

OPEN BURNING SMOKE CONTROL REGULATION

INFORMATION UPDATE 2016 – POLICY INTENTIONS

SUMMARY OF COMMENT

Prepared for: BC Ministry of Environment

September 2016

By: C. Rankin & Associates
Victoria, B.C.

Open Burning Smoke Control Regulation – Information Update 2016 Summary of Comment

Table of Contents

1.	Introduction	1
1.1	Background to the consultation process.....	1
1.2	Purpose and format of the <i>Summary of Comment</i> document.....	1
1.3	Description of responses received	1
	SUMMARY OF COMMENTS	3
1.	Smoke Sensitivity Zones.....	3
2.	Smoke Management Plans	4
3.	Setback Distances	4
4.	Prohibited Materials	5
5.	Community Wildfire Protection Plans	5
6.	Diseased Vegetative Debris	5
7.	Use of Air Curtain Incinerators	6
8.	Burning at Log Sorts	6
9.	Best Management Practices (BMPs)	6
10.	Power to Prohibit Open Burning.....	8
11.	New Reporting Requirements	8
12.	Custom Ventilation Forecasts.....	9
13.	Additional Comments.....	10

Open Burning Smoke Control Regulation – Information Update 2016

1. Introduction

Burning of vegetative debris is a prescribed activity under the provincial Environmental Management Act (EMA). Rules under which this burning is authorized are provided in the Open Burning Smoke Control Regulation (OBSCR). The regulation affects anyone burning vegetative debris, although most agricultural practices and some backyard burning activities are exempt from the provisions.

The Ministry of Environment (the ministry) conducted an audit in 2004 identifying concerns with the regulation. Since that time the ministry has conducted extensive consultations, with intentions papers seeking public comment in 2008 and 2010 and engagement with stakeholder review group through 2011-13. The ministry has reviewed comments received through 2013 and as a result, has substantively updated the proposed revisions to the regulation.

1.1 Background to the consultation process

An information update – policy intentions paper was posted for public review and comment on the ministry’s website (http://www.env.gov.bc.ca/epd/codes/open_burning/) June 6 through July 21, 2016. The information update document provided background information regarding prior consultations and key features of the proposed revisions. The ministry also plans to host a series of webinars on the proposed revisions following review of comments on the information update, including a general overview webinar and information targeted to municipal, agriculture and forestry interests.

1.2 Purpose and format of the *Summary of Comment* document

This document has been prepared for the Ministry of Environment by C. Rankin & Associates, contracted by the ministry to compile and review comments on the ministry’s proposed revisions of the regulation.

The complete set of responses received through the consultation process has been compiled and passed to the ministry for detailed review and consideration. All comments and references submitted through this process, through independent submissions and through direct consultations with stakeholders, will be reviewed and carefully considered by the ministry in establishing the regulation. Comments received after the closing of the consultation period are still considered by the ministry, but are not included in this summary.

The summary of comments is arranged by topic as presented in the information update paper.

1.3 Description of responses received

A total of 57 comments on the information update were received by e-mail, and have been reviewed for this summary document. Comments were received from respondents from the forest sector, the agriculture sector, government agencies, public sector agencies, environmental and community interest groups and individuals (see table below). Almost half of

respondents who commented were individuals – many of whom expressed concerns regarding or opposition to open burning.

Many of the respondents provided substantive comments supported by reference documents and photos to supplement their responses to the information update. All materials have been compiled for review by the ministry.

Table 1 Respondents by Sector

Sector	Number of Respondents	Percent of total
Forest Sector	6	11
Agriculture Sector	5	9
Local Government	6	11
Provincial Government	5	9
Public Sector (e.g., Health Authority, university or college)	4	7
First Nation	1	2
ENGO/local interest	6	11
Individuals	24	42
TOTAL	57	100%

SUMMARY OF COMMENTS

1. Smoke Sensitivity Zones

The revised regulation will establish three smoke sensitivity zones covering the entire province. This will replace the two category system (“cities, towns and villages” and “everything else”) used in the current regulation. The zones will be delineated on maps that will be part of the final regulation.

Comments or suggestions regarding the ministry’s intention to establish three smoke sensitivity zones covering the entire province.

About half of the respondents commented on this topic. Many respondents commented that a provincial map with the proposed high, medium and low smoke sensitivity zones would help the public and interested stakeholders with understanding the implications of the revisions. Several respondents requested clarification on the methodology that would be used in establishing and mapping the zones and/or the proposed definition of a “densely populated area”. Concerns about the potential of smoke sensitivity zones to impact operations were expressed by respondents from the agricultural sector and woodlot associations. Most respondents from the forestry sector expressed support or acceptance of the proposed zones.

Specific comments or concerns included:

- “[We have a] Legal obligation to dispose of debris from logging & road construction – fire [is the] most used, practical and affordable [option available to us]”
- “One size fits all does not take into consideration the varying climate conditions throughout the province”
- “Agriculture is requesting some exemptions”
- “[We are concerned about the potential for] continuous burns in the low smoke sensitivity zone”
- “[The zoning] will significantly restrict the ability to effectively manage forest fuels in the high & moderate sensitivity zones”
- “[Due to] increased forest fuel loading on the land base in high and medium smoke sensitivity zones [there is a] serious threat to adjacent communities in the wildland urban interface”

2. Smoke Management Plans

The revised smoke management plans will empower the ministry to substitute requirements on a case by case basis, in place of the “default” requirements in the regulation. These substitution powers could be used to approve existing smoke management plans or to develop new ones where appropriate.

Comments regarding the ministries’ intention to substitute requirements on a case by case basis.

Seven respondents commented on this topic. Respondents from range and woodlot associations expressed concern that requirements such as shortened burn times could unduly impinge on agricultural operations and range management practices. Respondents pointed to the “success of burn plans using best management practices [such as the South and East Vancouver Island Burn Plan]”. Additional comments included a call for “flexibility” on the part of ministry staff and a concern that “resources be in place to ensure [that smoke management plans] can be reviewed by appropriate staff [in a timely manner]”.

3. Setback Distances

Setback distances for burning will be increased to 500 metres from residences or businesses and 1,000 metres (1 km) from schools, hospitals and care facilities. Setback distances will be reduced to 50 metres in specific situations – community wildfire protection or management of diseased vegetative debris.

Comments regarding the ministry’s intention to adjust setback distances.

About 20% of respondents commented on this topic. Comments were divided – with some respondents “strongly opposed to” burning and associated setback distances, and others expressing “concern that [for example] a setback of 500 m will severely impact the ability of [agricultural land] owners to expand their operations”. Several respondents expressed concern that the proposed setbacks would impact in particular “operations [such as vineyards] on small parcels [of 5-10 acres]”. Respondents with concerns about the health impacts of burning commented, for example, that “we are not convinced that the setbacks are based on research... [there is] no mention of technology to tell us where smoke will go”.

Specific comments or concerns included:

- “Better to focus on hot burning and smoke control techniques rather than large setbacks”
- “[Burning is necessary because] woodpiles need to be cleaned up within a year if possible to prevent contamination for the rest of the farm”
- “It is unfair to impose extra regulatory burden on growers due to the exception provided to all schools on ALR”
- “Use of [an] air curtain burner should be required”

4. Prohibited Materials

The prohibited materials list in the current regulation will be expanded, with the addition of several materials unsuitable for open burning.

Comments regarding the proposed additions to the list of prohibited materials.

One respondent requested “particulars on the expanded list” from the ministry.

5. Community Wildfire Protection Plans

A specific provision for burning that takes place under “community wildfire protection plans” will facilitate burning that is required for the critical goal of reducing wildfire hazard to communities.

Comments regarding amended provisions for community wildfire protection.

Eight respondents (14% of total) commented on this topic.

Specific comments or concerns included:

- “This [provision] is outside the purview of the *Environmental Management Act*”
- “[I would recommend that] any plan names [should be] removed from the OBSCR and replaced with ‘community wildfire mitigation objective’ ”
- “[I am] concerned about projects that are not officially called community wildfire protections plans... all of the programs [should be included in the provision]”
- “[Suggested best management practices:] conditions [should be] at least ‘good’ ” [and] “pit/trench [burning] or forced air technology/blower fans [should be used]”

6. Diseased Vegetative Debris

A specific provision for burning diseased vegetative debris will facilitate the priority disposal of diseased material that might put farms or forests at risk.

Comments regarding the specific provision for burning of diseased vegetative debris.

Seven respondents commented on this topic. Several respondents noted that provisions for burning of diseased debris do not exist in the current OBSCR. Respondents from the agriculture sector highlighted the importance of this provision, that “farms are increasingly under urban encroachment” and “the use of fire [is] an accepted management practice, consistent with good science, to maintain agricultural production”.

Specific comments or concerns included:

- “Who will verify – ‘guidance on QPs, designators or organizations recognized as having the required expertise should be provided as part of the proposed revision’?”
- “[There] needs to be an exemption... to administer a burn where the movement of infested plants with a regulated pest from a site would be a risk to the environment”
- “Metro Vancouver bylaws trump OBSCR”

7. Use of Air Curtain Incinerators

The revised regulation will include provisions for reduced setback requirements and relaxed venting requirements when air curtain incinerators are used.

Comments regarding the revised provisions for burning when air curtain incinerators are used.

Six respondents commented on this topic. Respondents from the forestry sector commented on the high costs involved with use of air curtain incinerators or of relocating debris to a lower smoke sensitivity zone. Respondents from local government noted that provisions and government oversight need to be in place to ensure effective operation of air curtain incinerators. One respondent recommended provincial government incentives or support for “local projects (e.g., chipping)... [and] funding for such things as air curtain burners”.

8. Burning at Log Sorts

Provisions governing burning at log sorts for each smoke management zone will be revised (replacing the requirement to obtain a permit in all but the high smoke sensitivity zone).

Comments regarding revised provisions governing burning at log sorts.

One comment was received on this topic, recommending that the ministry “should take into consideration smoke sensitivity zones, including new increased setback distances... [also, it is] unclear whether a permit will still be required”

9. Best Management Practices (BMPs)

Best management practices – such as seasoning vegetative debris before burning, minimizing soil content in piles and constructing piles to maximize airflow, will be required.

Comments on or suggestions for the ministry to with regard to best management practices.

Twelve respondents (about 20% of total) respondents commented on this topic. This topic generated considerable detailed, and often differing, comments.

Some respondents felt that additional effort is needed to discourage burning and that consideration of “best practices” serves to condone or encourage burning. Related comments

included: “open burning is from a different era”, “encourage alternative use of this material, e.g. development of bioenergy resources like pellets, hog fuels etc.” and “[there needs to be] better use of alternatives to on-site slash burning, especially near communities”.

Other respondents commented, for example, that “finding viable alternatives to open burning will take time – further restrictive regulations in the short term will only increase the risk of potential wild fire to communities”.

Respondents provided many comments regarding drying of debris, including:

- “We recommend that any seasonal guidelines include recognition [that]... not all months are created equal when it comes to effective drying of debris”
- “[There is a] time sensitivity of diseased timber and the life cycle of [pests, such as the pine] beetle”
- “Require better rules on what seasoned piles needs to be”
- “Moisture content should be reduced to less than 20% and the required seasoning increased to at least six months”
- “[Standard should be] <30% moisture content; seasoned at least 4 months, or standing dead”
- “Same correct moisture content (20%) either for open burning or [for] use as firewood – so the public doesn’t need to remember two different moisture codes”
- “Moisture content – it would only make sense if the fire department measured the moisture content prior to a permit being issued”
- “Vegetative debris [needs] to be seasoned – 4 months is a good idea as long as the four months seasoning happens before the mid October start of permitted agriculture burning”

Additional comments or recommendations to the ministry included:

- “Implement education”
- “Re-institute inspection of burn piles by officials; if necessary implement a fee for inspection”
- “Eliminate 500 m ban on burning without air curtain incineration”
- “Allow for variance to general regulations by local officials”
- “Maybe we need significant fees to allow open burning in the first place”
- “How will the revised OBSCR deal with the cumulative impacts of multiple burns in an area?”
- “I am not able to see that dispersion modelling has been employed or [how it] is intended to be employed... small and remote settlements [such as First Nation communities] have very different demographics”
- “[I would] propose... one day burns – extinguished after 3:00 pm when overnight inversions trap smoke in valleys”

- “B.C. has never prohibited burning while WA state... routinely issue bans to indoor wood-burning fireplaces and furnaces unless these appliances are the individuals sole source of winter heat”
- “During times of atmospheric inversion, very strong winds must occur to ensure adequate venting and mixing – as ignition in the face of the heavy wind speeds cited presents serious potential issues with uncontrolled fire spreading, I suggest revising the OBSCR to enable burning during strong winds is untenable, hence my continued push for a total ban”

10. Power to Prohibit Open Burning

The ministry will retain the ability to prohibit open burning during periods of poor air quality or when pollution is occurring from open burning.

Comments regarding the ministry retaining the ability to prohibit open burning.

Five respondents commented on this topic and provided specific comments or suggestions, including:

- “[Individuals initiating a burn should be required to] complete a certification course such as gun owners, hunters, pesticide applicators do”
- “The regulation should specify how the ambient air quality objective for fine particulate matter will be applied as a criterion to prohibit open burning and to determine that pollution is occurring, e.g. the location and the duration of the measured exceedance”
- “Implementing even lower PM2.5 requirements is a step forward”
- “I would like the province to consider [provision for] a one-day burn in the high smoke sensitivity zone and set an adequate hour to start the fire”
- “The health of BC citizens will be better protected if we only allow one-day burn as the stagnation of pollutants during the night and the following morning will be avoided”
- “Burning should be the last alternative, not a default one”
- “Burning should be prohibited on weekends when people are typically outdoors”

11. New Reporting Requirements

New reporting requirements will be included in revised provisions to allow the ministry to better track emissions from open burning.

Comments or suggestions for the ministry in their development of an efficient reporting system.

Four respondents commented on this topic. Specific comments or concerns included:

- “If this means submitting a notice that burning has commenced, then fine. If it means measuring, collecting and submitting attribute and/or spatial information, then it is an issue. If the information has to be collected and/or submitted by a professional or

qualified person, then it's an even more serious issue. Small tenure holders... have limited resources and the burgeoning number and requirements of government reporting systems have become a serious issue."

- "There is so much regulation already in existence for all the food safety, WCB, and pesticide safety requirements on farms... surely government does not want more duplication and costly paperwork, when the system is already in place"
- "Reporting could be onerous why is the work of obtaining a burning permit from the local government (usually fire department) being duplicated?"
- "[We] would like to see a requirement to notify [our municipality] when any burns are planned in high or medium zones in the region – currently, a significant issue is that [our municipality] is often not involved at the planning stage of open burns"

12. Custom Ventilation Forecasts

The revised regulation will allow use of custom ventilation forecasts. These will provide location-specific forecasts of the atmosphere's ability to disperse smoke.

Comment with regard to the use of custom ventilation forecasts.

Five respondents commented on this topic, including several from provincial Fire Service Centres. Several respondents requested clarification about what a custom ventilation forecast would entail, asking, for example, "who will produce? QPs, designations or ...?" and "do the VI consider wind speed factors?"

Specific comments or recommendations included:

- "Redefine 'Good VI for burning' – [the] Agriculture Waste Disposal Best Practices Guide states it is recommended ... 65 or greater – make it a requirement NOT a recommendation"
- "More flexibility in the use of custom venting forecast – this is good"
- "The OBSCR should encourage burning during the time of day when venting is best and discourage it during the time of day when venting is poor – this would usually mean not starting a burn in the late afternoon or evening"

Concerns regarding:

- "[Restrictive venting conditions] can result in very limited burning opportunities... and [association] members unable to complete their hazard abatement programs in a given year"
- "[Our experience is that] adherence to restrictive venting conditions often resulted in greater smoke release as favourable venting did not occur early in the burning window when forest fuels were cured and dry, and the fuels would have been quickly consumed through good combustion with minimal smoke release – instead, favourable venting occurred later in the year when burning conditions were less favourable, i.e. low temperatures and wet fuels"

13. Additional Comments

Respondents provided many detailed submissions beyond specific comment on the information paper. Several respondents provided additional information about specific operational needs and/or legal requirements that necessitate open burning (e.g., for woodlot, range management or agricultural operations). Other respondents submitted information regarding the health hazards associated with open burning and smoke. Respondents also provided detailed submissions outlining a history of air quality and smoke control concerns in specific regions or communities. All submissions have been compiled and are being reviewed by the ministry.