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Environmental Management Act
WASTE DISCHARGE REGULATION

[includes amendments up to B.C. Reg. 87/2012, April 20, 2012]

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Interpretation

- 1 In this regulation:
- "**Act**" means the *Environmental Management Act*;
 - "**vehicle**" has the same meaning as in the *Motor Vehicle Act*;
 - "**written**" or "**in writing**" includes written messages transmitted electronically.

Prescribed industries, trades, businesses, operations and activities

- 2 (1) The industries, trades and businesses, and classes of industries, trades and businesses, listed in the Table in Schedule 1 and in column 1 of the Table in Schedule 2 are prescribed for the purposes of section 6 (2) of the Act.
- (2) The activities and operations, and classes of activities and operations, listed in the Table in Schedule 1 and in column 1 of the Table in Schedule 2 are prescribed for the purposes of section 6 (3) of the Act.

Operations exempt from the Act

3 (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;

"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;

"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.

(2) Repealed. [B.C. Reg. 87/2012, s. (b).]

(3) Repealed. [B.C. Reg. 132/2006, s. 5.]

(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.

(4) The use of industrial wood residue for foundation material at construction sites is exempt from section 6 (2) and 6 (3) of the Act if the material is applied under the direction of a professional engineer.

(5) The use of industrial wood residue

- (a) as plant mulch or in residential gardens,
- (b) as foundation material for animal bedding, and
- (c) in sports areas

is exempt from section 6 (2) and 6 (3) of the Act.

(6) The use of industrial wood residue as a soil conditioner or ground cover in non-agricultural operations is exempt from section 6 (2) and 6 (3) of the Act if

- (a) less than 100 m³/year is spread on a single property, and
- (b) it is applied in accordance with good agronomic practices.

(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.

(7) The emissions and ash from a commercially available auxiliary fuel fired refuse incinerator that serves a remote industrial, recreational, exploration or construction camp designed to accommodate fewer than 100 persons are exempt from the application of section 6 (2) and 6 (3) of the Act.

(8) Emissions from the combustion, in a commercial pet crematorium, of the corpses of pets are exempt from the application of section 6 (2) and 6 (3) of the Act.

(9) Repealed. [B.C. Reg. 377/2008.]

(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*.

[am. B.C. Regs. 464/2004, s. 5 (a); 132/2006, s. 5; 220/2006, Sch. s. 5; 287/2006; 377/2008; 87/2012, s. (b).]

Exemption from section 6 (2) and (3) of the Act by compliance with code of practice

4 (1) If

(a) a person introduces waste into the environment

(i) in the course of conducting an industry, trade or business, or an industry, trade or business in a class, listed in column 1 of the Table in Schedule 2, or

(ii) that is produced in the course of carrying on an activity or operation listed in column 1 of the Table in Schedule 2,

(b) the introduction of the waste is governed by a code of practice, the title of which is set out opposite the industry, trade, business, activity or operation, or class of industry, trade, business, activity or operation, in column 2 of the Table in Schedule 2,

(c) the introduction of the waste is carried out in accordance with the code of practice, and

(d) the person's registration under subsection (2), if required under the code of practice, is effective,

the person is, subject to section 4.1 (1) of this regulation, exempt from section 6 (2) and (3) of the Act in relation to the introduction of that waste into the environment.

(2) In order to effect a registration referred to in subsection (1) (d), the person must provide to a director the following information, as applicable, in a form approved by the director:

(a) if the person is an individual, the person's full name and residential address;

(b) if the person is a corporation or entity that is registered with the Registrar of Companies under an Act that provides for an address at or to which records may, under that Act, be served on the corporation or entity

(i) the registered name of the corporation or entity, and

(ii) that address;

(c) if the person is a corporation not referred to in paragraph (b),

(i) the name of the corporation, and

(ii) the address of the corporation's head office in British Columbia, or if the corporation does not have an head office in British Columbia, the address of the corporation's head office;

(d) if the person is a partnership, the name of the partnership, the full name of each partner, and the head office in British Columbia of the partnership;

- (e) if the person is a corporation or entity operating under a name other than its registered name, the name under which the corporation or entity conducts or carries out the prescribed industry, trade, business, operation or activity;
- (f) the name and address and contact numbers of an individual who is located at or near the site where the introduction of waste into the environment will occur and who is the local contact for the purposes of the discharge;
- (g) the address and legal description of the location of the facility that produces the waste, and the address, legal description and latitude and longitude of the site where the introduction of waste into the environment will occur;
- (h) the industry, trade, business, activity or operation, or class of industry, trade, business, activity or operation, in relation to which the waste is or will be introduced into the environment, as set out in Column 1 of the table in Schedule 2;
- (i) the title of the code of practice that governs the discharge of waste;
- (j) if the person previously held an authorization under the Act to discharge waste or has previously registered under this regulation in relation to a code of practice, the ministry's file number for that authorization or registration;
- (k) other information that is relevant to the exemption and specified by the minister as required for the purposes of a registration under the applicable code of practice;
- (l) other information that is relevant to the exemption and specified by a director in a particular case.

(3) A registration under subsection (2) must

- (a) be provided to a director by registered mail, transmitted electronically or delivered personally to a director, and
- (b) be accompanied by
 - (i) the first annual fee calculated in accordance with section 9 (1), and
 - (ii) a written record of the fee calculation in a form approved by the director.

(4) For a person who is required under a code of practice to register for an exemption under this section, the exemption takes effect on the effective date of the registration which, in relation to a particular registration, is the earlier of the following dates:

- (a) the date a director sends a notice in writing signed by the director stating that the person's registration is effective;
- (b) the date that is 45 days after the date the person delivers the registration and fee under subsection (3) to a director.

(5) A person whose registration is effective under subsection (4) must

- (a) pay the annual fee calculated under section 9 (1) on each anniversary of the effective date of the registration, and
- (b) provide a director with written notice within 30 days after
 - (i) a change in information provided in the person's registration, or

- (ii) ceasing to conduct the industry, trade or business or to carry on the activity or operation, at the facility referred to in subsection (2) (g).
- (6) Despite subsection (4), a registration ceases to be effective
 - (a) on the day following an anniversary referred to in subsection (5) (a) if the annual fee was not paid in accordance with that subsection, or
 - (b) 30 days after a change referred to in subsection (5) (b) if notice was not provided in accordance with that subsection.
- (7) The minister, in a code of practice, may specify in relation to an industry, trade, business, activity or operation, or a class of industry, trade, business, activity or operation, whether registration is required for an exemption under this section.
- (8) For greater certainty, if
 - (a) the discharge of waste from an activity or operation of an industry, trade or business described in subsection (1) (a) is not governed by the code of practice set out opposite the title of the industry, trade or business in the Table in Schedule 2, and
 - (b) the activity or operation is listed in the Table in Schedule 1 or in column 1 of the Table in Schedule 2,

registration under this section in relation to the code of practice described in paragraph (a) does not exempt the person conducting the industry, trade or business from section 6 (2) or (3) of the Act in relation to the discharge described in that paragraph.

[am. B.C. Regs. 464/2004, s. 5 (b); 220/2006, Sch. s. 6; 365/2008, s. (a).]

Exemption relating to produced water from coalbed gas operations

- 4.1** (1) A person who introduces produced water into the environment in the course of conducting a coalbed gas exploration and production industry is exempt from section 6 (2) and (3) of the Act in relation to the introduction of the produced water, but only if, in addition to the conditions in section 4 (1) of this regulation, all of the following conditions are met:
- (a) the person's registration under section 4 of this regulation and section 8 of the relevant code of practice became effective before the date on which this section came into force;
 - (b) the produced water is from a well or test hole to which that registration relates;
 - (c) the production of water from that well or test hole began before that date;
 - (d) the coalbed gas exploration and production industry carried out by that person has not begun commercial production.

- (2) In this section:

"produced water" has the same meaning as in the relevant code of practice;

"relevant code of practice" means the Code of Practice For The Discharge of Produced Water From Coalbed Gas Operations, B.C. Reg. 156/2005;

"test hole" means a test hole for which an authorization was granted under section 93 of the *Petroleum and Natural Gas Act* before the date on which this section came

into force;

"well" means a well for which an authorization was granted under section 93 of the *Petroleum and Natural Gas Act* before the date on which this section came into force.

[en. B.C. Reg. 365/2008, s. (b).]

False statement in registration

- 5** (1) A person who knowingly provides false or misleading information in a registration under section 4 (2) commits an offence.
- (2) A person who commits an offence under subsection (1) is liable on conviction to a fine not exceeding \$200 000.

Other code of practice requirements

- 6** (1) A person who is exempt from section 6 (2) or (3) of the Act because of compliance with section 4 (1) [*exemption by compliance with code of practice*] of this regulation must also comply with the requirements of the code of practice not described in section 4 (1) (c) of this regulation.
- (2) A person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$200 000.

Substituted requirements

- 7** (1) The minister or a director, on his or her own initiative, may, by order, substitute a different requirement for a requirement contained in a code of practice if, in the individual case, the minister or the director considers that
- (a) the substitution is necessary to protect the public or the environment, or
 - (b) the intent of the code of practice is met by the substituted requirement.
- (2) If the minister or a director makes a substitution under subsection (1), he or she may order that notification of the substitution be given to the public in the manner the minister or director specifies.
- (3) A director, on application under section 8, may, by order, substitute a different requirement for a requirement contained in a code of practice if he or she considers that, in the individual case, the intent of the code of practice will be met by the substituted requirement.

Application for substituted requirement

- 8** (1) A person who is exempt from section 6 (2) or (3) of the Act under section 4 (1) of this regulation may apply for a substitution described in section 7 (3) by filing with a director a copy of a completed application in the form specified by the director.
- (2) A person who makes an application under subsection (1) must do all of the following:
- (a) within 15 days after the date the application is filed with the director, post a readable copy of the application in a conspicuous place at all main entrances to the site where the introduction of waste into the environment will occur;
 - (b) keep the copy posted for a period of not less than 30 days;

- (c) publish notice of the application in the form approved by the director in one or more newspapers specified by the director;
 - (d) advise the director in writing of the date the copy of the application was posted under paragraph (a) and the date notice was published under paragraph (c).
- (3) If directed to do so by a director, a person who makes an application under subsection (1) must
 - (a) serve a signed copy of the application on any person who, in the director's opinion, may be adversely affected by an environmental impact of the proposed substituted requirement, and
 - (b) display a copy of the application in one or more branch post offices of Canada Post Corporation specified by the director.
- (4) A person who may be adversely affected by an environmental impact of a proposed substitution under this section may notify a director and the applicant in writing, stating how the person is affected, within 30 days after the occurrence of the later of the following events:
 - (a) the application is posted or published under subsection (2);
 - (b) the application is served or displayed under subsection (3).
- (5) If directed to do so by a director, the applicant must consult in the manner directed with a person who, in the director's opinion, may be adversely affected by an environmental impact of the proposed substitution to explain and clarify the intent of the application.
- (6) An applicant must demonstrate to the satisfaction of a director that the substituted requirement requested meets the intent of the code of practice.
- (7) A director, on receipt of an application under this section, may
 - (a) request additional information from the applicant if the director considers the information necessary for the evaluation of the application, and
 - (b) after the 30 day period referred to in subsection (4) is ended and having considered any information provided under that subsection,
 - (i) refuse to grant the substitution, or
 - (ii) grant any or all the requested substitutions to any or all the requirements of the code of practice, for a definite or indefinite period of time, and subject to the conditions the director considers appropriate.
- (8) On granting or refusing an application, a director must
 - (a) serve a signed copy of his or her decision on the applicant, and
 - (b) give notice of it to all persons who gave notice under subsection (4).
- (9) The fee for an application for a substitution is \$150 per hour of time a public service employee is engaged in considering or processing the application and the director may
 - (a) require the fee or a portion of the fee from the applicant before beginning to process the application, and
 - (b) invoice the applicant for the fee.

- (10) A director may cancel or amend a decision made under this section whenever new information demonstrates to the satisfaction of the director that
- (a) the applicant provided false or misleading material information in the application, or
 - (b) the cancellation or amendment is necessary to protect the environment or the public.
- (11) A decision granting an application under this section ceases to have effect if the fee under subsection (9) remains unpaid 30 days after the date of the invoice.

[am. B.C. Reg. 220/2006, Sch. s. 7.]

Annual fees

- 9** (1) The annual fee for a registration under section 4 (2) is the sum of the following amounts:
- (a) the sum of the amounts of the base fee set out in Table 1 in Schedule 3 for each type of discharge that
 - (i) is authorized under the applicable code of practice, and
 - (ii) is discharged in the course of conducting the industry, trade, or business, or carrying out the activity or operation, to which the registration relates;
 - (b) the sum of the fees for each contaminant that is discharged under the code of practice and, under that code, is subject to a fee.
- (2) For the purposes of subsection (1) (b), the fee for each contaminant is the maximum discharge multiplied by the maximum concentration multiplied by the applicable fee from Schedule 3, where
- (a) maximum discharge is the maximum quantity of discharge
 - (i) specified in the registration, if the minister has specified under section 4 (2) (k) that the maximum discharge is information required for the purposes of a registration under section 4, or
 - (ii) specified in or calculated under the code of practice, as applicable, if subparagraph (i) does not apply,calculated on an annual basis,
 - (b) maximum concentration is the maximum concentration of the contaminant authorized under the code of practice, and
 - (c) applicable fee from Schedule 3 is the unit fee for the contaminant set out in column 2 opposite the contaminant in Column 1 of Table 2, 3 or 4 of Schedule 3.
- (3) As a limitation on subsection (1) (a), if a person
- (a) has paid a base fee for a year in relation to a type of discharge, and
 - (b) at the same time or later obtains a discharge authorization or registers under a code of practice in relation to the same type of discharge for a period that overlaps with all or part of the year referred to in paragraph (a),
- the person need not pay the part of the second base fee in relation to that type of discharge that applies to the overlapping part of that year.

- (4) For the purposes of subsection (2), the minister may specify
- (a) the contaminants regulated under the code of practice that are subject to fees, and
 - (b) how the maximum quantity of each contaminant is to be calculated.
- (4.1) Despite subsection (1) (b), if neither the maximum discharge nor a calculation for maximum discharge is included in a code of practice and the minister has not exercised the authority under section 4 (2) (k) in relation to registrations under the applicable code, the first and subsequent annual fee for the purposes of section 4 (3) (b) and (5) (a) is the fee described in subsection (1) (a).
- (5) If a substitution is ordered under section 7 (1) or (3) in relation to a requirement of a code of practice that affects the calculation of fees under this section, the order must specify how the maximum quantity of each contaminant must be calculated.
- (6) If the annual fee in respect of a registration is changed by an order under section 7 (1) or (3), the change is effective on the next anniversary of the effective date of the registration.

[am. B.C. Regs. 464/2004, s. 5 (c)-(f); 220/2006, Sch. s. 8.]

Rebates of fees

- 10** A director may refund a fee paid under section 4 (3) (b) or (5) (a) only on a prorated basis and in the following circumstances:

- (a) the registration under section 4 in respect of which the fee was paid is withdrawn by the person who paid the fee;
- (b) the person has already paid an amount that under section 9 (3) the person was not required to pay.

Minister may amend Schedule 2

- 11** If the minister prescribes a code of practice in relation to an industry, trade, business, activity or operation listed in Column 1 of the Table in Schedule 2, the minister may amend the Table by adding the title of the code of practice to Column 2 opposite the industry, trade, business, activity or operation in Column 1.

[en. B.C. Reg. 464/2004, s. 5 (g).]

Schedule 1

[am. B.C. Regs. 220/2006, Sch. ss. 9 to 11; 198/2007, s. 1 and 2.]

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.

Industries, trades, businesses, operations and activities defined

2 In this Schedule:

"abrasives industry" means establishments engaged in manufacturing grinding wheels or other abrasive products;

"aluminum and aluminum alloy products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing

(a) aluminum or aluminum alloys, or

(b) aluminum products including, but not limited to, pipe tubing, aluminum powder or diecast aluminum;

"asbestos mining industry" means establishments engaged in mining or milling asbestos;

"asphalt roofing manufacturing industry" means establishments involved in manufacturing asphalt saturated or tar saturated roofing or siding materials;

"biotechnology industry" means establishments that use living organisms or biological techniques for research and development or in a production process, if there is a potential for the entry of living organisms that can sustain or modify themselves to the detriment of an ecosystem into the natural environment or the food chain, and includes, but is not limited to, establishments engaged in the development or manufacture of antibiotics, insulin, interferon or recombinant DNA;

"burning of vegetative debris" means burning, without a stack or chimney to vent air contaminants, vegetative matter on the parcel of land from which it originated;

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

"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;

"cement and lime manufacturing industry" means establishments engaged in manufacturing lime or Portland cement;

"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";

"clay industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing structural, ceramic, porcelain or china clay products;

"commercial waste management or waste disposal industry" means establishments primarily engaged in the commercial collection, handling, storage, treatment, destruction or disposal of waste soil, solids or liquids;

"contaminated site contaminant management" means an activity, at or away from a contaminated site, for the treatment, removal, recycling or destruction of contaminated substances from the site, if the activity involves a discharge of waste to the environment;

"dairy products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in processing fluid milk or manufacturing other dairy products;

"electrical or electronic products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing or recycling electrical or electronic products, including batteries;

"electrical power industry" means establishments that

- (a) are engaged in the production of electricity by the combustion of fuel, and
- (b) have a rated production of more than 5 megawatts under peak load;

"flour, prepared cereal food or feed industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing cereal grain flour, prepared flour mixes, prepared cereal foods or feed;

"glass and glass products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing glass, glass containers or other glass products, including establishments engaged in processing recycled glass;

"hazardous waste management" means the generation, transportation, treatment, recycling, storage, blending, disposal or destruction of hazardous waste;

"industrial fastener industry" means establishments engaged in manufacturing industrial metal fasteners;

"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;

"metal processing and metal products manufacturing industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing metal products that are also engaged in

- (a) spray coating or dip coating metal and metal products, or
- (b) galvanizing or electroplating;

"metal smelting, iron and steel foundry and metal refining industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in

- (a) smelting or refining metals or metal alloys including aluminum, or
 - (b) secondary smelting,
- and includes, but is not limited to,

(c) establishments engaged in producing metal products by thermal melting and casting or moulding metals, including reclaimed metal;

"mining and coal mining industry" means establishments engaged in the mining of, or activities related to the mining of, metals, non-metals, coal, gemstones or industrial mineral ores or in beneficiating mineral ores but does not include

(a) establishments located in areas or places defined as "exploration sites" in section 65 of the Act, or

(b) Repealed. [B.C. Reg. 330/3006, Sch. s. 10 (j).]

(c) gravel, sand, crushed rock or dimensional stone quarries;

"municipal sewage management" means the management of domestic sewage, domestic waste water or liquid waste originating primarily from residences, but that may include contributions from

(a) holding tanks in recreational vehicles, boats and houseboats,

(b) commercial, institutional and industrial sources, and

(c) inflow and infiltration,

but does not include an operation exempted from the Act under section 3 of this regulation;

"municipal solid waste management" means activities and operations for the management, treatment or discharge of refuse that

(a) originates from residential, commercial, institutional, demolition, land clearing or construction sources, or

(b) is included in a waste management plan;

"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;

"non-metallic mineral products industry" means establishments engaged in manufacturing non-metallic mineral products using a rotary kiln or dryer;

"oil and natural gas industry — large" means establishments engaged in exploring for, producing, transporting, storing or processing crude oil or natural gas that, in any 15 day period,

(a) discharge or remove 30 tonnes or more of total sulphur, not including any mass of sulphur discharged from the facility subsurface in acid gas, or

(b) discharge or remove 4 tonnes or more of volatile organic carbon compounds;

"ozone depleting substances and other halocarbons management" means establishments, activities or operations that use ozone depleting substances or other halocarbons or that sell, collect, recycle or manage ozone depleting substances or other halocarbons;

"paperboard industry" means establishments engaged in manufacturing paperboard, including recycled paperboard and building paper;

"paper industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing any type of paper, except paperboard and building paper, but including recycled paper;

"particle and wafer board industry" means establishments engaged in manufacturing boards or panels made from very small pieces of wood bonded together, and includes, but is not limited to, establishments that manufacture medium density fibre board or oriented strand board;

"pipeline transport industry with approved operating plan" means establishments that

- (a) are engaged in operating or maintaining a pipeline in British Columbia for the transport of natural gas, and
- (b) operate under a specific environmental operating plan approved by a director;

"pulp industry" means establishments engaged in manufacturing wood pulp;

"refined petroleum and coal products industry" means establishments engaged in

- (a) manufacturing petroleum or coal products, including asphalt paving materials, emulsified asphalt, liquid asphalt, coal or coke briquettes, coal coke, petroleum coke, synthetic gasoline from coal, fuels, lubricating oils or greases, or
- (b) re-processing of waste oil;

"sugar processing and refining industry" means establishments engaged in processing raw cane sugar, sugar beets, or starches to produce sucrose, glucose or fructose;

"veneer and plywood industry" means establishments engaged in manufacturing veneer, plywood or laminated wood products;

"wire and wire rope fabricating industry" means establishments engaged in manufacturing plain, coated or uncoated steel wire, flat, twisted or braided steel wire or steel rope.

Table

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Schedule 2

[am. B.C. Regs. 464/2004, s. 6; 156/2005, s. (b); 220/2006, Sch. ss. 12 and 13; 198/2007, s. 3; 246/2007, s. (a) (ii); 210/2007 (M169/2007, s. (b)); 329/2007, s. (b); 263/2010, s. (b); 60/2012, s. (c).]

Industries, trades, businesses, operations and activities defined

1 (1) In this Schedule:

"agricultural operations" means operations or activities carried out on farms for purposes of agriculture, including, but not limited to,

(a) producing or keeping livestock, poultry, farmed game, fur bearing animals, crops, grain, vegetables, milk, eggs, honey, mushrooms, horticultural products, trees, tree fruits or berries, and

(b) operating machinery and equipment for agricultural waste management or for applying fertilizers and soil conditioners;

"antisapstain chemicals management" means activities and operations that apply chemicals to lumber to protect the lumber from staining;

"aquaculture — land-based industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in land-based aquaculture, including but not limited to,

- (a) those engaged, for the purposes of land-based aquaculture, in
 - (i) culturing or collecting freshwater or saltwater species of finfish or shellfish, or
 - (ii) harvesting other freshwater or saltwater products, and
- (b) those engaged in operating finfish or shellfish hatcheries, rearing ponds or other similar facilities where finfish or shellfish are fed, nurtured, held, maintained or reared in fresh water or salt water to reach a size for release or for market sale;

"aquaculture — marine-based industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in saltwater aquaculture, including but not limited to

- (a) those engaged, for the purposes of saltwater aquaculture, in
 - (i) culturing or collecting all species of saltwater finfish,
 - (ii) trapping or otherwise catching saltwater shellfish, or
 - (iii) harvesting other sea products,
- (b) Repealed. [B.C. Reg. 60/2012, s. (c).]
- (c) those engaged in other activities that create waste and are incidental to saltwater fish farms, such as net washing;

"asphalt plant industry" means establishments that operate hot-mix asphalt plants, hot-in-place asphalt recycling plants or operations using cutback asphalt;

"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;

"coalbed gas exploration and production industry" means establishments, at all stages of an operation from exploration through to abandonment, engaged in discharging to the environment produced water or related solids from a coalbed gas operation;

"composting operations" means composting of organic wastes or other feedstocks;

"concrete and concrete products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in manufacturing ready-mix concrete or concrete products;

"deep well disposal" means the disposal of waste fluids underground to porous rock formations, through wells or other means;

"fish products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in the processing, including but not limited to eviscerating, skinning, filleting, breeding, pre-cooking or blanching of fish, molluscs, crustaceans, or other marine animals, and includes establishments engaged in processing fish oil or fish roe;

"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;

"industrial non-hazardous waste landfills" means activities or operations, incidental to industrial operations, for the disposal to land of solid wastes that are not hazardous waste;

"naturally occurring radioactive materials management" means activities and operations associated with controlling or discharging naturally occurring radioactive materials that exceed the limits specified in Tables 5.1, 5.2 or 5.3 of the Canadian Guidelines for the Management of Naturally Occurring Radioactive Materials (NORMs),

- (a) prepared by the Canadian NORM Working Group of the Federal Provincial Territorial Radiation Protection Committee,

- (b) published by authority of the Ministry of Health (Canada), and

- (c) as amended from time to time,

but does not include managing radon in buildings;

"oil and natural gas industry — small" means establishments engaged in exploring for producing, transporting, storing or processing crude oil or natural gas that, in any 15 day period,

- (a) discharge or remove less than 30 tonnes of total sulphur, not including any mass of sulphur discharged from the facility subsurface in acid gas, and

- (b) discharge or remove less than 4 tonnes of volatile organic carbon compounds;

"petroleum storage" means the storage or transfer, except by pipeline, of bulk petroleum products;

"pipeline transport industry" means establishments that are engaged in operating or maintaining pipelines for the transport of natural gas, crude oil or related products or commodities, but does not include those with an operating plan;

"placer mining industry" means establishments that mine placer minerals as defined in section 1 of the *Mineral Tenure Act*;

"plastics and composite products industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in using synthetic resins to fabricate shapes or forms of plastic;

"poultry" includes domesticated chickens, turkeys, ducks, geese, guinea fowl, ratites, squab and pheasants;

"poultry processing industry" means establishments that are engaged in processing poultry for human consumption, but does not include establishments included in the definition of "meat by-product processing industry" in section 2 of Schedule 1;

"product storage — bulk solids" means activities and operations for the storage or handling of cement, lime, gypsum or gypsum products, elemental sulphur, coal, grain, flour, metal concentrates, industrial minerals, fertilizers or explosives;

"red-meat animals" include cattle, swine, sheep, fallow deer, farmed game and farmed bison;

"slaughter industry" means establishments engaged in processing red-meat animals for human consumption, but does not include establishments included in the definition of "meat by-product processing industry" in section 2 of Schedule 1;

"soil enhancement using wastes" means activities and operations applying organic or inorganic wastes to land as a soil conditioner or ground cover;

"vehicle dismantling and recycling industry" means establishments, except home-based businesses, educational facilities and establishments of hobbyists or artisans, engaged in wrecking or dismantling vehicles or in recycling or disposing of parts and other waste material from vehicles;

"vehicle, industrial machinery and parts and accessories manufacturing industry" means establishments engaged in manufacturing automobiles, buses, truck chassis, truck tractors or other vehicles, industrial machinery, vehicle engines or other transportation equipment, supplies or parts;

"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;

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

(2) For the purposes of the definitions of "poultry processing industry" and "slaughter industry" in subsection (1), **"processing"** includes holding, killing, defeathering, deboning, eviscerating, chilling, cooking, packaging, curing, smoking and canning.

Table

Column 1	Column 2
Industries, Trades, Businesses, Operations and Activities	Code of Practice
1 Agricultural Operations	
2 Antisapstain Chemicals Management	
3 Aquaculture — Land-based Industry	
4 Aquaculture — Marine-based Industry	

5	Asphalt Plant Industry	
6	Beverage Industry	
7	Coalbed Gas Exploration and Production Industry	Code of Practice for the Discharge of Produced Water from Coalbed Gas Operations
8	Composting Operations	
9	Concrete and Concrete Products Industry	Code of Practice for the Concrete and Concrete Products Industry
10	Deep Well Disposal	
11	Fish Products Industry	
12	Fruit and Vegetable Processing Industry	
13	Industrial Non-hazardous Waste Landfills	Code of Practice for Industrial Non-Hazardous Waste Landfills Incidental to the Wood Processing Industry
14	Naturally Occurring Radioactive Materials Management	
15	Oil and Natural Gas Industry — Small	
16	Petroleum Storage	
17	Pipeline Transport Industry	
18	Placer Mining Industry	
19	Plastics and Composite Products Industry	
20	Poultry Processing Industry	Code of Practice for the Slaughter and Poultry Processing Industries
21	Product Storage — Bulk Solids	
22	Slaughter Industry	Code of Practice for the Slaughter and Poultry Processing Industries
23	Soil Enhancement Using Wastes	Code of Practice for Soil Amendments
24	Vehicle Dismantling and Recycling Industry	
25	Vehicle, Industrial Machinery and Parts and Accessories Manufacturing Industry	
26	Wood Processing Industry — Primary	
27	Wood Processing Industry — Secondary	
28	Wood Treatment Industry	

Schedule 3

[am. B.C. Reg. 464/2004, s. 7.]

Table 1

Base Fees

Column 1	Column 2
Type of Discharge	Base Fee
Air	\$100.00
Effluent	\$100.00
Refuse	\$100.00
Storage	\$100.00

Table 2

Contaminant Fees for Air Emissions

Column 1	Column 2
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Contaminant	Fee Per Tonne Discharged		
	If Payment Date Before	If Payment Date April 1, 2005 —	If Payment Date After
	March 31, 2005	March 31, 2006	April 1, 2006
Ammonia	\$14.69	\$15.74	\$16.78
Asbestos*	\$14.69	\$15.74	\$16.78
Carbon Monoxide	\$0.39	\$0.42	\$0.45
Chlorine and Chlorine Oxides expressed as chlorine dioxide equivalent	\$9.88	\$10.58	\$11.29
Fluorides	\$589.68	\$631.64	\$673.60
Hydrocarbons	\$14.69	\$15.74	\$16.78
Hydrogen Chloride	\$9.88	\$10.58	\$11.29
Metals	\$589.68	\$631.64	\$673.60
Nitrogen Oxides expressed as nitrogen dioxide equivalent	\$9.88	\$10.58	\$11.29
Phenols	\$14.69	\$15.74	\$16.78
Sulphur and Sulphur Oxides expressed as sulphur dioxide equivalent	\$11.44	\$12.25	\$13.07
Total Particulate	\$14.69	\$15.74	\$16.78
TRS	\$491.40	\$526.37	\$561.33
VOCs	\$14.69	\$15.74	\$16.78
Other contaminants not otherwise specified in this table	\$14.69	\$15.74	\$16.78

*Units of Asbestos are equivalent to cubic metres of air emissions per minute at a concentration of 2 fibres per cubic centimetre.

Table 3

Contaminant Fees For Effluent

Column 1 Contaminant	Column 2 Fee Per Tonne Discharged		
	if payment date before	if payment date	if payment date after
	March 31, 2005	April 1, 2005 — March 31, 2006	April 1, 2006
Ammonia	\$90.09	\$96.50	\$102.91
AOX	\$239.20	\$256.22	\$273.24
Arsenic	\$239.20	\$256.22	\$273.24
BOD	\$18.07	\$19.36	\$20.64
Chlorine	\$239.20	\$256.22	\$273.24
Cyanide	\$239.20	\$256.22	\$273.24
Fluoride	\$90.09	\$96.50	\$102.91
Metals	\$239.20	\$256.22	\$273.24
Nitrogen and Nitrates	\$36.01	\$38.57	\$41.13
Oil and Grease	\$60.06	\$64.33	\$68.61
Other Petroleum Products	\$60.06	\$64.33	\$68.61

Other Solids	\$11.96	\$12.81	\$13.66
Phenols	\$239.20	\$256.22	\$273.24
Phosphorus and Phosphates	\$90.09	\$96.50	\$102.91
Sulphates	\$3.51	\$3.76	\$4.01
Sulphides	\$239.20	\$256.22	\$273.24
Surfactants	\$60.06	\$64.33	\$68.61
Suspended Solids	\$11.96	\$12.81	\$13.66
Other contaminants not otherwise specified in this table.	\$11.96	\$12.81	\$13.66

Table 4

Contaminant Fees for Refuse

Column 1		Column 2	
Contaminant	Fee		
	if payment date before March 31, 2005	if payment date April 1, 2005 — March 31, 2006	if payment date after April 1, 2006
Refuse per tonne	\$0.65	\$0.70	\$0.74

[Provisions of the *Environmental Management Act*, S.B.C. 2003, c. 53, relevant to the enactment of this regulation: sections 21, 138 and 139]