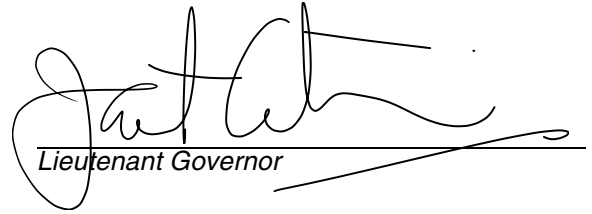


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 131

, Approved and Ordered March 1, 2023



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 the Public Notification Regulation, B.C. Reg. 202/94, is amended as set out in the attached Appendix.



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. 138 and 139

Other: O.C. 832/94

R20631777

APPENDIX

- 1 Section 1 of the Public Notification Regulation, B.C. Reg. 202/94, is amended**
- (a) in subsection (1) by repealing the definition of “hazardous waste treatment or disposal project”, and**
 - (b) in subsection (2) (e) and (g) by striking out “the change has or will have less impact on the environment” and substituting “the change has or will have an equal or lesser impact on the environment”.**
- 2 Section 2 (1) is amended**
- (a) by striking out “Every person who applies for a permit or approval must make an application on a form supplied by a director, sign and date the application and provide the following information:” and substituting “Every person who applies for a permit or approval must make an application in the form and manner specified by the director and that includes the following information:”,**
 - (b) in paragraph (b) by striking out “storage”,**
 - (c) by repealing paragraph (d) and substituting the following:**
 - (d) the legal description of the place where the waste is or will be introduced into the environment; , **and**
 - (d) by adding the following paragraphs:**
 - (h) particulars concerning the applicant’s title to the works and the land on which the waste originates;
 - (i) details of the works;
 - (j) a description of the land on which it is proposed to construct the works;
 - (k) any other records or information requested by the director.
- 3 Section 3 is repealed and the following substituted:**
- Director may request additional information**
- 3** An applicant must, on the request of a director, provide the director with any records or information the director considers relevant to the application.
- 4 Section 4 is amended**
- (a) by repealing subsections (1) and (2) and substituting the following:**
 - (1) Every person who applies for a permit or approval must give notice of the application in accordance with Schedule A.
 - (2) Every person who applies for a significant amendment to a permit or approval must give notice of the application in accordance with Schedule A. ,
 - (b) in subsection (3) by striking out “, within 14 days of receipt of the application,”,**
 - (c) by repealing subsection (4) and substituting the following:**

(4) When a director decides to issue or amend a permit or approval, the director must give notice of the decision in accordance with Schedule A. , **and**

(d) by repealing subsection (6) (b) and substituting the following:

(b) do one or more of the following:

(i) serve a copy of the notice given under paragraph (a) on every person who, in the opinion of the director, may be adversely affected by the waste introduced into the environment or storage of recyclable material or waste;

(ii) post a copy of the notice given under paragraph (a);

(iii) publish a copy of the notice given under paragraph (a).

5 Section 5 is amended

(a) by repealing subsections (2) and (3), and

(b) in subsection (4) by adding “in the form and manner specified by the director” after “to post the application on a billboard”.

6 Section 6 is amended

(a) by repealing subsections (1) and (3),

(b) by repealing subsection (2) and substituting the following:

(2) If Schedule A requires that notice of an application be published in one or more local newspapers or be published electronically, the director may specify, in respect of the notice, the form, manner, content and means of publication. ,

(c) by repealing subsection (4) and substituting the following:

(4) The applicant must, within 30 days of the date of publication of the notice of application, provide to the director evidence satisfactory to the director that notice of the application was published. ,

(d) by repealing subsection (5) and substituting the following:

(5) If, in the opinion of a director, the publication of the notice of application is insufficient to notify local residents about the application, the director may require the applicant to post or publish a notice of the application and may specify, in respect of the notice, the form, manner, content and means of publication. , **and**

(e) in subsection (8) by striking out “discharge, emission or storage” and substituting “introduction of waste”.

7 Section 8 (1) is amended by striking out “discharge, emission or storage” wherever it occurs and substituting “introduction of waste”.

8 Schedule A is repealed and the following substituted:

SCHEDULE A

NOTIFICATION, POSTING AND PUBLICATION REQUIREMENTS

Determining notice requirements for permit or approval

- 1** A person who applies for
 - (a) a permit in relation to a facility requiring a permit under section 24.1 of the Hazardous Waste Regulation must provide the notice described in item 1 of column 3 of Table 1,
 - (b) a permit in relation to any other application must provide the notice described in item 2 of column 3 of Table 1, and
 - (c) an approval must provide the notice described in item 3 of column 3 of Table 1.

Determining notice requirements for significant amendment to permit or approval

- 2** A person who applies for a significant amendment in relation to
 - (a) a permit in relation to a facility requiring a permit under section 24.1 of the Hazardous Waste Regulation must provide the notice described in item 1 of column 4 of Table 1,
 - (b) a permit in relation to any other application, must provide the notice described in item 2 of column 4 of Table 1, and
 - (c) an approval must provide the notice described in item 3 of column 4 of Table 1.

Notice of decision

- 3** If a director issues or amends a permit or approval, the director must give notice as follows:
 - (a) in relation to a permit for a facility requiring a permit under section 24.1 of the Hazardous Waste Regulation, the director must provide the notice described in item 1 of column 5 of Table 1;
 - (b) in relation to a permit for any other application, the director must provide the notice described in item 2 of column 5 of Table 1;
 - (c) in relation to an approval, the director must provide the notice described in item 3 of column 4 of Table 1.

Table 1: Notice requirements

Item	Column 1 Type of authorization	Column 2 Type of project	Column 3 Application for new permit or approval	Column 4 Application for significant amendment to permit or approval	Column 5 Notice of decision to issue or amend a permit or approval for significant amendment
1	Permit	Project requiring permit under section 24.1 of the Hazardous Waste Regulation	M, R, N, A and D	M, R, N, A and D	M and C
2	Permit	All other applications	M, S, N, A and D	M, S, N, A and D	C
3	Approval	All other applications	A	A	C

Abbreviations:

- M = give notice to municipalities and regional districts
- R = give notice to residents and owners of property immediately adjacent to the property under application and within an area specified by a director
- C = give notice to all persons who submitted written notice of concerns
- S = post on site
- N = publish in local newspaper(s) or publish electronically
- A = give notice as specified by the director
- D = publish on website approved by the director

9 *Schedule B is repealed.*