Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

(a) the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, is amended as set out in section 1 of the attached Schedule, and

(b) the Permit Fees Regulation, B.C. Reg. 299/92, is amended as set out in section 2 of the attached Schedule.

Authority under which Order is made:

Act and section: Environmental Management Act, S.B.C. 2003, c. 53, sections 14, 21, 138 and 139

Other: OIC 84/2002 and 1264/92

May 5, 2016

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SCHEDULE

1  The Organic Matter Recycling Regulation, B.C. Reg. 18/2002, is amended by adding the following sections:

Permit required

3.1  (1) Section 2 (2) applies to a discharger in relation to a composting facility that processes food waste or biosolids and has a design production capacity of 5 000 tonnes or more of compost per year only if the discharger holds a permit for the composting facility, unless the discharger holds an approval or operational certificate for that composting facility.

(2) Despite section 3 (2) (a) and (b), a discharger required under this section to hold a permit must comply with this regulation and the terms and conditions of the permit.

Transition – permit requirement under section 3.1

33  (1) A discharger that is required under section 3.1 (1) to hold a permit in relation to a composting facility that is operating on the date this section comes into force must apply to a director for a permit within 60 days after that date.

(2) If a discharger described in subsection (1) fails to apply for a permit within the 60 day period referred to in that subsection, section 2 (2) does not apply to the discharger until the application is submitted to the director.

(3) The director may specify a time by which a discharger that submits an application under subsection (1) must,

(a) under section 3 of the Public Notification Regulation, provide information respecting the application,

(b) under section 4 (1), (2) or (3) of the Public Notification Regulation, give notice of the application,

(c) under section 5 (4) of the Public Notification Regulation, post the application on a billboard,

(d) under section 6 (3) of the Public Notification Regulation, publish the application, or

(e) under section 6 (5) of the Public Notification Regulation, post the application in a post office.

(4) Section 2 (2) does not apply to a discharger described in subsection (1) until the requirement is met if the discharger fails to

(a) meet a requirement referred to in subsection (3) by the time specified by the director, or

(b) meet a requirement under the Public Notification Regulation by the time specified in that regulation.

(5) A discharger to which subsection (1) applies is exempt from section 3.1 (1) until the date the director makes a decision in relation to the discharger’s application under subsection (1) (a) of this section.
Section 3 (5) of the Permit Fees Regulation, B.C. Reg. 299/92, is repealed and the following substituted:

(5) The fee for each permit under subsection (1) is the base fee for the permit type, as specified in Column 2 of Schedule A opposite the permit type in Column 1, if the permit

(a) authorizes a discharge under one of the following regulations:
   (i) the Antisapstain Chemical Waste Control Regulation;
   (ii) the Placer Mining Waste Control Regulation, or

(b) is required under section 3.1 (1) of the Organic Matter Recycling Regulation.