

Wood Residue Burner and Incinerator Regulation Ministry Intentions Paper

1. Introduction

The Ministry of Environment intends to revise the Wood Residue Burner and Incinerator Regulation (WRBIR) and repeal the associated Rebate of Waste Management Fees Regulation.¹

The Wood Residue Burner and Incinerator Regulation, under the *Environmental Management Act* (EMA), established the phase out dates and operating conditions for specified burners² and sets emission limits and fees for the discharge of associated particulate matter for all burner facilities in the province. The Rebate of Waste Management Fees Regulation allows the ministry to direct revenue from waste management fees received under terms of the WRBIR towards targeted development or commercialization of value added uses for wood residues.

The ministry's primary intention is to establish a phase out date for all remaining wood residue burners (often referred to as beehive burners) in British Columbia.

The process for revising the regulations consists of five phases:

1. **Scoping** – including commissioned and ministry staff assessments of specific technical issues and alternatives.
2. **Ministry Intentions Paper for Consultation** (intentions paper) – outlining the ministry's proposed approach.
3. **Consultation** – with affected stakeholders and the general public, using the intentions paper and response forms posted on the ministry website, and other means as required.
4. **Drafting** – preparation of legal language for consideration by the Minister and Lieutenant Governor-in-Council.

¹ For text of the regulations see: www.bclaws.ca – follow link to “Statutes and Regulations” and search under “*Environmental Management Act*.”

² Wood residue burners and incinerators governed under the regulation include beehive burners, and modified and unmodified silo burners. The regulation includes schedules with specified burner facilities and conditions for operation or phase out.

5. **Implementation** – informing ministry staff and external stakeholders of the regulatory changes.

The purpose of this paper is to communicate ministry intentions, and to seek responses and comments from stakeholders and the general public on the proposed regulatory changes. The paper provides a summary of ministry and government goals, background information concerning the regulation of burners used to dispose of wood residue generated at wood manufacturing facilities in British Columbia, and a description of the ministry's intentions. The final section of the paper describes the avenues for providing comment on the proposed regulatory changes.

The intentions paper and response form for providing comments to the ministry, and links to related legislation, are posted on the ministry's website: <http://www.env.gov.bc.ca/epd/codes/index.htm>. Additional reports related to the regulation can be accessed by clicking on the address below, or from the Ministry of Environment home page, by following [Environmental Protection Division](#) and link: <http://www.env.gov.bc.ca/epd/main/ip-list.htm>.

2. Ministry and Government Goals and Objectives

The Ministry of Environment provides leadership in environmental management through innovative legislation and programs, compliance activities and shared stewardship initiatives. The mandate of the ministry is to protect human health and safety, and maintain and restore the diversity of native species, ecosystems and habitats. Through partnerships across government, and with First Nations, the private sector and communities, the ministry works to enhance the protection and stewardship of water and air resources, advance sustainable use of environmental resources, and provide exceptional outdoor park and wildlife services and opportunities.

The provincial government has committed to eliminating all beehive burners in the province as an element of demonstrated environmental leadership.³ The BC Air Action Plan, released June 4, 2008,

³ See the February 13 2007 Speech from the Throne: <http://leg.bc.ca/38th3rd/4-8-38-3.htm>

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notes that the provincial government has been working with mill owners since the 1990s to phase out wood residue (“beehive”) burners. The “worst polluters” (Tier 1) have already been required to shut down as of 2008, and the BC Air Action Plan states that “action will be initiated [to shutdown] remaining beehive burners starting in 2010.”⁴

3. Background Information

A wood residue burner is a steel structure ranging from 10 to 20 metres in height used to dispose of wood residue from logyards and sawmills by burning. “Beehive” burners (known as “tepee” or “wigwam” burners in the United States) are conical while “silo” burners are cylindrical in shape. A “modified silo burner” is equipped with combustion controls and feed systems that allow particulate collection equipment to be added.

Wood residue burners are a significant source of particulate emissions.⁵

Wood Residue Burner and Incinerator Regulation

The Wood Residue Burner and Incinerator Regulation – setting out operating conditions and phase out dates for specified burners and prohibiting the construction of new burners – came into effect on January 1, 1996. The regulation drew on human health and safety criteria from the ministry’s wood residue management policy (based on proximity to population centers, schools and hospitals or care facilities) to identify operating conditions and phase out dates for specified burners.

All of the wood residue burners identified for phase out under the regulation were required to shut down as of December 31, 2007. The regulation did not specify a phase out or shutdown date for the remaining burners in the province.

⁴ See: www.bcairsmart.ca (Action #19).

⁵ See, for example, the following case study: www.env.gov.bc.ca/epd/regions/skeena/air/particulates/case-study.htm

Wood-fired Energy Systems

The Wood Residue Burner and Incinerator Regulation addresses the use of wood residue incinerators that have combustion controls and particulate collection equipment.

There is some confusion as to whether wood-fired energy systems – distinct from wood waste burners – can be considered to be under the purview of the existing regulation and have been authorized under its terms. The ministry however intends to regulate wood-fired energy systems by means other than this regulation – through a code of practice or targeted regulation under the *Environmental Management Act*.

The ministry has also adopted new emission limits for biomass-fired boilers and heaters that are not explicitly related or tied to the WRBIR.⁶

Rebate of Waste Management Fees Regulation

The Rebate of Waste Management Fees Regulation was established in 2000 under the *Waste Management Act* (predecessor to the *Environmental Management Act*). The regulation allows the ministry to direct revenue from fees paid under the WRBIR “for the purpose of fostering expenditures in or contributing towards the development or commercialization of value added uses for wood residues.”

Directed funding has enabled successful development and application of gasification and bio-refining technologies in British Columbia.⁷

Current Situation

Currently, forty-five wood residue burners in the province remain eligible to operate under permit of the *Environmental Management Act* and terms of the Wood Residue Burner and Incinerator Regulation. Of this number, approximately fifteen to twenty have shut down for an indefinite period due to forest sector or related economic considerations.

⁶ For example see: [Agricultural Waste Control Regulation](http://www.agriculture.gov.bc.ca/waste/awcra/)

⁷ Examples of projects that have received such directed funding can be found at: www.nexterra.ca and www.lignol.ca

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Revenue from wood residue burner permit fees has diminished in recent years due to the shutdown of larger burners, limiting the amount of potential waste management fees available for rebate. Provincial and federal governments have also established funding programs targeting “green energy” projects applicable to bioenergy and use of wood residues.⁸

4. Ministry Intentions

In support of government and ministry objectives, the ministry intends to amend the Wood Residue Burner and Incinerator Regulation to:

- ◆ Establish a final shut down date of December 31, 2016 for all remaining wood residue burners in the province
- ◆ Remove all references to wood residue burner facilities that have already been phased out under the regulation
- ◆ Remove any reference to wood residue incinerators from the regulation
- ◆ Repeal the entire regulation after all existing burners have been shut down

The Ministry also intends to repeal the Rebate of Waste Management Fees Regulation.

4.1 Establish a shut down date for all remaining wood residue burners in the province

The ministry wishes to maintain the intent of the regulation that no new burners will be authorized in the province. Furthermore, the ministry intends to amend the regulation to ensure the shut down of remaining wood residue burners in the province by December 31, 2016.

For note, Alberta has also recommended a final phase out date of 2016 for all remaining wood residue burner facilities in that province.

4.2 Remove any reference to wood residue burner facilities that have been phased out under the regulation

Phase out schedules and any other references to wood residue burners that are no longer operational are redundant and will be removed from the regulation.

4.3 Remove any reference to wood residue incinerators from the regulation

The ministry intends to regulate wood-fired energy systems (i.e., “wood residue incinerators”) through means other than the Wood Residue Burner and Incinerator Regulation.

The ministry will ensure that any *existing* wood-fired energy system that is currently authorized under the WRBIR would be regulated under appropriate legislation – such as a permit, regulation or code of practice under the *Environmental Management Act*.⁹ Any operating conditions or permit fees set out under the WRBIR for existing wood-fired energy systems could be retained or revised under appropriate regulations.

Any *new* wood-fired energy system (or “wood residue incinerator”) would similarly be regulated under permit or by code of practice under provisions of the EMA.

4.4 Repeal the regulation

The ministry is proposing that the regulation be repealed after all existing beehive, silo or modified silo burner facilities have shut down (i.e., subsequent to December 31, 2016).

Under provisions of the *Environmental Management Act*, the minister (or an identified ministry “director”) could grant short term approval for operation of a wood residue burner after the shut down date of December 31, 2016 – under specified conditions and if circumstances warrant.

⁸ See, for example, listing of funding and training programs under the “BC Climate Action Toolkit” website: www.toolkit.bc.ca/views/programs

⁹ A code of practice is a set of legally enforceable standards applied to specified industries, trades, businesses, activities or operations under the Waste Discharge Regulation of the *Environmental Management Act*.

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4.5 Repeal the Rebate of Waste Management Fees Regulation

The ministry intends to repeal the Rebate of Waste Management Fees Regulation concurrently with the proposed amendments to the WRBIR.

5. Providing Comment

The ministry is intending to draft and enact the amendments to the Wood Residue Burner and Incinerator Regulation, and repeal the Rebate of Waste Management Fees Regulation, by March 31, 2010. Comments regarding the ministry's intentions are being solicited and will be carefully considered in drafting the proposed regulatory amendments.

Those interested are invited to submit comments on the ministry's intentions – using the instructions and questions provided on the response form that accompanies this intentions paper and posted on the ministry's website at <http://www.env.gov.bc.ca/epd/main/ip-list.htm>. Individuals or organizations may also make written submissions to the ministry without following the format set out in the response form.

Comments to the ministry should be made on or before November 13, 2009.

The ministry will review and consider comments and submissions, when drafting the proposed regulation and accompanying implementation actions. Submissions will also be compiled and summarized, without specific attribution, and the summary posted on the ministry website.

Comments received will be treated with confidentiality by ministry staff and contractors when preparing consultation reports. Please note that comments you provide and information that identified you as the source of those comments may be made publicly available if a freedom of information (FOI) request is made under the *Freedom of Information and Protection of Privacy Act*.

If you have any questions or comments regarding the consultation process, review the information posted on the ministry's website, or contact Cindy

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Thank you for your time and comments!