,

(iii) the operator complies with a monitoring program, stipulated by the manager, that allows the manager to determine

(A) the existence and extent of environmental impact caused by the operation,

- (B) whether finfish aquaculture is likely to result in any alteration, disruption or destruction of wildlife, finfish, shellfish or their habitat,
 - (C) whether discharges of sewage are disposed of in a manner that causes pollution, and
 - (D) whether therapeutants, anesthetics, disinfectants, pesticides, wood preservatives, antifouling agents and other similar materials are stored and applied in a manner that causes pollution,
 - (iv) the operator complies with any requests by the manager for information in addition to the monitoring program under subparagraph (iii) for the purpose of allowing the manager to determine the matters set out in subparagraph (iii) (A) to (D),
 - (v) the operator notifies the manager regarding changes to the aquaculture operation that may affect the kind or quantity of the wastes disposed of or discharged,
 - (vi) pollution is caused by the aquaculture operation, and the operator, as soon as possible in the circumstances, reports the pollution to the manager and takes appropriate action, as directed by the manager, to ameliorate the pollution and prevent its recurrence, and
 - (vii) the operator prepares a contingency plan which documents procedures to be followed during a major fish kill, including the method of disposal of mortalities, and obtains the manager's approval to the plan;
- (b) the introduction from a finfish netcage operation to tidal salt water of treated domestic sewage that is
- (i) produced in a quantity that is less than 2.5 m³ per day,
 - (ii) produced from premises located on the foreshore adjacent to tidal saltwater, or on tidal saltwater,
 - (iii) collected and treated in a septic tank that provides at least 2 days retention time for the sewage,
 - (iv) discharged at a depth greater than 15 m below hydrographic chart datum within the boundaries of the operation, and
 - (v) located more than 125 m from commercial or recreational shellfish resources.

Offence and penalty

4 (1) Every person who

- (a) makes, participates in, assents to or acquiesces in the making of false or deceptive statements in a return, record or answer filed or made as required by or under this regulation,
- (b) omits, or assents to or acquiesces in the omission of, entries in records required by or under this regulation, or
- (c) in any manner evades or attempts to evade compliance with this regulation

commits an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a penalty not exceeding \$2 000.

(2) No person commits an offence under subsection (1) (a) or (b) if he did not know that the statement or entry was false or deceptive and, in the exercise of reasonable diligence, could not have known that the statement or entry was false or deceptive.

[Provisions of the *Waste Management Act*, R.S.B.C. 1996, c. 482, relevant to the enactment of this regulation:
section 57]
