

To: CAO for the Regional and Corporate Services Committee

Date: 2019-10-08

From: Marina Richter, Environmental Policy Analyst

File No: 9050-40-002

Subject: Revised BC Open Burning Smoke Control Regulation

INTENT

This report is intended to advise the Regional and Corporate Services Committee of information pertaining to the new BC Open Burning Smoke Control Regulation that came in effect on September 15th, 2019. Staff is not looking for a recommendation and has forwarded this information should members want more clarification to discuss the item further.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship

Support Healthy & Sustainable Community

PRIORITIES

Priority #2 Air & Water Quality

Priority #1 Waste Mangement

BACKGROUND

Open burning of vegetative debris is one of the largest sources of fine particulate matter in ambient air. Fine particulates contribute to poor air quality and negatively impact human health.

Some open burning such as is done for land clearing and forestry operations requires legal authorization as a "prescribed activity" under the *BC Environmental Management Act*. The Open Burning Smoke Control Regulation (OBSCR) was first introduced in British Columbia in 1993 to ensure that open burning is conducted with minimal risk to air quality. The purpose of the regulation is to facilitate burning practices while protecting the public from air pollution. The OBSCR does not prohibit open burning of vegetative debris but rather sets out conditions under which burning can be authorized.

An updated version of OBSCR¹ came into effect on September 15, 2019, replacing the old regulation. The new regulation supports the objectives of reducing impacts on human health and enabling and encouraging compliance. The revised regulation also includes provisions for common open burning practices which were not covered by the previous version.

¹ Available at: <https://www2.gov.bc.ca/gov/content/environment/air-land-water/air/air-pollution/smoke-burning/regulations/openburningregulation>

DISCUSSION

Three different types of smoke sensitivity zones are introduced: High Smoke Sensitivity Zones are areas around large or mid-sized communities; Medium Smoke Sensitivity Zones are around small communities, rural locations, transportation corridors, and a buffer around the High Smoke Sensitivity Zones; Low Smoke Sensitivity Zones are all the remaining areas, distant from communities. These zones have different requirements for open burning, with the strictest requirements in the High Smoke Sensitivity Zones due to risk exposure.

Other important changes in the new regulation involve:

- Shorter burn periods to minimize accumulation of smoke,
- Increased mandatory setbacks from neighbours, schools, and hospitals,
- Provisions to facilitate burning required for community wildfire risk reduction,
- Provisions to facilitate burning diseased debris,
- Provisions to use air curtain burners,
- Provisions for relaxed setbacks and increased burn windows when applicable.

Under the new regulation, alternatives to burning are strongly encouraged. Reasonable alternatives to open burning such as reducing, reusing or recycling the vegetative debris and increasing the utilization of post-harvest material/fibre, are preferred.

Local governments can continue to regulate smaller scale backyard burning (exempt under this regulation) and are able to add stricter requirements to larger-scale open burning.

More details between the old and new OBSCR are provided in the table below:

Provisions	Old OBSCR	New OBSCR
Smoke Sensitivity Zones based on population density	Category A: cities, towns and villages Category B: everywhere else	High, Medium, and Low Zones based on exposure risk as specified by Schedule 3 of the OBSCR
Burning requirements for different zones	Requirements and burn periods are the same across the province, except within municipal boundaries.	Stricter requirements and shorter burn period for High Sensitivity Zones, relaxed requirements and longer burn periods for Low Sensitivity Zones
Setbacks	100 m from neighbors 500 m from schools, hospitals, and care facilities Cannot be relaxed or reduced.	500 m from neighbors 1000 m from schools, hospitals, and care facilities. Can be reduced by a substitution order from the Director.
Location of open burning	Vegetative debris cannot be moved for burning from the location where the debris originates.	Vegetative debris can be moved for burning from the location of origin within a 5 km radius.

Burning under Community Wildfire Protection Plan	Not covered previously	Allowed under certain conditions and with authorization from the Director
Burning Diseased Vegetative Debris	Not covered previously	Allowed under certain conditions and with authorization from the Director
Using Air Curtain Burners	Not covered previously	Allowed with reduced setbacks , authorization might be needed
Directors Authority	Director can prohibit open burning	Director can prohibit open burning in some circumstances. Director has power to substitute requirements under regulation. Director is empowered to issue permits and approvals for certain burning practices
Exemptions such as domestic and agricultural burning	Unclear line between burning that is exempt from the OBSCR and burning that is included in the OBSCR	OBSCR apply to any domestic or agricultural debris where the branches are greater than 10 cm in diameter.

Provincial staff are in the process of preparing communication materials summarizing the new Regulation. These materials will be provided once they are available.

COST

There are no financial implications.

CONCLUSION

The Open Burning Smoke Control Regulation sets the rules around burning practices of vegetative debris to minimize effects of smoke on people and communities. It was first introduced in 1993 and recently updated.

COMMENTS BY:

Stacey Barker, Director of Regional Programs: Reviewed and supported.

Mike Veenbaas, Director of Financial Services: No further financial comments.

Jennifer Kinneman, Acting Chief Administrative Officer: Reviewed and supported.