

**METRO VANCOUVER REGIONAL DISTRICT
OPEN BURNING EMISSION REGULATION BYLAW NO. 1355, 2022
A Bylaw to Regulate Open Burning of Vegetative Debris**

WHEREAS:

- A. The *Environmental Management Act* authorizes the Metro Vancouver Regional District to provide the service of air pollution control and air quality management and, for that purpose, the Board of Directors of the Metro Vancouver Regional District may, by bylaw, prohibit, regulate and otherwise control and prevent the discharge of air contaminants;
- B. The *Environmental Management Act* authorizes the Board of Directors of the Metro Vancouver Regional District to establish different prohibitions, regulations, rates or levels of fees, conditions, requirements, and exemptions for different persons, operations, activities, industries, trades, businesses, air contaminants, or works, and for different classes of persons, operations, activities, industries, trade, businesses, air contaminants, or works;
- C. The Metro Vancouver Regional District has enacted the “Greater Vancouver Regional District Air Quality Management Bylaw No. 1082, 2008”, which contemplates that the Board of Directors of the Metro Vancouver Regional District may establish emission regulations; and
- D. The Board of Directors of the Metro Vancouver Regional District has determined it is desirable to regulate the discharge of air contaminants from open burning of vegetative debris.

NOW THEREFORE the Board of the Metro Vancouver Regional District enacts as follows:

Citation

- 1. The official citation of this bylaw is “Metro Vancouver Regional District Open Burning Emission Regulation Bylaw No. 1355, 2022”. This bylaw may be cited as “Metro Vancouver Regional District Open Burning Emission Regulation Bylaw”.

General

- 2. This Emission Regulation is an emission regulation for the purposes of section 26 of the “Greater Vancouver Regional District Air Quality Management Bylaw No. 1082, 2008” (“Bylaw 1082”) and is deemed to be an integral part of Bylaw 1082.
- 3. Terms defined in Bylaw 1082, or incorporated by reference into Bylaw 1082, have the same meaning in this Emission Regulation.
- 4. Every person who complies with Bylaw 1082 and this Emission Regulation is exempt from the application of sections 5 and 6 of Bylaw 1082 and from section 6 (3) of the *Environmental Management Act*, SBC 2003, c. 53 in relation to the discharge of air contaminants from open burning, if the person also complies with any further restrictions or conditions imposed by Bylaw 1082, the *Environmental Management Act*, or a regulation, permit, order, or approved waste management plan under the *Environmental Management Act*.

5. References in this Emission Regulation to an enactment include the enactment as it may be amended or replaced from time to time.

Effective Date

6. This Emission Regulation will come into effect on May 15, 2023.

Schedules

7. The following Schedules are attached to and form part of this Emission Regulation:
Schedule "A", Registration Fees.

Definitions

8. In this Emission Regulation:

"accelerant" means a substance used to aid ignition or accelerate open burning, but does not include 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, B.C. Reg. 320/2004;

"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;

"ambient air quality objective" means the ambient concentration of an air contaminant that has been established by Metro Vancouver to protect human health and the environment;

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

"burn pile" means a mound of vegetative debris created for the purpose of open burning;

"campfire" means an open burn that burns vegetative debris in one burn pile not exceeding 60 centimetres high and 75 centimetres wide;

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

"day" means a calendar day from midnight to midnight;

"diseased vegetative debris" means vegetative debris that is verified or confirmed under section 47 of this Emission Regulation as being infested with a plant pathogen or insect;

“end”, with regard to when open burning ends, means when each burn pile of vegetative debris has ceased flaming and is emitting smoke from no more than 10% of its burnt surface area, or when the fire in an air curtain incinerator is emitting smoke from no more than 10% of the base of the air curtain incinerator;

“extinguished” means burning that has been put out such that there is no vegetative debris flaming and there is no visible smoke being emitted;

“flood management ditch” means a ditch forming part of the flood management drainage infrastructure and serving the parcel on which open burning is being conducted;

“flooding emergency” means flooding that is causing or is forecast to cause damage to agricultural land, buildings, power lines, or transportation infrastructure;

“notification” means a notification available to neighbours by email, mail, phone, hand delivery, social media or posting a notice on the property line at the nearest publicly accessible location to the planned open burning;

“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;

“open burning” means combustion of vegetative debris that is conducted outside a building and does not use a stack or chimney to vent the emitted products of combustion to the atmosphere;

“operator” means a person conducting open burning;

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

“person” includes an individual, firm, company, association, society, partnership, sole proprietorship, corporation, government body, land owner, owner, operator, resident, occupier, and any director, officer, employee, or agent of a person;

“plan for community wildfire risk reduction” means a plan, or an addendum to a plan, developed or endorsed by the provincial government, a local government, a band council, or a treaty first nation 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” means a group of more than two residences or a place of work;

“registered site” means a site within the Metro Vancouver Regional District registered for open burning;

“registration” means the submission to the Metro Vancouver Regional District of all information required and payment of fees under Part 2;

“residence” means a private residential dwelling or unit;

“salt-laden wood” means vegetative debris, of any species, that contains salt;

“seasoned” means, in reference to vegetative debris, having a dry basis moisture content of 30% or less, having been piled for a period of at least four months, or originating from standing dead timber;

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

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

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

“vegetative debris” means disturbed or undisturbed vegetative matter targeted for disposal, and excludes salt-laden wood whether targeted for disposal or not;

“ventilation index” means the ventilation index forecast issued by Environment and Climate Change Canada as interpreted and communicated each day by Metro Vancouver.

Part 1 – Application and Scope

9. All the provisions of this Emission Regulation apply to every person conducting open burning within the Metro Vancouver Regional District, except if:
- (a) a person is conducting open burning in accordance with a permit or approval issued under Bylaw 1082;
 - (b) a person is conducting open burning pursuant to any of the circumstances described in sections 7(4) or (6) of Bylaw 1082;

- (c) a provision of this Emission Regulation expressly indicates that one or more provisions of this Emission Regulation do not apply to the open burning; or
 - (d) a provision of this Emission Regulation expressly indicates that only one or more provisions of this Emission Regulation apply to the open burning.
10. Every person conducting a campfire is exempt from Parts 2 through 11 of this Emission Regulation.
11. Despite section 4, nothing in this Emission Regulation exempts from sections 5 and 6 of Bylaw 1082 or from section 6 (3) of the *Environmental Management Act* any person who discharges an air contaminant as a result of any of the following:
- (a) open burning of more than two burn piles concurrently on a parcel of land;
 - (b) open burning without use of an air curtain incinerator of a burn pile that has dimensions that exceed either 2 metres in height or 3 metres in width;
 - (c) open burning of vegetative debris that originates from a different parcel of land, except from a flood management ditch;
 - (d) open burning of vegetative debris that originates from a location that is more than 5 kilometres away from the location of the open burning;
 - (e) open burning at a dry land sort;
 - (f) open burning at a facility that manufactures wood products, other than whole logs for export or whole logs for further manufacturing by another facility.
12. Nothing in this Emission Regulation authorizes open burning that is
- (a) prohibited by a ban on igniting open burns imposed by
 - i. a fire department, as defined in the *Fire Services Act*, RSBC 1996, c. 144,
 - ii. a local government, or
 - iii. an improvement district, as defined in the *Local Government Act*, RSBC 2015, c. 1, or
 - (b) contrary to the *Wildfire Act*, SBC 2004, c. 31 or any other enactment.

Part 2 – Registration

13. Every person who discharges, causes, permits, or allows the discharge of an air contaminant into the environment from open burning on a parcel of land located within the regional district, must:

- (a) register the parcel of land by providing all of the following information in the prescribed form to the district director:
 - i. owner and operator name(s);
 - ii. owner and operator contact information;
 - iii. address for the parcel of land; and
- (b) pay the initial registration or annual renewal fees, as prescribed in Schedule A.

Part 3 – Before Conducting Open Burning

- 14. Every person conducting open burning must notify Metro Vancouver by email at regulationenforcement@metrovancover.org or by phone on 604-436-6777 no less than 24 hours before the open burning is planned to start.
- 15. Every person must, no later than 24 hours in advance of the start of open burning, give notification of the location of the open burning to the occupants of every residence, place of work, school, hospital, or community care facility within 500 metres of the location of the open burning, including to persons who manage the school, hospital, or community care facility, as applicable.
- 16. Every person must reduce, reuse, or recycle vegetative debris where possible, to minimize the amount of material to be open burned.

Part 4 – General Requirements for Open Burning

- 17. Every person must, on a day of open burning, and before open burning starts, obtain the ventilation index.
- 18. No person may start open burning, or continue open burning on a second day of open burning, except if:
 - (a) the ventilation index for the afternoon of each day of the open burning is “good”, or
 - (b) the person conducting the open burning uses an air curtain incinerator in accordance with Part 7.
- 19. Every person must put vegetative debris for open burning into burn piles, and may concurrently burn no more than two burn piles per registered site, except if the open burning is subject to additional restrictions, as provided in section 26, or if the person conducting the open burning uses an air curtain incinerator in accordance with Part 7.
- 20. Each burn pile’s dimensions must not exceed either 2 metres in height or 3 metres in width, except if the person conducting the open burning uses an air curtain incinerator in accordance with Part 7.

21. Every person must minimize the amount of smoke emitted by the open burning by:
 - (a) minimizing any soil content that may be mixed in with the vegetative debris,
 - (b) constructing each burn pile in a way that maximizes the air flow through the vegetative debris in the burn pile, and
 - (c) ensuring the vegetative debris is seasoned before open burning.
22. No person may start open burning if local atmospheric conditions are likely to cause the smoke emitted by the open burning to:
 - (a) negatively impact a nearby population, or
 - (b) be a navigation hazard at an airport or on a highway, by reducing visibility.
23. No person may add vegetative debris to ignited burn piles if smoke emitted by the open burning:
 - (a) negatively impacts a nearby population, or
 - (b) reduces visibility so as to cause a navigation hazard at an airport or on a highway.
24. Every person must, immediately upon the request of the district director or officer, provide proof of identity and any other information the district director or officer deems necessary to ensure compliance with this Emission Regulation.

Part 5 – Minimum Distances and Additional Restrictions

25. Open burning must be:
 - (a) at least 100 metres from any building that is a neighbouring residence or place of work;
and
 - (b) at least 500 metres from the nearest property line of a hospital, school, or community care facility.
26. Every person conducting open burning in a location that is between 100 metres and 500 metres of any building that is a neighbouring residence or place of work, or between 500 metres and 1000 metres of the property line of a hospital, school, or community care facility, must meet all of the following additional restrictions for open burning:
 - (a) the vegetative debris must be in a single burn pile of which the largest horizontal dimension is not greater than twice the height;

- (b) the vegetative debris must not include any stumps, and individual pieces must all be less than 10 centimetres in diameter; and
 - (c) the open burning must be completed within one calendar day.
27. Despite section 26, every person conducting open burning using an air curtain incinerator in accordance with Part 7 is exempt from the additional restrictions listed in section 26.

Part 6 – Frequency and Duration of Open Burning

28. No person may conduct open burning on a parcel of land of any size in Metro Vancouver more than:
- (a) 12 days or portions of days in any calendar year; or
 - (b) 6 days or portions of days in each calendar month.
29. No person may start open burning earlier than one hour after sunrise.
30. Except if using an air curtain incinerator under Part 7, every person must end open burning:
- (a) by the later of 4 p.m. or two hours before sunset, on the day the open burning is started, if the open burning is required to be completed in one calendar day; or
 - (b) by 4 p.m. on the second day of open burning, in every other case.

Part 7 – Using Air Curtain Incinerators

31. The opacity of emissions from an air curtain incinerator used in open burning must not exceed 40% during the 30-minute period following the start of the open burning and must not exceed 15% for more than 5 consecutive minutes during any other 30-minute period during the open burning.
32. A person must not stack vegetative debris in an air curtain incinerator above the air outlet of the air curtain incinerator.
33. The blowers of all in-use air curtain incinerators must operate continuously until combustion of the vegetative debris has ceased or all of the vegetative debris in the air curtain incinerator is reduced to ash.
34. Every person conducting open burning using an air curtain incinerator must operate it in accordance with the manufacturer's recommendations.
35. Every person conducting open burning using an air curtain incinerator must keep a copy of the manufacturer's recommendations on the site of the open burning for the duration of the open burning.

36. A person conducting open burning using an air curtain incinerator must not add vegetative debris to any ignited air curtain incinerator except during the period that starts one hour after sunrise and ends at sunset.
37. Despite section 18(a) [*which provides that the ventilation index must be “good”*], every person conducting open burning using an air curtain incinerator in accordance with this Part may start open burning if the ventilation index for the afternoon of the open burning is either “good” or “fair”.

Part 8 – Plans for Community Wildfire Risk Reduction

38. Every person conducting open burning under a plan for community wildfire risk reduction in accordance with this Part 8 is exempt from Part 5 and section 15 of this Emission Regulation.
39. Every person intending to conduct open burning for community wildfire risk reduction must submit to the district director, at least 10 days and not more than 90 days before starting the open burning:
 - (a) a plan for community wildfire risk reduction, in which open burning is identified as an action, and
 - (b) a description of the location of the open burning.
40. Every person conducting open burning under a plan for community wildfire risk reduction must, no later than 24 hours in advance of the start of the open burning, give notification of the location of the open burning to the occupants of every residence, place of work, school, hospital, or community care facility within 150 metres of the location of the open burning, including to persons who manage the school, hospital, or community care facility, as applicable.
41. Despite section 18(a) [*which provides that the ventilation index must be “good”*], every person conducting open burning under a plan for community wildfire risk reduction may start open burning if the ventilation index for the afternoon of the open burning is either “good” or “fair”.
42. Open burning under a plan for community wildfire risk reduction must be:
 - (a) at least 50 metres from any building that is a neighbouring residence or place of work, and
 - (b) at least 100 metres from the nearest property line of a hospital, school or community care facility.
43. Every person conducting open burning under a plan for community wildfire risk reduction must attend the open burn at all times.

44. Open burning under a plan for community wildfire risk reduction must be completed within one calendar day.
45. Every person conducting open burning under a plan for community wildfire risk education in accordance with this Part is exempt from Parts 2, 3, 5, 6, 7 and 11 and sections 17 through 22, 40 through 42, and 58 of this Emission Regulation, if:
 - (a) the open burning is on a parcel of land that can only be accessed by water, and
 - (b) all individual pieces of the vegetative debris are less than 10 centimetres in diameter.

Part 9 – Diseased Vegetative Debris

46. Every person conducting open burning to dispose of diseased vegetative debris in accordance with this Part 9 is exempt from Parts 2 and 5 and sections 14, 18, and 21(c) of this Emission Regulation.
47. Every person conducting open burning to dispose of diseased vegetative debris must, before starting open burning:
 - (a) provide written verification signed by a person registered under the *Professional Governance Act*, SBC 2018, c. 47 as an agrologist, a professional biologist, or a professional forester or registered forest technologist, that a pathogen or insect listed in Schedule 1 of the Open Burning Smoke Control Regulation, B.C. Reg. 152/2019 has infested the vegetative debris to the district director and obtain written confirmation from the district director before starting the open burn that a pathogen or insect listed in Schedule 1 of the Open Burning Smoke Control Regulation, B.C. Reg. 152/2019 has infested the vegetative debris and that open burning of the vegetative debris is necessary to stop the spread of the pathogen or insect; or
 - (b) obtain written confirmation from the district director that a pathogen or insect not listed in Schedule 1 of the Open Burning Smoke Control Regulation, B.C. Reg. 152/2019 has infested the vegetative debris and that open burning of the vegetative debris is necessary to stop the spread of the pathogen or insect.
48. Every person conducting open burning of diseased vegetative debris must notify the district director in writing at least 24 hours before the earliest planned date for starting the open burning.
49. Every person conducting open burning of diseased vegetative debris must complete the open burning within one calendar day.

50. Open burning to dispose of diseased vegetative debris must be:
- (a) at least 50 metres from any building that is a neighbouring residence or place of work, and
 - (b) at least 100 metres from the nearest property line of a hospital, school or community care facility.
51. Burn piles used to dispose of diseased vegetative debris must contain a minimum of 50% diseased vegetative debris.
52. Despite section 59, every person conducting open burning under this Part 9 of diseased vegetative debris that is not seasoned must use an accelerant.
53. Despite section 18(a) [*which provides that the ventilation index must be “good”*], no person may start open burning to dispose of diseased vegetative debris under this Part 9, or continue open burning under this Part 9 on a second day, except if the ventilation index for the afternoon of each day of the open burning is either “good” or “fair”.

Part 10 – Flood Management and Flood Emergencies

54. For every person conducting open burning for a domestic or an agricultural purpose to dispose of vegetative debris removed from a flood management ditch:
- (a) if all vegetative debris disposed of is less than 3 centimetres in diameter, Parts 2 and 5 and sections 17, 18, 21(c), 28, and 31 of this Emission Regulation do not apply to the open burning, and
 - (b) if the open burning is conducted during a flooding emergency and if all vegetative debris disposed of is less than 10 centimetres in diameter, Parts 2 through 6 of this Emission Regulation do not apply to the open burning.

Part 11 – Record Retention

55. Every person conducting open burning must, for every open burn conducted and for a minimum period of one year from the start date of each open burn, keep all of the following records:
- (a) Owner and operator name;
 - (b) Owner and operator address and contact information;
 - (c) Geographic location of the open burn;
 - (d) Actions taken to reduce, reuse, or recycle vegetative debris, and rationale for not taking action, if action not taken;
 - (e) Dates the vegetative debris was put into burn piles;
 - (f) Ventilation index for every day an open burn was conducted, if applicable;
 - (g) Date of every open burn, and each open burn’s start and end time;
 - (h) Number of air curtain incinerators used;
 - (i) The volume of vegetative debris open burned if an air curtain incinerator is used;

- (j) Whether or not open burning is for diseased vegetative debris, community wildfire risk protection, domestic, agricultural or commercial or industrial purposes;
 - (k) Burn registration number, if the person has a burn registration number issued under the BC Wildfire Regulation and an air curtain incinerator is used;
 - (l) Any decisions about substituted requirements made under Part 13 that applied to the open burning.
56. Every person who conducts open burning must ensure that the records referred to in section 55 are kept on site and available for inspection by an officer or the district director during the open burning.
57. Every person who conducts open burning must, within 48 hours of a request by the district director or an officer for records of open burning, submit the requested records to the district director or the officer, in the form and manner specified by the district director or officer.

Part 12 – Prohibited Materials

58. No person may burn salt-laden wood as fuel for open burning.
59. No person may use an accelerant for open burning.

Part 13 – Substituted Requirements

60. The district director may, on his or her own initiative, substitute a different requirement for a requirement contained in this Emission Regulation if the district 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.
61. The district director may make a substitution under section 60:
- (a) for a specified period of time, and
 - (b) subject to the conditions the district director considers appropriate.
62. On making the decision to substitute a different requirement for a requirement contained in this regulation as set out in section 60, the district 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 including a newspaper that is free and that does not have subscribers.

63. The district director may, on his or her own initiative, cancel or amend a decision made under section 60 whenever, based on new information, the district 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 14 – Air Protection Measures

64. Despite any other provision of this Emission Regulation, a person must not act contrary to a prohibition issued under section 65.
65. The district director may, by public notice or written instruction or both, and for a period of time specified by the district director, prohibit open burning in an area
- (a) if the district 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,
 - (b) if the district director considers that pollution is occurring, or likely to occur, from open burning.
66. A prohibition issued under section 65 may include one or more of the following requirements with respect to open burning in the Metro Vancouver region:
- (a) all open burning must be extinguished;
 - (b) no vegetative debris may be ignited or added to ignited burn piles.
67. The district director may, by public notice or written instruction or both, repeal a prohibition issued under section 65, if:
- (a) in the case of a prohibition issued under section 65(a), the district 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, or
 - (b) in the case of a prohibition issued under section 65(b), the district director considers that the pollution is no longer occurring, or no longer likely to occur, from open burning.

Part 15 – Offences

68. A person who provides false information in a registration application or other submission of information, or to an officer or the district director in response to a request to produce

records or other information, commits an offence and is liable on conviction to a fine not exceeding \$200,000.


- 69. A person who contravenes any provision of this Emission Regulation commits an offence and is liable on conviction to a fine not exceeding \$200,000.
- 70. Nothing in this Emission Regulation limits the district director or the Metro Vancouver Regional District from utilizing any other remedy that would otherwise be available at law.

Part 16 – Severability

- 71. If any portion of this Regulation is deemed *ultra vires*, illegal, invalid, or unenforceable in any way in whole or in part by any court of competent jurisdiction, such decision will not be deemed to invalidate or void the remainder of the Emission Regulation. The parts so held to be *ultra vires*, illegal, invalid, or unenforceable must be deemed not to have been part of this Regulation from its adoption. The remainder of the Emission Regulation will have the same force and effect as if the parts that have been deemed *ultra vires*, illegal, invalid, or unenforceable had not been included in this Emission Regulation when it was adopted.

Read a first, second and third time this 29th day of July, 2022

Passed and finally adopted this 29th day of July, 2022.


Sav Dhaliwal, Chair


Chris Pagnol, Corporate Officer

Schedule A

Registration Fees

Every person when registering a parcel of land for open burning must pay a Registration Fee based on the type of burn identified in Column 1 of Table 1, as follows:

1. For the initial 12 months of registration, the registration fee shown in Column 2 of Table 1, and
2. For any subsequent 12 months of registration, the renewal fee shown in Column 3 of Table 1.

Table 1 – Metro Vancouver Open Burning Registration Fees

| Column 1 Type | Column 2 Initial Registration Fee | Column 3 Renewal Fee |
|--------------------------|--------------------------------------|-------------------------|
| Agricultural | \$100 | \$50 |
| Commercial | \$250 | \$100 |
| Residential | \$50 | \$25 |
| Wildfire risk management | \$50 | \$25 |