

Organic Matter Recycling Regulation Amendment Local Government & Waste Management Plan – Fact Sheet

Composting facilities may operate under an approved Waste Management Plan (WMP) issued by a local government. If a facility is doing so, and has an approved Operational Certificate (OC), it is not required to obtain a permit. Facilities that do not have an OC, and meet the criteria below must obtain a permit:

- Receives and uses biosolids and/or food waste to produce compost.
- Has the design capacity to produce 5,000 tonnes or greater of finished compost product annually.

A permit is required for facilities operating on existing landfills that have OCs.

Waste Management Licences:

S.25(3) of the *Environmental Management Act* (EMA) gives Regional Districts the authority to make bylaws to regulate the management of municipal solid waste through Waste Stream Management Licences (WSML). The WSML is an independent requirement of local government.

An operator that holds a WSML is still required to submit an application for a permit to the Ministry of Environment by August 8, 2016. Exemptions only apply to facilities operating under an OC specific to the composting operation. Regional Districts may still issue WSMLs, as long as a conflict is not created with permit terms and conditions, as per EMA S.25(2).

The permit does not impact any WSML an operator may have. It is possible that the two authorizations may overlap in information requirements.

Operational Certificates

If the facility is currently regulated under OMRR, the facility notification will need to be replaced with a permit under EMA. If a facility is operating under a WMP, an OC may be issued instead of a permit. A permit is similar to an OC. If the operations and environmental protection actions within the composting facility are sufficiently detailed in the current WMP language, the operator may be eligible to obtain an OC instead of a permit.

When an application is prepared for a permit, operators are asked to indicate if a WMP exists which may make the operation eligible for an OC instead of a permit. The ministry will review the WMP to assess if the language can adequately accommodate an OC.

If the WMP is written such that it assumes regulatory requirements of the facility will be managed as a notification under OMRR or there are insufficient environmental protection clauses, then a permit will be required. The ministry will not amend an existing WMP to accommodate the issuance of an OC under a WMP for eligible composting facilities.

If a facility has been issued an approval by a director as described in S.15 of EMA, this authorization will be accepted to meet the amended OMRR requirements. However, an approval is valid for only 15 months and cannot be re-issued for the same site or activity. At the end of the approval term, either a permit or OC will be required.

Once the application has been received, the ministry will review the application and determine whether the facility qualifies under an OC or a permit. Each operator will be provided with written notice of the determination.

Consultation

Regardless of which authorization instrument is designated, all operators must ensure they have conducted adequate public consultation for each impacted facility. Public notification, as per the Public Notification Regulation, is required. The province also needs to be satisfied that First Nations consultation has been fulfilled prior to making a decision on a permit.