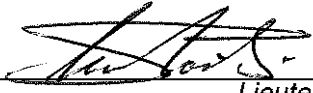


**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No. **942**, Approved and Ordered **DEC - 8 2008**

  
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Lieutenant Governor

**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- (a) *section 3 (9) of the Waste Discharge Regulation, B.C. Reg. 320/2004, is repealed, and*
- (b) *the Agricultural Waste Control Regulation, BC Reg.131/92, is amended as set out in the attached schedule.*

  
\_\_\_\_\_  
Minister of Environment

  
\_\_\_\_\_  
Residing Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

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

Other (specify):- OICs 557/92 and 723/2004

## SCHEDULE

**1 Section 2 of the Agricultural Waste Control Regulation, B.C. Reg. 131/92, is amended**

(a) **by renumbering it as section 2 (1) and by striking out “A person” and substituting “Subject to subsections (2) and (3), a person”, and**

(b) **by adding the following subsections:**

- (2) A person who, on the date this subsection came into force, was carrying out an agricultural operation in which a boiler or heater was used is, for the purposes of carrying out that agricultural operation, exempt from section 6 (2) and (3) of the *Environmental Management Act* only if, in addition to complying with the Code, that person registers in accordance with subsection (4) before May 1, 2009.
- (3) A person, other than one referred to in subsection (2), who carries out an agricultural operation in which a boiler or heater is used is, for the purposes of carrying out that agricultural operation, exempt from section 6 (2) and (3) of the *Environmental Management Act* only if, in addition to complying with the Code, that person has registered in accordance with subsection (4) before the boiler or heater is used.
- (4) To register for the purposes of subsection (2) or (3), the person carrying out the agricultural operation must complete the form and comply with the procedures specified by a director.
- (5) A person registered under subsection (4) must notify a director of any change in the information provided in the person’s registration.

**2 Part 2 of the Code of Agricultural Practice for Waste Management, April 1, 1992, is amended in section 2 by adding the following definitions:**

**“biogas”** means a gas derived from the anaerobic decomposition of organic matter;

**“biomass”** means

(a) agricultural fuel products, including agricultural pellets, manure pellets, corn kernels, corn stalks and seed hulls, or

(b) wood or wood products,

but does not include

(c) any raw manure,

(d) any paper or paper product,

(e) any wood or wood product that has been treated with glue, paint or preservative or that contains a foreign substance harmful to humans, animals or plants when combusted, or

(f) any salt-laden wood or wood product with a chloride content exceeding 0.05% on a dry basis;

**“capacity”**, in relation to a boiler or heater, means the maximum rate of energy output from the boiler or heater measured in megawatts of thermal energy;

**“heating season”** means a period beginning on October 1 in one year and ending on April 30 in the next year;

“landfill gas” means a mixture of gases generated by the decomposition of municipal solid waste;

“low-sulphur fuel” means

- (a) No. 2 heating oil, or
- (b) diesel fuel for use in Canada in on-road vehicles;

“municipal solid waste” has the same meaning as in Part 3 of the *Environmental Management Act*;

“particulate matter” means total filterable particulate matter;

“manufactured wood fuel” means wood pellets and wood pucks;

“wood product” includes manufactured wood fuel, hog fuel, mill ends, wood chips, bark, shavings, sawdust and firewood.

**3 Section 18 is repealed and the following sections substituted:**

**Restrictions relating to types of boiler and heater fuel**

**18** Only the following fuels may be used in an agricultural operation as fuel for a boiler or heater:

- (a) biomass;
- (b) natural gas;
- (c) propane;
- (d) low-sulphur fuel;
- (e) biogas;
- (f) landfill gas.

**Emission standards for boilers and heaters fuelled by biomass**

- 18.1** (1) This section applies to a boiler or heater that
- (a) is fuelled by biomass, and
  - (b) is used in an agricultural operation.
- (2) Subject to subsections (3) and (4), emissions from a boiler or heater referred to in subsection (1) that has a capacity specified in any of items 1 to 3 of column 1 of Table 1 must not exceed the following standards:
- (a) effective on the date this section comes into force, the particulate matter limit and the opacity limit specified in column 2 opposite that item;
  - (b) effective on May 1, 2009, the particulate matter limit and the opacity limit specified in column 3 opposite that item;
  - (c) effective on September 1, 2010, the particulate matter limit and the opacity limit specified in column 4 opposite that item.
- (3) For the purpose of subsection (2), particulate matter must be determined under standard conditions of 20° Celsius, 101.3 kPa dry gas and 8% oxygen.
- (4) Subsection (2) does not apply to emissions from a boiler or heater during the 60 minutes after it is started.

- (5) The person carrying out the agricultural operation must comply with any minimum stack discharge height set under subsection (6).
- (6) A director may set a minimum stack discharge height for a boiler or heater referred to in subsection (1).

**Table 1 – Emissions from Boilers and Heaters Fuelled by Biomass**

	Column 1	Column 2		Column 3		Column 4	
Item	Capacity of Boiler or Heater	Emission Standards (effective on the date section 18.1 came into force)		Emission Standards (effective May 1, 2009)		Emission Standards (effective September 1, 2010)	
		Particulate Matter Limit	Opacity Limit	Particulate Matter Limit	Opacity Limit	Particulate Matter Limit	Opacity Limit
1	Exceeding 3 MW	180 mg/m <sup>3</sup>	20%	120 mg/m <sup>3</sup>	20%	35 mg/m <sup>3</sup>	10%
2	Exceeding 1 MW but not exceeding 3 MW	180 mg/m <sup>3</sup>	20%	120 mg/m <sup>3</sup>	20%	50 mg/m <sup>3</sup>	10%
3	Not exceeding 1 MW	180 mg/m <sup>3</sup>	20%	120 mg/m <sup>3</sup>	20%	120 mg/m <sup>3</sup>	20%

**Testing of certain boilers and heaters fuelled by biomass**

- 18.2** (1) This section applies to a boiler or heater that
- (a) is fuelled by biomass,
  - (b) is used in an agricultural operation, and
  - (c) has a capacity exceeding one megawatt.
- (2) For the purpose of ensuring compliance with section 18.1, the person carrying out the agricultural operation must have emissions from a boiler or heater referred to in subsection (1) tested in accordance with this section.
- (3) Emissions from the boiler or heater must be tested for particulate matter
- (a) within 6 months
    - (i) after the installation of the boiler or heater, and
    - (ii) after the modification of the boiler or heater to increase its capacity by 25% or more,
  - (b) at the intervals specified in subsection (5) or (6), as applicable, and
  - (c) at any time required by a director under section 18.3.
- (4) If the boiler or heater did not have a capacity exceeding one megawatt on the date of installation, emissions from the boiler or heater must be tested for particulate matter
- (a) within 6 months
    - (i) after the modification of the boiler or heater to increase its capacity to exceeding one megawatt, and

- (ii) after any further modification of the boiler or heater to increase its capacity by 25% or more,
  - (b) at the intervals specified in subsection (5) or (6), as applicable, and
  - (c) at any time required by a director under section 18.3.
- (5) Subject to subsection (6), emissions from the boiler or heater must be tested for particulate matter not less than once during each heating season after September 1, 2009.
- (6) If the boiler or heater has a capacity not exceeding 3 megawatts and is fuelled exclusively by manufactured wood fuel, emissions from the boiler or heater must be tested for particulate matter not less than
- (a) once during the heating season beginning on October 1, 2009, and
  - (b) once during every second heating season after the heating season referred to in paragraph (a).
- (7) Emissions from the boiler or heater must be tested under normal operating conditions and when the boiler or heater is operating at not less than 75% of its capacity and is fuelled only by biomass.
- (8) All testing must be carried out using the methodology specified by a director.
- (9) If the testing data indicate that emissions from the boiler or heater exceed the applicable particulate matter limit specified in Table 1, the person carrying out the agricultural operation must
- (a) immediately notify the manager for the region in which the agricultural operation is carried out,
  - (b) take corrective action within 30 days after notifying that manager, and
  - (c) have emissions from the boiler or heater tested for particulate matter
    - (i) within 6 months after corrective action has been taken, and
    - (ii) not less than
      - (A) once in the next heating season, or
      - (B) if the boiler or heater has a capacity not exceeding 3 megawatts and is fuelled exclusively by manufactured wood fuel, once in the next heating season and then once in every second heating season.

**Additional testing and monitoring of boilers and heaters**

**18.3** A director may require the person carrying out an agricultural operation to

- (a) have additional testing or monitoring done in respect of emissions from a boiler or heater to which section 18.2 applies, or
- (b) have any other boiler or heater used in the agricultural operation tested or monitored.

**Record keeping requirements for boilers and heaters fuelled by biomass**

- 18.4** (1) This section applies to a boiler or heater fuelled by biomass that is used in an agricultural operation.
- (2) The person carrying out the agricultural operation must keep accurate records and supporting documentation in respect of
- (a) all inspections and the maintenance of the boiler or heater,
  - (b) the type, source and quantity of fuel burned by the boiler or heater, and
  - (c) the results of testing or monitoring required under section 18.2 or 18.3.

**Authority to require that other records be kept**

- 18.5** A director may require the person carrying out an agricultural operation to keep any of the following:
- (a) in relation to a boiler or heater that is fuelled otherwise than by biomass and is used in the agricultural operation, accurate records and supporting documentation in respect of
    - (i) all inspections and the maintenance of the boiler or heater,
    - (ii) the type, source and quantity of fuel burned by the boiler or heater, and
    - (iii) the results of testing or monitoring required under section 18.3 (b);
  - (b) in relation to any boiler or heater used in the agricultural operation, accurate records and supporting documentation that are additional to those required under paragraph (a) or section 18.4.

**Retention and submission of records**

- 18.6** A person required under section 18.4 or 18.5 to keep a record and supporting documentation must
- (a) retain the record and supporting documentation for not less than 3 years after the date on which the record was made, and
  - (b) submit the record and supporting documentation to a director or an officer within 5 business days of being requested by the director or officer to do so.