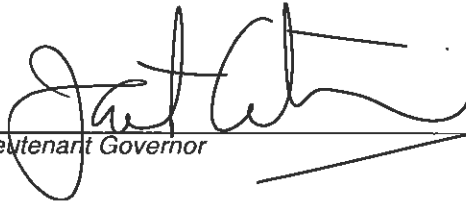


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

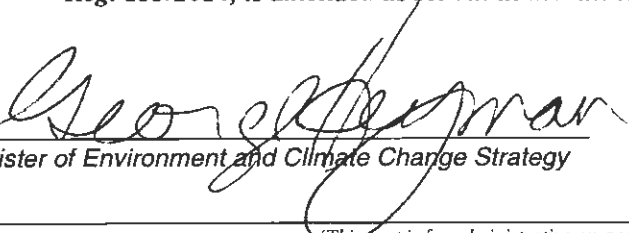
Order in Council No. 016 , Approved and Ordered January 23, 2019



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) effective February 28, 2019,
 - (i) the Agricultural Waste Control Regulation, B.C. Reg. 131/92, is repealed,
 - (ii) the Administrative Penalties (Environmental Management Act) Regulation, B.C. Reg. 133/2014, is amended as set out in the attached Schedule 1,
 - (iii) the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, is amended as set out in the attached Schedule 2,
 - (iv) the Mushroom Compost Facilities Regulation, B.C. Reg. 413/98, is amended as set out in the attached Schedule 3,
 - (v) the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, is amended as set out in the attached Schedule 4,
 - (vi) the Solid Fuel Burning Domestic Appliance Regulation, B.C. Reg. 218/2016, is amended as set out in the attached Schedule 5, and
 - (vii) the Waste Discharge Regulation, B.C. Reg. 320/2004, is amended as set out in the attached Schedule 6,
- (b) effective October 1, 2019, section 13 (2) of the Administrative Penalties (Environmental Management Act) Regulation, B.C. Reg. 133/2014, is amended by striking out “27 (1) (b), (c) or (d), (2) or (3)” and substituting “27 (1) (b) to (d) or (2) to (4)”;
- (c) effective February 28, 2020, section 13 (2) of the Administrative Penalties (Environmental Management Act) Regulation, B.C. Reg. 133/2014, is amended by striking out “75 (1) (a) or (2) (b), 77” and substituting “75 (1) (a) or (2) (b), 77, 77.1”, and
- (d) effective July 15, 2025, the Administrative Penalties (Environmental Management Act) Regulation, B.C. Reg. 133/2014, is amended as set out in the attached Schedule 7.


Minister of Environment and Climate Change Strategy


Presiding Member of the Executive Council

DEPOSITED
January 23, 2019
B.C. REG. 7/2019

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

Authority under which Order is made:

Act and section: Agricultural Land Commission Act, S.B.C. 2002, c. 36, s. 58
Environmental Management Act, S.B.C. 2003, c. 53, s. 138

Other: OIC 557/92; OIC 426/2014; OIC 571/2002; OIC 1421/98; OIC 84/2002; OIC 650/2016; OIC 723/2004

R20144803

SCHEDULE 1

- 1** *Section 13 of the Administrative Penalties (Environmental Management Act) Regulation, B.C. Reg. 133/2014, is repealed and the following substituted:*

Prescribed provisions of Code of Practice for Agricultural Environmental Management

- 13** (1) A person who contravenes any of sections 11 (2), 27 (1) (a), 34 (d), 47 (1), 51 (1) (b), 52 (1) (b) (i), 60 (2) or 75 (1) (b) of the Code of Practice for Agricultural Environmental Management is liable to an administrative penalty not exceeding \$75 000.
- (2) A person who contravenes any of sections 6, 9, 10 (2) or (3), 11 (1), 12, 13, 17, 19, 22 (a) to (c), 23, 24 (a), (b) or (d), 25, 27 (1) (b) to (d), (2) or (3), 28, 29, 32, 33 (1) or (2) (c) to (e), 34 (a) to (c), 35, 36 (1) or (3), 37 (1) (a), (c) or (e), 38 (1), 40 (a) to (e), 41, 42 (1) (a), (c) or (d), 45, 46, 49, 50 (2), 51 (1) (a), (c) or (d), 52 (1) (a), (b) (ii) or (c), 53 (1), 54 to 57, 58 (4), 59 (1) (b), (2) or (3), 60 (3), 62, 63, 64 (1) to (3), 67 (2) to (4), 68 (a) to (e), 69, 70, 71 (1) (a) to (c), (e) or (f) or (2) (b), 72, 73 (2) to (4), 74 (1) (a) to (c) or (2) (a) or (b), 75 (1) (a) or (2) (b), 77, 78 (2) (b) or (c) or (3) (b) to (d) or (f) or 80 (4) of the Code of Practice for Agricultural Environmental Management is liable to an administrative penalty not exceeding \$40 000.
- (3) A person who contravenes any of sections 3 (2), 10 (1), 14, 22 (d), 24 (c), 26, 30, 33 (2) (a) or (b), 34 (e) or (f), 36 (2), 37 (1) (b) or (d) or (2), 38 (2), 40 (f), 42 (1) (b) or (2), 43 (2) to (4), 51 (2), 52 (2), 59 (1) (a) and (c), 64 (4), 65, 68 (f), 71 (1) (d) or (2) (a), 74 (1) (d), (2) (c) or (3), 75 (2) (a), 76, 78 (3) (a) or (e) or 79 of the Code of Practice for Agricultural Environmental Management is liable to an administrative penalty not exceeding \$10 000.

SCHEDULE 2

- 1** *Section 2 (2) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, is amended*

(a) in paragraph (j) by striking out “the Agricultural Waste Control Regulation, B.C. Reg. 131/92” and substituting “the Code of Practice for Agricultural Environmental Management”, and

(b) in paragraph (k) by striking out “agricultural wastes produced on the farm for farm purposes in compliance with the Agricultural Waste Control Regulation, B.C. Reg. 131/92” and substituting “agricultural by-products generated on the farm for farm purposes in compliance with the Code of Practice for Agricultural Environmental Management”.

- 2** *Section 4 (1) (d) is amended by striking out “compost from agricultural waste” and substituting “compost from agricultural by-products”.*

SCHEDULE 3

- 1 *Section 1 of the Mushroom Compost Facilities Regulation, B.C. Reg. 413/98, is amended by repealing the definition of “agricultural waste” and substituting the following:*
 - “**agricultural by-products**” include animal manure, used mushroom-growing substrate and agricultural vegetative debris; .
- 2 *Section 2 (2) (a) is repealed and the following substituted:*
 - (a) to the composting of agricultural by-products to which the Code of Practice for Agricultural Environmental Management applies, or .
- 3 *The Schedule is amended in section 3 (1) (b) and (c) by striking out “agricultural waste” and substituting “agricultural by-products”.*

SCHEDULE 4

- 1 *Section 1 (1) of the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, is amended in the definition of “agricultural waste” by striking out “agricultural waste that is subject to the Code attached to the Agricultural Waste Control Regulation, B.C. Reg. 131/92, but” and substituting “agricultural by-products within the meaning of the Code of Practice for Agricultural Environmental Management, except it”.*
- 2 *Section 3 is amended*
 - (a) *in subsection (1) by repealing the definition of “agricultural waste composting” and substituting the following:*
 - “**agricultural composting processes**” means the composting of agricultural by-products in accordance with the Code of Practice for Agricultural Environmental Management; , *and*
 - (b) *by repealing subsection (2) (c) and substituting the following:*
 - (c) agricultural composting processes; .
- 3 *The Table to Schedule 12 is amended*
 - (a) *in column 2 opposite “manure” in column 1 by striking out “poultry, this does not include the management of animal excreta (manure) on farms as defined as agricultural waste in B.C. Reg. 131/92 but does include animal excreta (manure) not included within the scope of B.C. Reg. 131/92” and substituting “poultry. This does not include the management of animal excreta (manure) to which the Code of Practice for Agricultural Environmental Management applies on agricultural land bases, but does include animal excreta (manure) to which that code does not apply”, and*
 - (b) *in column 2 opposite “plant matter derived from processing plants” in column 1 by striking out “, these are materials which have been removed from an agricultural operation and no longer fit within the definition of agricultural waste (agricultural*

vegetation waste) as defined in B.C. Reg. 131/92” *and substituting* “that have been removed from an agricultural land base but are no longer agricultural by-products within the meaning of the Code of Practice for Agricultural Environmental Management”.

SCHEDULE 5

- 1** *Sections 3 (b) and 8 (2) (b) of the Solid Fuel Burning Domestic Appliance Regulation, B.C. Reg. 218/2016, are amended by striking out “Agricultural Waste Control Regulation” and substituting “Code of Practice for Agricultural Environmental Management”.*

SCHEDULE 6

- 1** *Schedule 2 of the Waste Discharge Regulation, B.C. Reg. 320/2004, is amended in section 1 (1) by repealing the definition of “agricultural operations” and substituting the following:*

“**agricultural operation**” has the same meaning as in the Code of Practice for Agricultural Environmental Management; .

SCHEDULE 7

- 1** *Section 13 of the Administrative Penalties (Environmental Management Act) Regulation, B.C. Reg. 133/2014, is amended*
- (a) in subsection (2) by striking out “59 (1) (b), (2) or (3)” and substituting “59 (1) (b), (2) or (3), 59.1 (1) to (3) or (4) (a)”, and*
- (b) in subsection (3) by striking out “59 (1) (a) and (c)” and substituting “59 (1) (a) and (c), 59.1 (4) (b)”.*