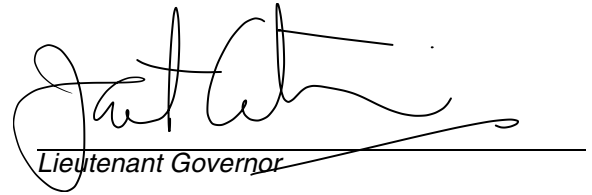


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 446

, Approved and Ordered July 6, 2024



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 Schedule.



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. 38 (1) and 138 (2)

Other: OIC 832/94

R10782011

SCHEDULE

1 *Section 1 of the Public Notification Regulation, B.C. Reg. 202/94, is amended by adding the following subsection:*

- (3) In this regulation, “**minor operational certificate amendment**” means an amendment to an operational certificate for any of the following purposes:
- (a) a change of ownership or name;
 - (b) a change of legal address or mailing address;
 - (c) a decrease in the authorized quantity of the discharge, emission or stored material;
 - (d) a change in the authorized quality of the discharge, emission or stored material such that, in the opinion of a director, the change has or will have an equal or lesser impact on the environment;
 - (e) a change in a monitoring program;
 - (f) a change to the works, method of treatment or any other condition of an operational certificate such that, in the opinion of a director, the change has or will have an equal or lesser impact on the environment.

2 *Section 4 is amended*

- (a) in subsection (5) by striking out “Column 5” and substituting “Schedule A”, and*
- (b) by repealing subsection (6).*

3 *The following section is added:*

Duties of director respecting operational certificate

- 4.1** (1) Subject to subsection (2), a director must, at least 14 days before an operational certificate or amended operational certificate is issued,
- (a) give written notice to the person to be named in the operational certificate or amended operational certificate of the director’s intention to issue the operational certificate or amended operational certificate, and
 - (b) do one or both 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 by the storage of recyclable material or waste;
 - (ii) publish a copy of the notice given under paragraph (a) in a manner the director considers appropriate.
- (2) The obligation of a director under subsection (1) (b) does not apply to the amendment of an operational certificate if the amendment is a minor operational certificate amendment.
- (3) When a director decides to issue or amend an operational certificate, the director must give notice of the decision by posting a copy of a notice of decision on a publicly accessible website.

4 Section 7 is amended

(a) in subsection (1) by striking out “A person” and substituting “Subject to subsection (1.1), a person”, and

(b) by adding the following subsection:

(1.1) The right of a person to notify a director under subsection (1) does not apply in relation to the following:

- (a) the amendment of a permit or approval, if the amendment is a minor amendment;
- (b) the amendment of an operational certificate, if the amendment is a minor operational certificate amendment.

5 Schedule A is amended

(a) by repealing section 3 and substituting the following:

Notice of decision made by director

3 (1) In this section:

“**non-section 24.1 permit**” means a permit other than a section 24.1 permit;

“**section 24.1 permit**” means a permit for a facility in relation to which a permit under section 24.1 of the Hazardous Waste Regulation is required.

(2) If a director decides to issue a section 24.1 permit or to make or approve a significant amendment to a section 24.1 permit, the director must

- (a) give notice of the decision to municipalities and regional districts,
- (b) give notice of the decision to all persons who submitted a written notice of concern under section 7 respecting the issuance or amendment of the section 24.1 permit, and
- (c) publish notice of the decision on a publicly accessible website.

(3) If a director decides to issue, or to make or approve a significant amendment to, a non-section 24.1 permit or an approval, the director must

- (a) give notice of the decision to all persons who submitted a written notice of concern under section 7 respecting the issuance or amendment of the non-section 24.1 permit or the approval, and
- (b) publish notice of the decision on a publicly accessible website.

(4) If a director decides to make or approve a minor amendment to an approval, section 24.1 permit or non-section 24.1 permit, the director must publish notice of the decision on a publicly accessible website. ,

(b) in Table 1 by striking out column 5, and

(c) in Table 1 by striking out “C = give notice to all persons who submitted written notice of concerns”.