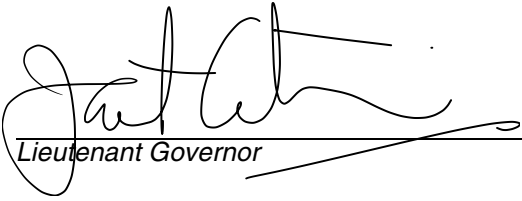


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 308

, Approved and Ordered May 19, 2023



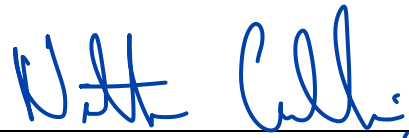
Lieutenant Governor

**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, effective May 22, 2023, the Greenhouse Gas Reduction (Clean Energy) Regulation, B.C. Reg. 102/2012, is amended as set out in the attached Schedule.



Minister of Energy, Mines and Low Carbon Innovation



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: *Clean Energy Act*, S.B.C. 2010, c. 22, s. 35

Other: OIC 295/2012

R10637177

## SCHEDULE

**1 Section 1 of the Greenhouse Gas Reduction (Clean Energy) Regulation, B.C. Reg. 102/2012, is amended**

(a) *by repealing the definitions of “eligible vehicle or machine”, “heavy-duty vehicle”, “medium-duty vehicle”, “specified vehicle” and “undertaking period”, and*

(b) *by adding the following definitions:*

“**implement of husbandry**” has the same meaning as in section 1 of the *Motor Vehicle Act*;

“**industrial utility vehicle**” has the same meaning as in section 1 of the *Motor Vehicle Act*;

“**farm tractor**” has the same meaning as in section 1 of the *Motor Vehicle Act*;

“**former regulation**” means the Greenhouse Gas Reduction (Clean Energy) Regulation as it read immediately before May 22, 2023;

“**logging truck**” has the same meaning as in section 1 of the Motor Vehicle Act Regulations.

**2 Section 2 is repealed and the following substituted:**

**Prescribed undertaking – marine vehicles using liquefied natural gas**

**2** (1) In this section:

“**natural gas marine vehicle**” means a marine vehicle that uses, as a fuel source, liquefied natural gas;

“**undertaking period**” means the period ending on March 31, 2024.

(2) A public utility’s undertaking that is in the class defined as follows is a prescribed undertaking for the purposes of section 18 of the Act:

(a) the public utility provides, on or before March 31, 2024, through an open and competitive application process,

(i) grants or zero-interest loans to persons in British Columbia for the purchase of a natural gas marine vehicle to be operated in British Columbia, or

(ii) grants to persons in British Columbia

(A) to implement safety practices, or

(B) to improve maintenance facilities

to meet safety guidelines for operating and maintaining a natural gas marine vehicle;

(b) an expenditure on a grant or loan for a natural gas marine vehicle does not exceed 50% of the difference between the cost of the natural gas marine vehicle and the cost of a comparable vehicle that uses gasoline or diesel;

- (c) During the undertaking period,
  - (i) total expenditures on the undertaking in this section, including expenditures on administration, marketing, training and education, do not exceed \$60 million in total,
  - (ii) expenditures on administration, marketing, training and education related to the prescribed undertaking in this section do not exceed \$9 million in total, including any expenditures on administration, marketing, training and education related to the prescribed undertakings described in section 2 (1) and (3.2) of the former regulation, and
  - (iii) expenditures on the undertaking on grants referred to in subsection (2) (a) (ii) do not exceed \$6 million.

**Prescribed undertaking – liquefied natural gas distribution and storage**

**2.1** (1) In this section:

“**expenditures**” includes, except with respect to expenditures on administration and marketing, binding commitments to incur expenditures in the future;

“**undertaking period**” means the period ending on March 31, 2024.

(2) A public utility’s undertaking that is in the class defined as follows is a prescribed undertaking for the purposes of section 18 of the Act:

(a) the public utility, before March 31, 2024, enters into a binding commitment to

- (i) construct and operate, or
- (ii) purchase and operate

liquefied natural gas distribution and storage infrastructure, other than liquefied natural gas fuelling stations, in British Columbia, including liquefied natural gas rail tank cars, ISO containers and shore-side assets, for the purpose of reducing greenhouse gas emissions;

(b) total expenditures on the undertaking during the undertaking period do not exceed \$40 million, including

- (i) any expenditures related to the prescribed undertaking described in section 2 (3.4) of the former regulation, and
- (ii) expenditures on administration, marketing, training and education;

(c) at least

- (i) 80% of the forecast total operating costs of the distribution and storage infrastructure for the first 5 years of the operation are recovered from one or more persons under a take-or-pay agreement with a minimum term of 5 years, or
- (ii) 60% of the forecast total operating costs of the distribution and storage infrastructure for the first 7 years of the operation are recovered from one or more persons under a take-or-pay agreement with a minimum term of 7 years.

**Prescribed undertaking –  
acquiring renewable natural gas**

- 2.2** (1) A public utility’s undertaking that is in the class defined in subsection (3) is a prescribed undertaking for the purposes of section 18 of the Act.
- (2) For the purposes of subsection (3), “**acquires renewable natural gas**” includes producing renewable natural gas by producing or purchasing biogas and upgrading it to renewable natural gas.
- (3) The public utility acquires renewable natural gas
- (a) at costs that meet the following criteria, as applicable:
    - (i) if the public utility acquires renewable natural gas by purchasing it, the price of the renewable natural gas does not exceed the maximum amount, determined in accordance with section 9, in effect in the fiscal year in which the contract for purchase is signed;
    - (ii) if the public utility acquires renewable natural gas by producing it, the levelized cost of production reasonably expected by the public utility does not exceed the maximum amount, determined in accordance with section 9, in effect in the fiscal year in which the public utility decides to construct or purchase the production facility, and
  - (b) that, in a calendar year, does not exceed 15% of the total amount, in GJ, of natural gas provided by the public utility to its non-bypass customers in 2019, subject to subsection (4) and section 10.
- (4) The amount referred to in subsection (3) (b) does not include renewable natural gas acquired by the public utility that the public utility provides to a customer in accordance with a rate under which the full cost of the following is recovered from the customer:
- (a) the acquisition of the renewable natural gas;
  - (b) the service related to the provision of the renewable natural gas.

**3 Section 5 is amended**

- (a) in subsection (1) by repealing the definition of “eligible charging station” and substituting the following:**

**“eligible fast charging station”** means a fast charging station that

- (a) is available for use by any member of the public during the site’s hours of operation,
- (b) does not require users to be members of a charging network, and
- (c) is capable of charging electric vehicles of more than one make; ,

- (b) in subsection (1) by adding the following definition:**

**“eligible level 2 charging station”** means a charging station that

- (a) is a fixed device capable of charging an electric vehicle using 240V,

- (b) shares a site with an eligible fast charging station or is on a site owned by any of the follow entities:
  - (i) a public utility;
  - (ii) the government;
  - (iii) the government of Canada;
  - (iv) an agency of the government or government of Canada;
  - (v) a government body, as defined in section 1 of the *Financial Administration Act*;
  - (vi) a local authority, as defined in section 1 of the Schedule to the *Community Charter*;
- (c) is available for use by any member of the public during the site’s hours of operation,
- (d) does not require users to be members of a charging network, and
- (e) is capable of charging electric vehicles of more than one make. ,

**(c) in subsection (2)**

**(i) by striking out “eligible charging station” wherever it occurs and substituting “eligible fast charging station”, and**

**(ii) in paragraph (b) (i) by striking out “December 31, 2025” and substituting “December 31, 2030”, and**

**(d) by adding the following subsection:**

- (3) A public utility’s undertaking that is in a class defined as follows is a prescribed undertaking for the purposes of section 18 of the Act:
  - (a) the public utility constructs and operates, or purchases and operates, an eligible level 2 charging station;
  - (b) the eligible level 2 charging station conforms or will confirm to the Open Charge Point protocol;
  - (c) the public utility reasonably expects, on the date the public utility decides to construct or purchase the eligible level 2 charging station, that the station will come into operation by December 31, 2030.

**4 The following section is added:**

**Prescribed undertaking – zero-emission vehicles, machines and charging infrastructure**

**5.1 (1) In this section,**

**“commercial zero-emission charging infrastructure” means**

- (a) a device or battery capable of charging a zero-emission vehicle or machine using 240V or direct current, or
- (b) battery-based storage installed for the purposes of charging a zero-emission vehicle or machine;

**“eligible zero-emission vehicle or machine”** means

- (a) a vehicle or machine that is propelled by electricity or hydrogen from an external source and emits no greenhouse gases at least some of the time while the vehicle or device is being operated, and
- (b) the vehicle or machine is one of the following:
  - (i) a vehicle with a manufacturer’s gross vehicle weight rating of more than 4 536 kg;
  - (ii) a school bus;
  - (iii) a transit bus;
  - (iv) a marine vehicle;
  - (v) a mine haul truck;
  - (vi) a locomotive;
  - (vii) an implement of husbandry;
  - (viii) a farm tractor;
  - (ix) a logging truck;
  - (x) an industrial utility vehicle;

**“expenditures”** includes, except with respect to expenditures on administration and marketing, binding commitments to incur expenditures in the future.

- (2) A public utility’s undertaking that is in a class defined as follows is a prescribed undertaking for the purposes of section 18 of the Act:
  - (a) the public utility provides, on or before March 31, 2030, through an open and competitive application process:
    - (i) grants or zero-interest loans to persons in British Columbia for the purchase of an eligible zero-emission vehicle or machine to be operated in British Columbia, or
    - (ii) grants to persons in British Columbia
      - (A) to implement safety practices, or
      - (B) to improve maintenance facilitiesto meet safety guidelines for operating and maintaining an eligible zero-emission vehicle or machine;
  - (b) subject to paragraph (c) and subsection (4), total expenditures on the undertaking during the period ending on March 31, 2030 do not exceed \$100 million;
  - (c) total expenditures on grants to persons in British Columbia during the period ending on March 31, 2030 in relation to subsection (2) (a) (ii) do not exceed \$6 million;
  - (d) an expenditure on a grant or zero-interest loan for an eligible zero-emission vehicle or machine does not, in any year of the undertaking, exceed 50% of the difference between the cost of an eligible zero-emission vehicle or machine and the cost of comparable vehicle or machine that uses gasoline or diesel.

- (3) A public utility's undertaking that is in a class defined as follows is a prescribed undertaking for the purposes of section 18 of the Act:
  - (a) the public utility, before March 31, 2030, enters into a binding commitment to construct or purchase, for the purposes of charging and fuelling eligible zero-emission vehicles or machines, commercial zero-emission charging infrastructure or hydrogen fuelling infrastructure and operate the infrastructure;
  - (b) subject to subsection (4), total expenditures on the undertaking during the period ending on March 31, 2030 do not exceed \$100 million.
- (4) The undertakings referred to in subsections (2) and (3) are prescribed undertakings for the purposes of section 18 of the Act only if
  - (a) the total combined expenditures of the undertakings in this section on administration and marketing during the period ending on March 31, 2030 do not exceed \$6 million, and
  - (b) the total combined expenditures of the undertakings in this section on training, education, studies, pilot projects and standards development during the period ending on March 31, 2030 do not exceed \$8 million.

**5** *Section 9 is amended by striking out “sections 2 (3.8) (a)” and substituting “sections 2 (3.3) (a)”.*

**6** *Section 10 (a) is amended by striking out “section 2 (3.8)” and substituting “section 2 (3.3)”.*