

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 405 , Approved and Ordered July 8, 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Council, orders that, effective September 15, 2019, the Open Burning Smoke Control Regulation, B.C. Reg. 145/93, is repealed and the attached Open Burning Smoke Control Regulation is made.



Minister of Environment and Climate Change Strategy



Presiding 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, ss. 21, 76, 138 and 139*

Other: _____

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OPEN BURNING SMOKE CONTROL REGULATION

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PART 1 – INTERPRETATION AND APPLICATION

Definitions

1 In this regulation:

“**accelerant material**” means a substance used to aid ignition or accelerate combustion of a fire;

“**Act**” means the *Environmental Management Act*;

“**air curtain incinerator**” means a device that is designed to aid combustion and reduce emissions by directing a flow of air across the

- (a) open chamber in the device, or
- (b) trench

in which the combustion occurs, in such a manner as to re-circulate air and smoke in the open chamber or trench;

“**auxiliary forced air equipment**” means equipment, other than an air curtain incinerator, that applies forced air;

“**band council**” means

- (a) a “council of the band” as defined in the *Indian Act* (Canada), or
- (b) the governing body of a legal entity that, under an Act of Canada, is established as the successor to a band as defined in the *Indian Act* (Canada), not including a treaty first nation;

“**burnt surface area**” means the area that is underneath or surrounding the remains of a fire and covered by charred or smoldering vegetative debris;

“**campfire**” means an open fire that burns wood in one pile not exceeding 0.6 m in height and 0.75 m in width;

“**category 3 open fire**” means an open fire that burns

- (a) material concurrently in 3 or more piles each not exceeding 2 m in height and 3 m in width,
- (b) material in one or more piles each exceeding 2 m in height or 3 m in width, or
- (c) one or more windrows;

“**community care facility**” has the same meaning as in the *Community Care and Assisted Living Act*;

“**custom ventilation forecast**” means a forecast of the atmosphere’s ability in a geographic area to disperse smoke in accordance with section 16;

“**custom ventilation forecaster**” means a person who

- (a) is a meteorologist employed by Environment Canada and classified as a Meteorologist 3 or above,
- (b) is a Weather Forecaster, a Fire Weather Forecaster, an Air Quality Meteorologist or an Air Quality Science Specialist employed by or under contract with the government, or
- (c) has similar knowledge and experience as described in paragraph (a) or (b) and is approved in writing by a director to conduct custom ventilation forecasts for the purposes of this regulation;

“day” means a calendar day from midnight to midnight;

“diseased vegetative debris” means vegetative debris that is verified or confirmed under section 24 as being infested with a plant pathogen or insect;

“dry basis moisture content”, with respect to a given amount of vegetative debris, means the weight of moisture contained in the vegetative debris divided by the weight of the vegetative debris if the vegetative debris was dry, with both weights measured in the same weight units, multiplied by 100 and expressed as a percentage;

“dry land sort area” means an area of land in which commercially harvested timber is collected and sorted before the timber is transferred to another location, but does not include a timber processing area at a

- (a) roadside work area,
- (b) statutory right of way, within the meaning of the *Land Title Act*, or
- (c) facility that manufactures wood products other than whole logs for export or whole logs for further manufacturing by another facility;

“end”, with regards to when open burning ends, means,

- (a) if the open burning is being done using an air curtain incinerator, the point in time when the fire in the air curtain incinerator is emitting smoke from no more than 10% of the base of the air curtain incinerator, and
- (b) respecting all other open burning, the point in time when each pile of vegetative debris has ceased flaming and is emitting smoke from no more than 10% of its burnt surface area;

“high smoke sensitivity zone” means

- (a) land in the province that is outlined and shaded in pink, and labelled “High Smoke Sensitivity Zone” in the legend, on a map listed in Schedule 3 except all areas of that land that are designated under section 7 as being a medium smoke sensitivity zone or low smoke sensitivity zone, and
- (b) all areas of land that are designated under section 7 as being a high smoke sensitivity zone;

“highway” has the same meaning as in the *Transportation Act*;

“local government” has the same meaning as in the *Local Government Act*;

“low smoke sensitivity zone” means land in the province that is not a high smoke sensitivity zone or a medium smoke sensitivity zone;

“medium smoke sensitivity zone” means

- (a) land in the province that is outlined and shaded in yellow, and labelled “Medium Smoke Sensitivity Zone” in the legend, on a map listed in Schedule 3 except all areas of that land that are designated under section 7 as being a high smoke sensitivity zone or low smoke sensitivity zone, and
- (b) all areas of land that are designated under section 7 as being a medium smoke sensitivity zone;

“**ministry**” means the ministry of the minister responsible for the Act;

“**open burning**” means the combustion of vegetative debris using an open fire, other than

- (a) for a domestic or an agricultural purpose, if all of the vegetative debris is branches or other pieces of vegetative debris, with or without leaves, each branch or piece of which is less than 3 cm in diameter, or
- (b) a campfire;

“**open fire**” means the combustion of material without using a stack or chimney to vent the emitted products of combustion to the atmosphere;

“**parcel of land**” means a lot, block or other area in which land is held or into which land is subdivided;

“**pile**” includes a windrow, except in the definitions of “campfire” and “category 3 open fire” and in sections 13 (2) (c), (d) and (e) and 27 (b), (c), (f) and (g);

“**plan for community wildfire risk reduction**” means a plan, or an addendum to a plan, developed or endorsed by the government, a local government, a band council, a treaty first nation or the Nisga’a Government that

- (a) describes the risks to a community related to a fire starting outside of the community and threatening the community,
- (b) identifies the measures necessary to mitigate the risks referred to in paragraph (a) of this definition,
- (c) outlines a plan of action to implement the measures referred to in paragraph (b) of this definition, and
- (d) identifies the geographic areas to which the plan applies;

“**population centre**” means a city, town, resort municipality, district municipality, mountain resort municipality, community, first nation village or recreational community as defined and listed in the most current edition of the BC Gazetteer;

“**private land**” means land in respect of which a person other than Her Majesty the Queen holds a fee simple or leasehold interest;

“**roadside work area**” has the same meaning as in section 35 (1) of the Forest Planning and Practices Regulation;

“**seasoned vegetative debris**” means vegetative debris that

- (a) has been dried to the extent that the dry basis moisture content is 30% or less,
- (b) has been put in piles for a period of at least 4 months, or
- (c) has originated from standing dead timber;

“smoke” means the gases, particulate matter and other products of combustion emitted into the atmosphere from open burning;

“start”, with regards to when open burning starts, means,

- (a) if the open burning is being done using an air curtain incinerator, the point in time when the fire in the air curtain incinerator is first ignited, and
- (b) respecting all other open burning, the point in time when the first pile of vegetative debris is ignited;

“vegetative debris” means disturbed or undisturbed vegetative matter targeted for disposal;

“ventilation forecast” means the afternoon ventilation index forecast issued by Environment Canada for a geographic area;

“work camp” means land or premises on which an employer, in connection with a logging, sawmill, mining, oil or gas operation, a construction project, a cannery, or a similar thing, owns, operates or maintains, or has established, permanent or temporary structures for use, with or without charge, by at least 100 employees as living quarters.

Prescribed activity

- 2 The activity of open burning is prescribed for the purposes of section 6 (3) of the Act.

Open burning requiring a permit or approval under the Act

- 3 A person must obtain a permit or an approval under, respectively, section 14 or 15 of the Act in order to carry on any of the following open burning:
 - (a) open burning at a dry land sort area in a high smoke sensitivity zone;
 - (b) open burning at a facility that manufactures wood products, other than whole logs for export or whole logs for further manufacturing by another facility.

Exemptions from this regulation

- 4
 - (1) If a person carries on open burning in accordance with a permit or approval as described in section 3 (a) or (b) of this regulation, the open burning is exempt from all the provisions of this regulation.
 - (2) If a person carries on open burning under a plan for community wildfire risk reduction in a high smoke sensitivity zone or medium smoke sensitivity zone in accordance with an approval issued under section 15 of the Act, the open burning is exempt from sections 9, 10, 11, 13, 14 and 15 and Part 3 of this regulation.
 - (3) If a person carries on open burning of diseased vegetative debris in a high smoke sensitivity zone or medium smoke sensitivity zone in accordance with an approval issued under section 15 of the Act, the open burning is exempt from sections 9, 10, 11, 13, 14 and 15 and Part 3 of this regulation.
 - (4) If a person carries on open burning using air curtain incinerators in a high smoke sensitivity zone in accordance with an approval issued under section 15 of the Act, the open burning is exempt from sections 9, 10, 11, 13, 14 and 15 and Part 3 of this regulation.

- (5) If, before the date this section comes into force, a person was issued a permit or an approval under, respectively, section 14 or 15 of the Act to carry on open burning and the open burning is carried on in accordance with the permit or approval, as applicable, the open burning is exempt from all the provisions of this regulation.

Application of regulation respecting open burning for domestic or agricultural purpose

- 5 This regulation applies to open burning for a domestic or an agricultural purpose as follows:
- (a) if all of the vegetative debris open burned is branches or other pieces of vegetative debris, with or without leaves, each branch or piece of which is less than 10 cm in diameter but of which at least some of the individual branches or pieces are 3 cm or greater, only sections 9, 12 and 30 of this regulation apply to the open burning;
 - (b) if all of the vegetative debris open burned is branches or other pieces of vegetative debris, with or without leaves, of which at least some of the individual branches or pieces are 10 cm or greater in diameter, this regulation applies with respect to the open burning.

Open fires not authorized by regulation

- 6 Nothing in this regulation authorizes an open fire that is
- (a) prohibited by a ban on igniting open fires imposed by
 - (i) a fire department, as defined in the *Fire Services Act*,
 - (ii) a local government, or
 - (iii) an improvement district, as defined in the *Local Government Act*, or
 - (b) contrary to the *Wildfire Act* or any other enactment.

Director may designate an area as being a different smoke sensitivity zone

- 7 (1) A director may designate an area of land in a
- (a) low smoke sensitivity zone as being a medium smoke sensitivity zone or high smoke sensitivity zone,
 - (b) medium smoke sensitivity zone as being a low smoke sensitivity zone or high smoke sensitivity zone, or
 - (c) high smoke sensitivity zone as being a low smoke sensitivity zone or medium smoke sensitivity zone,
- for a specified period of time not exceeding 18 months if the director considers doing so is necessary or adequate to protect the public or the environment.
- (2) The director may do any of the following with respect to a designation made under subsection (1):
- (a) cancel the designation before the end of the specified period, if the director considers the designation is no longer necessary or adequate to protect the public or the environment;

- (b) extend the designation for specified periods, each period not to exceed 18 months, if the director considers it necessary or adequate to protect the public or the environment;
 - (c) cancel the designation and make a different designation under subsection (1), if the director considers it necessary or adequate to protect the public or the environment.
- (3) The director must give notice to the public of action taken under subsection (1) or (2)
- (a) on a publicly accessible website maintained by or on behalf of the ministry for the purposes of this section, and
 - (b) in a newspaper published in British Columbia and circulating in the area designated under subsection (1) or, if no newspaper circulates in the area, in a newspaper that circulates near to the area and includes a newspaper that is free and that does not have subscribers.

PART 2 – GENERAL REQUIREMENTS FOR OPEN BURNING

Application of general requirements

- 8** All the provisions of this Part apply with respect to open burning under this regulation unless a provision of this regulation expressly indicates that
- (a) one or more provisions of this Part do not apply to the open burning, or
 - (b) only one or more provisions of this Part apply to the open burning.

Location of open burning

- 9** A person must not move vegetative debris that is targeted for open burning from the location on which the vegetative debris originates except within a 5 km radius of where the vegetative debris originates.

Minimize vegetative debris to be open burned

- 10** A person who targets vegetative debris for open burning must, before the open burning is carried on by that person or another person, ensure that every reasonable alternative for reducing, reusing or recycling the vegetative debris is used in order to minimize the amount of the vegetative debris to be open burned.

Strategies and techniques to minimize smoke

- 11** A person who carries on open burning must ensure that all reasonable efforts are taken to minimize the amount of smoke emitted by the open burning including, but not limited to, using the following strategies or techniques:
- (a) minimizing any soil content that may be mixed in with the vegetative debris;
 - (b) in the case of open burning piles of the vegetative debris, constructing each pile in a way that maximizes the air flow through the vegetative debris in the pile;
 - (c) maximizing the amount of vegetative debris that is seasoned vegetative debris.

Prohibited materials

- 12 A person who carries on open burning must ensure that the materials listed in paragraphs (a) to (x) of the definition of “burning or incineration of prohibited material” in section 2 of Schedule 1 of the Waste Discharge Regulation are not included, nor used as accelerant material, in the open burning.

Setbacks for open burning

- 13 (1) A person who carries on open burning must ensure that the open burning is carried on at least
- (a) 500 m from all neighbouring buildings that
 - (i) are residences, or
 - (ii) contain businesses in which persons carry on the business during regular business hours, and
 - (b) 1000 m from the nearest property line of all schools, hospitals and community care facilities.
- (2) Despite subsection (1), a person may carry on open burning at least
- (a) 100 m from all neighbouring buildings that
 - (i) are residences, or
 - (ii) contain businesses in which persons carry on the business during regular business hours, and
 - (b) 500 m from the nearest property line of all schools, hospitals and community care facilities,
- if the person ensures that the following conditions are met with respect to the open burning:
- (c) the vegetative debris is put in piles before it is open burned;
 - (d) for each pile of the vegetative debris, the largest horizontal dimension is not greater than twice the height;
 - (e) a written record of the dates the vegetative debris was put into piles is available to an officer on request;
 - (f) the vegetative debris is not comprised of any stumps and the largest part of each separate portion of the vegetative debris has a diameter less than 50 cm;
 - (g) the vegetative debris is seasoned vegetative debris;
 - (h) no later than 24 hours in advance of starting the open burning, all reasonable efforts are made to give notification of the location of the open burning to the occupants of all residences, businesses, schools, hospitals and community care facilities within 500 m of the open burning, including by giving notification to the persons who manage the school, hospital or community care facility, as applicable;
 - (i) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:
 - (i) that

- (A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or
- (B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;
- (ii) the forecast obtained under subparagraph (i) (A) or (B) is “good” for the day the open burning starts;
- (j) the open burning starts not earlier than one hour after sunrise;
- (k) the open burning ends by 4 p.m. or two hours before sunset, whichever is later, on the same day the open burning starts.

Conditions when open burning starts

- 14** Despite any other provision of this regulation, a person must not start open burning if the local air flow or atmospheric mixing is likely to cause the smoke emitted by the open burning to
- (a) negatively impact a nearby population centre or work camp, or
 - (b) be a navigation hazard at nearby airports or on nearby highways by significantly reducing visibility.

Conditions after open burning starts

- 15** Despite any other provision of this regulation, a person who carries on open burning must, after the open burning starts, ensure that, if the local air flow or atmospheric mixing is causing or is likely to cause the smoke emitted by the open burning to
- (a) negatively impact a nearby population centre or work camp, or
 - (b) be a navigation hazard at nearby airports or on nearby highways by significantly reducing visibility,
- no more of the vegetative debris is ignited, added to ignited piles of the vegetative debris or put in an air curtain incinerator until the local air flow or atmospheric mixing is not causing and is not likely to cause the smoke emitted by the open burning to have an effect described in paragraph (a) or (b).

Custom ventilation forecasts

- 16** If a person obtains a custom ventilation forecast for the purpose of carrying on open burning, the person must ensure that the custom ventilation forecast is
- (a) obtained from a custom ventilation forecaster, and
 - (b) submitted by email to the ministry, using the email address made known by the ministry for the purposes of this section, before starting the open burning.

PART 3 – SPECIFIC REQUIREMENTS FOR OPEN BURNING

Application of specific requirements

- 17** (1) If open burning is carried on under a plan for community wildfire risk reduction, the open burning must be carried on in accordance with Division 1, 2, 4 or 5.

- (2) If the vegetative debris open burned is diseased vegetative debris, the open burning must be carried on in accordance with Division 1, 3, 4 or 5.
- (3) If the vegetative debris open burned is generated at or transported to a dry land sort area, the open burning must be carried on in accordance with Division 4.
- (4) If open burning is carried on using air curtain incinerators, the open burning must be carried on in accordance with Division 5.
- (5) If subsections (1) to (4) do not apply to an open burning, the open burning must be carried on in accordance with Division 1.

Division 1 – High, Medium and Low Smoke Sensitivity Zones

Allowable periods of open burning in high smoke sensitivity zone

- 18** A person with possession or control of a parcel of land that is
- (a) private land,
 - (b) smaller than 64 hectares, and
 - (c) within or partially within a high smoke sensitivity zone
- must ensure that open burning on the parcel of land is carried on no more than
- (d) 12 days or portions of days in each calendar year, and
 - (e) 6 days or portions of days in each calendar month.

Open burning for less than one day in high or medium smoke sensitivity zone

- 19** A person may carry on open burning in either a high smoke sensitivity zone or a medium smoke sensitivity zone for a period that is less than one day if the person ensures that the following conditions are met with respect to the open burning:
- (a) in the case of a high smoke sensitivity zone, the vegetative debris is seasoned vegetative debris;
 - (b) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:
 - (i) that
 - (A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or
 - (B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;
 - (ii) the forecast obtained under subparagraph (i) (A) or (B) is “good” for the day the open burning starts;
 - (c) the open burning starts not earlier than one hour after sunrise;
 - (d) the open burning ends by 4 p.m. or two hours before sunset, whichever is later, on the same day the open burning starts.

**Open burning for more than one day
in high smoke sensitivity zone**

- 20** A person may carry on open burning in a high smoke sensitivity zone for a consecutive period that is less than 2 days if the person ensures that the following conditions with respect to the open burning are met:
- (a) the vegetative debris is seasoned vegetative debris;
 - (b) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:
 - (i) that
 - (A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or
 - (B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;
 - (ii) the forecast obtained under subparagraph (i) (A) or (B) is
 - (A) "good" for the day the open burning starts, and
 - (B) "good" or "fair" for the second day of the open burning;
 - (c) the open burning starts not earlier than one hour after sunrise;
 - (d) unlit piles of the vegetative debris are ignited, and remaining unlit vegetative debris is added to the ignited piles of the vegetative debris, only during the period that starts one hour after sunrise and ends 4 hours before sunset on the day the open burning starts;
 - (e) the open burning ends by 4 p.m. on the second day of the open burning.

**Open burning for more than one day
in medium smoke sensitivity zone**

- 21** A person may carry on open burning in a medium smoke sensitivity zone for a consecutive period that is less than 4 days if the person ensures that the following conditions are met with respect to the open burning:
- (a) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:
 - (i) that
 - (A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or
 - (B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;
 - (ii) the forecast obtained under subparagraph (i) (A) or (B) is
 - (A) "good" for the day the open burning starts, and
 - (B) "good" or "fair" for the second day of the open burning;
 - (b) the open burning starts not earlier than one hour after sunrise;
 - (c) unlit piles of the vegetative debris are ignited only during the period that starts one hour after sunrise and ends 2 hours before sunset on the day the open burning starts;

- (d) remaining unlit vegetative debris is added to the ignited piles of the vegetative debris only during the period that starts one hour after sunrise and ends 2 hours before sunset
 - (i) on the day the open burning starts, and
 - (ii) on the second day of the open burning;
- (e) if a ventilation forecast was obtained under paragraph (a) (i) (A) or (B), before adding any remaining unlit vegetative debris to the ignited piles of the vegetative debris on the second day of the open burning,
 - (i) a ventilation forecast or a custom ventilation forecast for that area is obtained, and
 - (ii) the forecast obtained under subparagraph (i) is “good” or “fair” for the second day of the open burning;
- (f) the open burning ends by 4 p.m. on the fourth day of the open burning.

**Open burning for more than one day
in low smoke sensitivity zone**

- 22** A person may carry on open burning in a low smoke sensitivity zone for a consecutive period that is less than 6 days if the person ensures that the following conditions are met with respect to the open burning:
- (a) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:
 - (i) that
 - (A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or
 - (B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;
 - (ii) the forecast obtained under subparagraph (i) (A) or (B) is
 - (A) “good” or “fair” for the day the open burning starts, and
 - (B) “good” or “fair” for the second day of the open burning;
 - (b) the open burning ends by 4 p.m. on the sixth day of the open burning.

Division 2 – Plans for Community Wildfire Risk Reduction

**Open burning under plan for
community wildfire risk reduction**

- 23** (1) Sections 11 (c) and 13 do not apply to a person carrying on open burning under a plan for community wildfire risk reduction if the person carries on the open burning in accordance with subsection (2) of this section.
- (2) A person may carry on open burning under a plan for community wildfire risk reduction for a period that is less than one day if the person ensures that the following conditions are met with respect to the open burning:
- (a) at least 10 days but no more than 90 days before starting the open burning,
 - (i) the plan for community wildfire risk reduction is submitted to a director, and

- (ii) a description of the location of the open burning is provided to a director;
- (b) the open burning is an action identified in the plan for community wildfire risk reduction;
- (c) no later than 24 hours in advance of starting the open burning, all reasonable efforts are made to give notification of the location of the open burning to the occupants of all residences, businesses, schools, hospitals and community care facilities within 150 m of the open burning, including by giving notification to the persons who manage the school, hospital or community care facility, as applicable;
- (d) the open burning is at least
 - (i) 50 m from all neighbouring buildings that
 - (A) are residences, or
 - (B) contain businesses in which persons carry on the business during regular business hours, and
 - (ii) 100 m from the nearest property line of all schools, hospitals and community care facilities;
- (e) the following is met with respect to the general area in which the open burning is located:
 - (i) that
 - (A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or
 - (B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;
 - (ii) the forecast obtained under subparagraph (i) (A) or (B) is “good” or “fair” for the day the open burning starts;
- (f) the open burning starts not earlier than one hour after sunrise;
- (g) the open burning ends by 4 p.m. or two hours before sunset, whichever is later, on the same day the open burning starts.

Division 3 – Diseased Vegetative Debris

Verification or confirmation of diseased vegetative debris

- 24** Before carrying on open burning under section 25, a person must
- (a) ensure that
 - (i) the vegetative debris is verified as being infested with a pathogen or insect listed in Schedule 1 by one of the following persons:
 - (A) a person registered as an agrologist under the *Agrologists Act*;
 - (B) a professional biologist as defined in the *College of Applied Biology Act*;
 - (C) a professional forester, or registered forest technologist, as defined in the *Foresters Act*, and

- (ii) the verification referred to in subparagraph (i) is submitted to a director, or
- (b) ensure that a director has confirmed in writing that
 - (i) a pathogen or insect not listed in Schedule 1 has infested the vegetative debris, and
 - (ii) the open burning of the vegetative debris is necessary to stop the spread of the pathogen or insect.

Open burning diseased vegetative debris

- 25** (1) Sections 11 (c) and 13 do not apply to a person carrying on open burning of diseased vegetative debris if the person carries on the open burning in accordance with section 24 and this section.
- (2) A person may carry on open burning of diseased vegetative debris for a period that is less than one day if the person ensures that the following conditions are met with respect to the open burning:
- (a) a director is notified in writing at least 24 hours before the earliest planned date for starting the open burning;
 - (b) at least 50% of the vegetative debris open burned is diseased vegetative debris;
 - (c) accelerant material is used if the diseased vegetative debris is not seasoned vegetative debris;
 - (d) no later than 24 hours in advance of starting the open burning, all reasonable efforts are made to give notification of the location of the open burning to the occupants of all residences, businesses, schools, hospitals and community care facilities within 150 m of the open burning, including by giving notification to the persons who manage the school, hospital or community care facility, as applicable;
 - (e) the open burning is at least
 - (i) 50 m from all neighbouring buildings that
 - (A) are residences, or
 - (B) contain businesses in which persons carry on the business during regular business hours, and
 - (ii) 100 m from the nearest property line of all schools, hospitals and community care facilities;
 - (f) if ventilation forecasts are available for the general area in which the open burning is located, the following is met:
 - (i) that
 - (A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or
 - (B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;
 - (ii) the forecast obtained under subparagraph (i) (A) or (B) is “good” or “fair” for the day the open burning starts;

- (g) the open burning starts not earlier than one hour after sunrise;
- (h) the open burning ends by 4 p.m. or two hours before sunset, whichever is later, on the same day the open burning starts.

Division 4 – Dry Land Sort Areas

Open burning at a dry land sort area

- 26** (1) Sections 9, 11 (c) and 13 (2) do not apply to a person who carries on open burning of vegetative debris generated at or transported to a dry land sort area if the person carries on the open burning in accordance with this section.
- (2) A person may carry on open burning of vegetative debris generated at or transported to a dry land sort area, no part of which is in a high smoke sensitivity zone, for a consecutive period that is less than 4 days if the person ensures that the following conditions are met with respect to the open burning:
- (a) the open burning is carried on in the dry land sort area;
 - (b) the open burning is carried on using air curtain incinerators in accordance with section 28, if all of the dry land sort area is
 - (i) in a low smoke sensitivity zone or medium smoke sensitivity zone, and
 - (ii) less than 5 km from the nearest boundary of the nearest high smoke sensitivity zone;
 - (c) the open burning is carried on using auxiliary forced air equipment in accordance with section 27 or air curtain incinerators in accordance with section 28, if all or a part of the dry land sort area is
 - (i) in a low smoke sensitivity zone or medium smoke sensitivity zone, and
 - (ii) 5 km or more from the nearest boundary of the nearest high smoke sensitivity zone.

Auxiliary forced air equipment in dry land sort area

- 27** A person carrying on open burning using auxiliary forced air equipment as set out in section 26 (2) (c) must ensure that
- (a) the auxiliary forced air equipment blowers operate with a minimum required air flow of 200 cubic metres per minute at all times the blowers are operating,
 - (b) the auxiliary forced air equipment blowers operate continuously with respect to a pile of the vegetative debris until the open burning of the pile is creating its own air convection current,
 - (c) the following is met with respect to the general area in which the open burning is located:
 - (i) that
 - (A) a ventilation forecast for that area is obtained on the day, but before, the open burning starts, or

- (B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning starts;
- (ii) the forecast obtained under subparagraph (i) (A) or (B) is
 - (A) “good” for the day the open burning starts, and
 - (B) “good” or “fair” for the second day of the open burning if the open burning is for more than one day,
- (d) the open burning starts not earlier than one hour after sunrise,
- (e) unlit piles of the vegetative debris are ignited, and remaining unlit vegetative debris is added to the ignited piles of the vegetative debris, only during the period that starts one hour after sunrise and ends 3 hours before sunset,
- (f) if a ventilation forecast was obtained under paragraph (c) (i) (A) or (B), for each day the open burning is carried on after the day the open burning starts and before adding any remaining unlit vegetative debris to the ignited piles of the vegetative debris,
 - (i) a ventilation forecast or a custom ventilation forecast for the area of the open burning is obtained, and
 - (ii) the ventilation forecast obtained under subparagraph (i) is “good” or “fair” for the day it is obtained,
- (g) if the ventilation forecast obtained under paragraph (f) (i) is “poor” for the day it is obtained, no more unlit piles of the vegetative debris are ignited and no more of the remaining unlit vegetative debris is added to the ignited piles of the vegetative debris, and
- (h) the open burning ends by 4 p.m. on the fourth day of the open burning.

Division 5 – Air Curtain Incinerators

Open burning using air curtain incinerators

- 28** (1) In this section, “opacity” means the degree to which smoke obscures the view of an object in the background, expressed numerically from 0% (transparent) to 100% (opaque), as determined in accordance with the United States Code of Federal Regulations, Title 40, Part 60, Chapter 1, Appendix A-4, Method 9, as amended from time to time.
- (2) Sections 11 (b) and (c) and 13 do not apply to a person carrying on open burning using air curtain incinerators if the person carries on the open burning in accordance with subsection (3) of this section.
- (3) A person may carry on open burning using air curtain incinerators if
- (a) the open burning is carried on
 - (i) between 100 m and 1 km from all neighbouring buildings that
 - (A) are residences, or
 - (B) contain businesses in which persons carry on the business during regular business hours, and
 - (ii) between 500 m and 2 km from the nearest property line of all schools, hospitals and community care facilities,

- and the person complies with subsections (4) and (5), or
- (b) the open burning is carried on at least
 - (i) 1 km from all neighbouring buildings that
 - (A) are residences, or
 - (B) contain businesses in which persons carry on the business during regular business hours, and
 - (ii) 2 km from the nearest property line of all schools, hospitals and community care facilities,and the person complies with subsection (4).
- (4) For the purposes of subsections (3) (a) and (b), the person carrying on the open burning must ensure the following conditions are met with respect to the open burning:
- (a) opacity does not exceed 40% during the 30-minute period following the start of the open burning and does not exceed 15% for more than 5 consecutive minutes during any other 30-minute period during the open burning;
 - (b) the vegetative debris is not stacked above the air outlet of the air curtain incinerators;
 - (c) the blowers of the air curtain incinerators operate continuously until the air curtain incinerators cease combustion of the vegetative debris or until all of the vegetative debris that is being open burned in them is reduced to ash;
 - (d) the air curtain incinerators are operated in accordance with the manufacturer's recommendations;
 - (e) a copy of the manufacturer's recommendations referred to in paragraph (d) is kept on the site of the open burning for the duration of the open burning.
- (5) For the purposes of subsection (3) (a), the person carrying on the open burning must ensure the following conditions are met with respect to the open burning:
- (a) the open burning starts not earlier than one hour after sunrise;
 - (b) the vegetative debris is added to the ignited air curtain incinerators only during the period that starts one hour after sunrise and ends at sunset;
 - (c) the following is met with respect to the general area in which the open burning is located:
 - (i) that, for each day the open burning is carried on,
 - (A) the ventilation forecast for that area is obtained on the day, but before, the open burning is carried on, or
 - (B) a custom ventilation forecast for that area is obtained on the day before or on the day, but before, the open burning is carried on;
 - (ii) the forecast obtained under subparagraph (i) (A) or (B) is "good" or "fair" for the day the open burning is carried on;
 - (d) if the forecast obtained under paragraph (c) (i) (A) or (B) is "poor" for the day it is obtained, no more of the vegetative debris is ignited.

PART 4 – SUBSTITUTED REQUIREMENTS

Substituted requirements for open burning

- 29 (1) A director may, on his or her own initiative, substitute a different requirement for a requirement contained in this regulation if the director considers that, in the individual case,
- (a) the substitution is necessary to protect the public or the environment, or
 - (b) the intent of the regulation will be met by the substitution.
- (2) A director may make a substitution under subsection (1)
- (a) for a specified period of time, and
 - (b) subject to the conditions the director considers appropriate.
- (3) On making the decision to substitute a different requirement for a requirement contained in this regulation as set out in subsection (1), a director must
- (a) serve a signed copy of his or her decision on the person to whom the substituted requirement applies by registered mail sent to the person's last known address, and
 - (b) publish the decision in a newspaper published in British Columbia and circulating in the area affected by the decision and includes a newspaper that is free and that does not have subscribers.
- (4) A director may, on his or her own initiative, cancel or amend a decision made under subsection (1) whenever, based on new information, the director considers that
- (a) the cancellation or amendment is necessary to protect the public or the environment, or
 - (b) the intent of the regulation will be met by the cancellation or amendment.

PART 5 – AIR PROTECTION MEASURES

Director may prohibit open burning

- 30 (1) A director may, by public notice or written instruction or both, and for a period of time specified by the director, prohibit open burning in an area
- (a) if the director considers that the amount of particulate matter in the air in the area has reached, or will reach within 24 hours, a level that is likely to result in the air quality in the area not meeting the ambient air quality objectives as set out in Schedule 2, or
 - (b) if the director considers that pollution is occurring, or likely to occur, from open burning.
- (2) A prohibition issued under subsection (1) may include one or more of the following requirements with respect to open burning in the area:
- (a) all open burning must be extinguished;
 - (b) none of the vegetative debris may be ignited or added to ignited piles of the vegetative debris.

- (3) A director may, by public notice or written instruction or both, repeal a prohibition issued under subsection (1), if
 - (a) in the case of a prohibition issued under subsection (1) (a), the director considers that the amount of particulate matter in the air in the area no longer reaches, and will not reach within 24 hours, a level that is likely to result in the air quality in the area not meeting the ambient air quality objectives as set out in Schedule 2, or
 - (b) in the case of a prohibition issued under subsection (1) (b), the director considers that the pollution is no longer occurring, or no longer likely to occur, from open burning.
- (4) Despite Parts 2 to 4, a person must not act contrary to a prohibition issued under this section.

PART 6 – MISCELLANEOUS

Records and reporting requirements

- 31**
- (1) A person who carries on open burning using one or more category 3 open fires or one or more air curtain incinerators must ensure that a record is made containing the following information with respect to the open burning:
 - (a) the burn registration number, if the person has a burn registration number issued under the Wildfire Regulation;
 - (b) if the person does not have a burn registration number, the person's name, address and contact information and the geographic location of the area in which the open burning is taking place;
 - (c) any decisions respecting substituted requirements made under section 29 that apply to the open burning;
 - (d) any ventilation forecasts or custom ventilation forecasts obtained in respect of the open burning;
 - (e) the date on which the open burning starts;
 - (f) the number of piles or air curtain incinerators ignited.
 - (2) The person who carries on the open burning referred to in subsection (1) must
 - (a) ensure that the record made under that subsection is kept on site and available for the duration of the open burning,
 - (b) ensure the record is retained for a period of one year beginning on the start date of the open burning, and
 - (c) submit the record to an officer on request.
 - (3) The director may, by written notice, require a person or a class of persons described in subsection (1) to submit, in a form and manner specified by the director, by March 31 in the year following the year in which the open burning is carried on, a report that includes the following information:
 - (a) the dates on which open burning is carried on;
 - (b) the location of the open burning;

- (c) whether the open burning relates to a domestic or industrial purpose and, if it relates to an industrial purpose, the name of the industry;
- (d) for each day the open burning was carried on,
 - (i) the number of piles ignited and the approximate size of each pile, or
 - (ii) the approximate volume of vegetative debris open burned;
- (e) the burn registration number, if the person who carried on the open burning has a burn registration number issued under the Wildfire Regulation.

Offences and penalties

- 32
- (1) A person who contravenes section 12, 17 or 30 (4) commits an offence and is liable on conviction to a fine of not more than \$200 000.
 - (2) A person who contravenes section 9, 10, 11, 13, 14 or 15 commits an offence and is liable on conviction to a fine of not more than \$50 000.
 - (3) A person who contravenes section 31 commits an offence and is liable on conviction to a fine of not more than \$5 000.

Accessibility of maps

- 33
- The director must ensure that copies of the maps referred to in Schedule 3 are available
- (a) on a website that is maintained by or on behalf of the ministry of the minister and is publicly and freely accessible, and
 - (b) during regular business hours and without charge at the following location:

Address:

Environmental Standards Branch, Environmental Protection Division
3rd Floor – 525 Superior Street
Victoria, British Columbia
V8V 0C5

Email:

envprotdiv@Victoria1.gov.bc.ca

SCHEDULE 1

PLANT PATHOGENS

Item	Column 1 Common Name	Column 2 Species
1	Anthracnose and perennial cankers	Cryptosporiopsis curvispora, Cryptosporiopsis alba, Cryptosporiopsis perennans, Neofabraea malicorticis, Neofabraea alba, Neofabraea perennans or Pezicula malicortis
2	Botryosphaeria canker	Botryosphaeria
3	Dutch elm disease	Ophiostoma ulmi, Ophiostoma novo-ulmi or Ceratocystis
4	Eastern filbert blight	Anisogramma anomala
5	European canker	Nectria galligena
6	European larch canker	Lachnellula willkommii
7	Fire blight	Erwinia amylovora
8	Godronia (fusicoccum) canker	Fusicoccum putrefaciens or Godronia cassandrae
9	Leucostoma (cytospora) canker	Leucostoma cincta, Leucostoma persoonii, Valsa cincta or Valsa leucostoma
10	Oak wilt	Ceratocystis fagacearum
11	Pear trellis rust	Gymnosporangium fuscum
12	Phomopsis canker	Phomopsis vaccinii or Diaporthe vaccinii
13	Plum pox virus or Sharka	Plum pox virus
14	Ramorum blight and canker or sudden oak death	Phytophthora ramorum
15	Thousand canker disease	Geosmithia morbida

INSECTS

Item	Column 1 Common Name	Column 2 Species
1	Ambrosia beetle	Xyleborus dispar
2	Apple clearwing moth	Synanthedon myopaeformis
3	Asian long-horned beetle	Anoplophora glabripennis
4	Banded elm bark beetle	Scolytus schevyrewi
5	Black pine bark beetle	Hylastes ater
6	Brown spruce long-horned beetle	Tetropium fuscum
7	Citrus long-horned beetle	Anoplophora chinensis
8	Common pine shoot beetle	Tomicus piniperda
9	Dogwood borer	Synanthedon scitula
10	Douglas-fir beetle or larvae	Dendroctonus pseudotsugae
11	Emerald ash borer	Agilus planipennis

Item	Column 1 Common Name	Column 2 Species
12	European spruce long-horned beetle	Tetropium castaneum
13	Japanese cedar long-horned beetle	Callidiellum rufipenne
14	Mountain pine beetle or larvae	Dendroctonus ponderosae
15	Native and European elm bark beetle	Hylurogopinus rufipes or Scolytus multistriatus
16	Peach tree borer	Synanthedon exitiosa
17	Shot hole borer	Scolytus rugulosus
18	Spruce beetle or larvae	Dendroctonus rufipennis
19	Walnut twig beetle	Pityophthorus juglandis

SCHEDULE 2

**AMBIENT AIR QUALITY OBJECTIVES FOR
PARTICULATE MATTER**

Column 1 Size of Particulate Matter	Column 2 Air Quality Objective (based on annual 98th percentile value)
PM 2.5	25 µg/m ³
PM 10	50 µg/m ³

SCHEDULE 3

SMOKE SENSITIVITY ZONES

Item	Column 1 Provincial Smoke Sensitivity Map Name	Column 2 Map No.	Column 3 Map Date
1	Penticton	82E	July 3, 2019
2	Nelson	82F	July 3, 2019
3	Fernie	82G	July 3, 2019
4	Kananaskis Lakes	82J	July 3, 2019
5	Lardeau	82K	July 3, 2019
6	Vernon	82L	July 3, 2019
7	Seymour Arm	82M	July 3, 2019
8	Golden	82N/O	July 3, 2019
9	Canoe River	83D	July 3, 2019
10	Mount Robson	83E	July 3, 2019
11	Victoria	92B	July 3, 2019
12	Cape Flattery	92C	July 3, 2019
13	Nootka Sound	92E	July 3, 2019
14	Port Alberni	92F	July 3, 2019
15	Vancouver	92G	July 3, 2019
16	Hope	92H	July 3, 2019
17	Ashcroft	92I	July 3, 2019
18	Pemberton	92J	July 3, 2019
19	Bute Inlet	92K	July 3, 2019
20	Alert Bay	92L	July 3, 2019
21	Rivers Inlet	92M	July 3, 2019
22	Mount Waddington	92N	July 3, 2019
23	Taseko Lakes	92O	July 3, 2019
24	Bonaparte Lake	92P	July 3, 2019
25	Quesnel Lake	93A	July 3, 2019
26	Quesnel	93B	July 3, 2019
27	Anahim Lake	93C	July 3, 2019
28	Bella Coola	93D	July 3, 2019
29	Whitesail Lake	93E	July 3, 2019
30	Nechako River	93F	July 3, 2019
31	Prince George	93G	July 3, 2019
32	McBride	93H	July 3, 2019
33	Monkman Pass	93I	July 3, 2019
34	McLeod Lake	93J	July 3, 2019
35	Fort Fraser	93K	July 3, 2019
36	Smithers	93L	July 3, 2019

Item	Column 1 Provincial Smoke Sensitivity Map Name	Column 2 Map No.	Column 3 Map Date
37	Hazelton	93M	July 3, 2019
38	Manson River	93N	July 3, 2019
39	Pine Pass	93O	July 3, 2019
40	Dawson Creek	93P	July 3, 2019
41	Charlie Lake	94A	July 3, 2019
42	Halfway River	94B	July 3, 2019
43	Mesilinka River	94C	July 3, 2019
44	Ware	94F	July 3, 2019
45	Trutch	94G	July 3, 2019
46	Beaton River	94H	July 3, 2019
47	Fort Nelson	94J	July 3, 2019
48	Tuchodi Lakes	94K	July 3, 2019
49	Rabbit River	94M	July 3, 2019
50	Toad River	94N	July 3, 2019
51	Cape Scott	102I	July 3, 2019
52	Laredo Sound	103A	July 3, 2019
53	Graham Island	103F	July 3, 2019
54	Hecate Strait	103G	July 3, 2019
55	Douglas Channel	103H	July 3, 2019
56	Terrace	103I	July 3, 2019
57	Prince Rupert	103J	July 3, 2019
58	Dixon Entrance	103K	July 3, 2019
59	Nass River	103P/O	July 3, 2019
60	Bowser Lake	104A	July 3, 2019
61	Iskut River	104B	July 3, 2019
62	Telegraph Creek	104G	July 3, 2019
63	Spatsizi River	104H	July 3, 2019
64	Cry Lake	104I	July 3, 2019
65	Dease Lake	104J	July 3, 2019
66	Skagway	104M	July 3, 2019
67	Atlin	104N	July 3, 2019
68	Jennings River	104O	July 3, 2019
69	McDame	104P	July 3, 2019
70	Tatshenshini River	114P	July 3, 2019