



REQUEST FOR DECISION

To: Electoral Area Directors Committee

From: Alex Dyer, Planning Manager

Meeting Date: September 9, 2021

Subject: Burning Regulation Bylaws and Public Engagement Summary

Recommendation:

THAT the Electoral Area Directors Committee recommend that the Board of Directors proceed with consideration of burning regulation Bylaws R1030 and R1032 as presented.

Summary:

The Board of Directors last considered the two proposed burning regulations on June 9, 2021: Bylaw R1030, Solid-Fuel Burning Appliance Emission Regulation Bylaw and Bylaw R1032, Outdoor Burning Smoke Control Regulation Bylaw.

At the June 9th meeting, the Board received a report detailing the public and agency input received on the proposed regulations through the public engagement program conducted over spring 2021. The engagement included an online survey, to which the Regional District received 919 public responses, a dedicated ACRD Burning Regulation webpage to share information, social media engagement, agency referrals to relevant public health and air quality agencies, Advisory Planning Commissions and the Agricultural Development Committee. The public and agency input is detailed in the June 9, 2021 Board report, which is attached to this report as Appendix 'A'.

At the June 9th meeting, the Board referred the burning regulation bylaws and public engagement summary report to the Electoral Area Directors Committee for further discussion and consideration. At that meeting, staff indicated that the online survey results can be reported by Electoral Area to provide a more detailed breakdown of area-specific feedback received from the public. Included with this report, staff have presented an analysis and summary of the online survey results by Electoral Area to be considered in conjunction with the full survey results presented in the June 9th report.

Online Survey Results by Electoral Area:

The online survey was published on the ACRD Lets Connect web platform from April 20th to May 16th. While some of the 919 total respondents noted they resided within the City of Port Alberni or did not provide their area of residence, the survey did receive significant engagement from each of the six ACRD Electoral Areas: 79 respondents from Bamfield "A", 102 from Beaufort "B", 53 from Long Beach "C", 238 from Sproat Lake "D", 208 from Beaver Creek "E" and 88 from Cherry Creek "F".

The survey asked a number of specific questions relating to each of Bylaws R1030 (woodstoves) and R1032 (open burning). A breakdown of survey results by Electoral Area is provided in the table below for key questions regarding the health impacts of Particulate Matter 2.5, support for the two proposed burning bylaws and support for campfires.

	EA 'A' Bamfield	EA 'B' Beaufort	EA 'C' Long Beach	EA 'D' Sproat Lake	EA 'E' Beaver Creek	EA 'F' Cherry Creek	ACRD
	79 responses	102 responses	53 responses	238 responses	208 responses	88 responses	919 responses
Do you feel that PM ^{2.5} negatively impacts your health?	93.5% yes 3.9% no	57.4% yes 38.6% no	68% yes 28.5% no	25.8% yes 56.4% no	25.0% yes 54.9% no	44.8% yes 41.4% no	43.6% yes 42.7% no
Do you support Bylaw R1030 as presented?	92.3% yes 6.4% no	58.4% yes 36.6% no	66.2% yes 32.5% no	29.8% yes 62.2% no	27.1% yes 61.8% no	50.0% yes 36.4% no	45.7% yes 46.6% no
Do you support Bylaw R1032 as presented?	94.9% yes 3.8% no	58.4% yes 36.6% no	69.5% yes 27.3% no	35.7% yes 52.8% no	33.0% yes 51.5% no	49.4% yes 36.8% no	49.9% yes 39.6% no
Do you support campfires unless otherwise prohibited by the Province?	97.5% yes 0% no	92.1% yes 4.0% no	90.2% yes 6.5% no	86.4% yes 6.4% no	81.3% yes 13.5% no	83.0% yes 11.4% no	85.0% yes 9.9% no

Electoral Area Analysis of Survey Results

When broken down by Electoral Area, there are wide variations among the survey results. In general, the level of respondents who feel that Particulate Matter 2.5 negatively impacts their health correlates with the level of support for both burning bylaws. A higher level of respondents who believe that PM 2.5 negatively impacts their health indicates a higher level of support for the proposed regulations and vice versa.

Electoral Area 'A' (Bamfield) reports the highest level of support for both bylaws by a wide margin (92.3% support for R1030 [woodstoves] and 94.9% support for R1032 [open burning]), which also correlates with a pervasive belief that PM 2.5 negatively impacts the individual respondent's health. Electoral Area 'C' (Long Beach) reports the next highest level of support for the bylaws at 66.2% support for R1030 and 69.5% support for R1032. Support for the proposed burning regulations is generally higher in the west coast region. The Bamfield area is the only Electoral Area in the ACRD that is currently subject to open burning regulations with Bylaw R1025 Bamfield Residential Backyard Burning Bylaw, adopted in 2013, presently regulating open burning in the community.

In the Alberni Valley, Electoral Area 'B' (Beaufort) reports the highest level of support for the bylaws at 58.4% support for both R1030 and R1032. There was overall less engagement in the survey from Electoral Area 'F' (Cherry Creek) proportional to the area's population but respondents reported 50% support for R1030 and 49.4% support for R1032. Electoral Area 'D' (Sproat Lake) and Area 'E' (Beaver Creek) both report low levels of support for the bylaws as presented and a general belief that PM 2.5 does not negatively impact the respondent's health. In Sproat Lake, only 25.8% of respondents feel that PM 2.5 negatively impacts their health, 29.8% support R1030 and 35.7% support R1032. In Beaver Creek, 25.0% of respondents feel that PM 2.5 negatively impacts their health, 27.1% support R1030 and 33.0% support R1032. Both areas reported the highest number of residents and property owners responding to the

survey with 238 respondents from Sproat Lake and 208 respondents from Beaver Creek.

Survey Results Discussion

The trends in the data for area-specific variances in survey responses within the region is not evident to staff. A significant level of engagement was reported from each Electoral Area. There are unique characteristics to each area that may have impacted the survey results. The Bamfield area reported widespread support for the proposed regulations and it is noted that the Bamfield area has already been subject to backyard burning regulations since 2013. The Bamfield and Long Beach areas showed the highest level of support for the regulations and both areas have unique airsheds with differing circumstances than those faced in the Alberni Valley.

The Beaufort area reports the highest level of support in the Alberni Valley, which may be impacted by the larger lot sizes and rural character of the area and the fact that much of the Beaufort area is located within the Agricultural Land Reserve with greater access to burning regulation exemptions for open burning related to farming activities. Cherry Creek reports close to 50% support for both bylaws. The Sproat Lake and Beaver Creek areas both report comparatively low support for both bylaws with levels of support ranging from 25.1% to 35.7% for the bylaws as presented.

The Sproat Lake, Beaver Creek and Cherry Creek Electoral Areas are the only areas where a majority of respondents either did not support, or were not sure whether they supported, the proposed regulations. These areas are generally denser and more populated than the other rural areas in the ACRD. The survey results do not correlate with staff's expectation that burning regulations would be more desirable in denser areas with more potential for neighbour conflict from backyard burning and inefficient woodstoves. A lower level of support for burning regulations may be impacted by a number of factors including a lack of communication in the region about the benefits of introducing burning regulations in the region, limited knowledge about the proposed regulations and the potential health impacts of PM 2.5, a general hesitancy to support any new regulations and a belief that burning regulations in the region should be focused on the urban areas in the City of Port Alberni.

Next steps for Bylaws R1030 and R1032

Based on the input received from the public and from referral agencies, staff have outlined a number of proposed amendments to Bylaws R1030 and R1032 in the June 9, 2021 report to the Board, which included a staff recommendation to incorporate the proposed amendments and adopt the bylaws as amended.

The area-specific breakdown of the public input received in the online survey indicates some variation in the support for burning regulations throughout the region. Notably, the input indicates a greater level of support in the west coast areas of Bamfield and Long Beach and in the Beaufort and Cherry Creek areas of the Alberni Valley, and indicates a lower level of support among respondents in the more populated areas of Sproat Lake and Beaver Creek in the Alberni Valley.

While some variation is noted by area in the survey results, staff do not recommend implementing burning regulations in specific Electoral Areas while exempting other Electoral Areas from the regulations. The impacts on air quality from wood combustion is a region-wide issue that does not observe Electoral Area boundaries, particularly within the Alberni Valley airshed. An area-specific implementation of burning regulations also presents a challenge for bylaw enforcement and communication with the public. Based on all of the input received, staff recommend that the Electoral Area Directors Committee

recommend that the Board proceed with adopting the burning regulations as presented and direct staff to begin implementing the regulations within the region in fall 2021.

Time Requirements – Staff & Elected Officials:

Significant bylaw enforcement staff time will be required to educate the public, respond to complaints and administer the bylaws. In order to be effective, planning staff also recommend that contraventions to the bylaw be included within the Bylaw Notice Enforcement ticketing process to gain compliance with the regulations. Staff expect to have procedures in place for the implementation of the Bylaw Notice Enforcement process in 2021.

Financial:


The Board had previously included 0.5 FTE staff resourcing in the Financial Plan to implement, monitor and enforce the burning bylaws. Including burning bylaw enforcement within the Bylaw Notice Enforcement ticketing process would help offset the costs of enforcement.

Strategic Plan Implications:

The ACRD Strategic Plan 2021-2024 envisions better support for the region’s vulnerable populations and adapting to and mitigating the impacts of climate change. Implementing burning regulations within the region will help the Board achieve this vision. Strategy 5.1 encourages engagement with community partners to review respective goals and strategies and identify opportunities for alignment and cooperation. Each of the municipalities within the region have already implemented burning regulations and the need to cooperate as a region and align burning regulations has been highlighted by the multi-stakeholder Alberni Air Quality Council to help mitigate the negative impacts of PM 2.5 throughout the region.

Options Considered:

1. Recommend that the Board of Directors not proceed with adopting burning regulations.

Submitted by: 

Alex Dyer MCIP, RPP, Planning Manager

Approved by: 

Teri Fong, CPA, CGA, Acting Chief Administrative Officer



REQUEST FOR DECISION

To: ACRD Board of Directors

From: Alex Dyer, MCIP, RPP, Planning Manager

Meeting Date: June 9, 2021 (deferred to Sept 9, 2021 EA Directors Committee)

Subject: Burning Regulation Bylaws and Public Engagement Summary

Recommendation:

- 1) THAT third reading of Bylaw R1030, Solid-Fuel Burning Appliance Emission Regulation Bylaw be rescinded.
- 2) THAT Bylaw R1030, Solid-Fuel Burning Appliance Emission Regulation Bylaw be amended as presented.
- 3) THAT Bylaw R1030, Solid-Fuel Burning Appliance Emission Regulation Bylaw be given third reading as amended.
- 4) THAT Bylaw R1030, Solid-Fuel Burning Appliance Emission Regulation Bylaw be adopted.
- 5) THAT third reading of Bylaw R1032, Outdoor Burning Smoke Control Regulation Bylaw be rescinded.
- 6) THAT Bylaw R1032, Outdoor Burning Smoke Control Regulation Bylaw be amended as presented.
- 7) THAT Bylaw R1032, Outdoor Burning Smoke Control Regulation Bylaw be given third reading as amended.
- 8) THAT Bylaw R1032, Outdoor Burning Smoke Control Regulation Bylaw be adopted.

Summary:

The Board of Directors last considered the two proposed burning regulations in June 2020: Bylaw R1030, Solid-Fuel Burning Appliance Emission Regulation Bylaw and Bylaw R1032, Outdoor Burning Smoke Control Regulation Bylaw. Bylaw R1030 would regulate wood burning and solid-fuel burning appliances within the ACRD. Bylaw R1032 would regulate open burning within each of the six Electoral Areas and includes varying regulations for campfires, domestic backyard open fires and larger land-clearing open fires. Prior to considering adoption of the bylaws, the Board directed staff to engage in a public information campaign to gather public input on the proposed regulations.

Reflecting the challenges faced during the COVID-19 pandemic, planning staff directed a public

engagement program focused on electronic engagement that included an online survey, to which the Regional District received 919 public responses, a dedicated ACRD Burning Regulation webpage to share information, social media engagement and agency referrals to relevant public health and air quality agencies, Advisory Planning Commissions and the Agricultural Development Committee.

In consideration of the public and agency input received, staff have presented proposed amendments to Bylaws R1030 and R1032 and staff are recommending that the Board adopt the two burning regulation bylaws as amended.

Public Engagement:

The public engagement program for Bylaws R1030 and R1032 focused on directing public to the ACRD Burning Regulation webpage for information and highlighting opportunities to provide input on the bylaws through an online survey platform or by email directly to planning staff. The Burning Regulation webpage can be found here: www.acrd.bc.ca/burning-bylaw-review

Online Survey

The online survey was published on the ACRD Lets Connect web platform on April 20th. The survey, which was live until May 16th, received a total of 919 public responses. While some of the respondents noted they resided within the City of Port Alberni or did not provide their area of residence, the survey did receive significant engagement from each of the six ACRD Electoral Areas: 79 respondents from Bamfield "A", 102 from Beaufort "B", 53 from Long Beach "C", 238 from Sproat Lake "D", 208 from Beaver Creek "E" and 88 from Cherry Creek "F". Many respondents also own or rent second homes within the ACRD Electoral Areas.

The survey asked a number of questions relating to the health impacts of Particulate Matter 2.5 (PM 2.5), residence and household details, knowledge about Provincial information relating to air quality, and specific questions relating to each of Bylaws R1030 and R1032. The full survey results and charts are attached to this report as Appendix 'A'.

Survey Results for Demographics and Health Impacts from Particulate Matter 2.5

26% of the respondents noted that they live with a lung or cardiovascular disease or that they are a caregiver to a person living with chronic disease. 28.8% of respondents noted that they are seniors aged 65+ and a further 5.3% of respondents noted that they are pregnant. Each of these groups may be more vulnerable to the short-term and long-term health impacts directly related to PM 2.5 emissions from wood burning. 67% of respondents reported a good understanding of the health impacts of PM 2.5 with 13% reporting limited or no understanding of health impacts.

Survey Results for Bylaw R1030, Solid-Fuel Burning Appliance Emission Regulation Bylaw

A total of 416 (45.9%) respondents reported that they support Bylaw R1030 as presented, whereas 422 (46.5%) reported they did not support the bylaw and 69 (7.6%) were not sure. The top reasons for not supporting the bylaw included a general belief that smoke from woodstoves is not an issue, or that excessive smoke from woodstoves in their area is not an issue, and the financial cost to upgrade older woodstoves.

57.9% of respondents agreed that the requirement to upgrade older and homemade woodstoves by July

2023 would be a reasonable regulation with 32.3% of respondents reporting that they own or rent a home that would require a woodstove upgrade. The survey also highlighted the woodstove exchange program managed by the ACRD in partnership with the Province. Continuation of the woodstove exchange program, additional grant opportunities from the ACRD or the Province and providing direct financial support for lower income families were all highlighted as key incentives needed to encourage updating old woodstoves.

Survey respondents were asked if they had any additional comments regarding Bylaw R1030, and approximately 223 responses were submitted. The comments were summarized and generally fall into the following themes: challenging to enforce Bylaw; Bylaw too general, should be specific to an area; Bylaw not equitable; Need to extend timeframe to upgrade existing woodstove; Need to consider financial impact; Should not apply to fireplaces; Highlight benefits of woodstoves; Grandfather existing woodstoves; and expand natural gas services to all areas.

Survey Results for Bylaw R1032, Outdoor Burning Smoke Control Regulation Bylaw

A total of 452 (50%) respondents reported that they support Bylaw R1032 as presented, whereas 357 (39.5%) reported they did not support the bylaw and 95 (10.5%) were not sure. The top reasons for supporting the bylaw include the ability to access yard waste drop off at the Landfills and concerns about the health impacts from Particulate Matter 2.5. The top reasons for not supporting the bylaw include a belief that smoke from backyard burning is not an issue, the cost of bylaw enforcement to regulate the open burning regulations and general opposition to any additional regulation by the Regional District.

The most effective ways noted by respondents to control air quality issues relating to burning include restricting the types of materials that can be burned, limiting the size of burn piles and establishing burning windows that would prohibit burning during the wettest months most susceptible to atmospheric inversions. There is also support for differentiating between hand-piled and larger machine-piled fires with varying setbacks and regulations for each and 85% of respondents supported continuing to permit campfires contained within a fire pit at any time, unless otherwise prohibited by the Province.

Survey respondents were asked if they had any additional comments regarding Bylaw R1032, and approximately 190 responses were submitted. The comments generally fall into the following themes: Importance of public education and incentives; Effectiveness of Bylaw will rely on being easy to comply, having an enforcement/monitoring plan, and fair and cost efficient to everyone; Universal Bylaw for the entire region not appropriate, different areas and properties of different sizes should have different regulations; Open Burning Bylaw isn't needed at all, leave for Province to regulate; General support of Bylaw, especially the open burning and backyard burning regulations; Make changes to Landfill including waiving fees, invest in grinder, free curbside pick-up, and more free residential drop off initiatives; Backyard campfires should be banned; Do not include campfire size restrictions; Shorten allowable burning times; prohibit outdoor burning during certain times of the year (ie. colder/wetter months); Consider a variance process to vary/adjust the timeframe (ie. after a storm event where larger burn piles were required); Limit the size of the outdoor combustion pile, and materials that can be burned; and limit forestry slash burning.

Public Advertisement

The opportunity to provide input through the online survey and to find additional information on the ACRD Burning Regulation webpage was advertised to the public through various methods:

- A newsletter was mailed out to 3,450 rural Alberni Valley and Bamfield residents on April 23rd.

- Newspaper ads were published in the Alberni Valley News and the Westerly on April 21st.
- Email distribution by Alberni Air Quality Council members and other community groups.
- Signage, sandwich boards and social media posts.

Agency Referrals

A referral was sent to affected Provincial agencies, the Agricultural Development Committee and the six Electoral Area Advisory Planning Commission (APC) members. The bylaws were referred by email to the APCs in April 2020. A package of agency referral responses received is attached to the report as Appendix 'B'. The referral agencies were generally supportive of implementing the burning regulations with suggested changes and updates. Many of the proposed changes outlined within the responses have been incorporated into the proposed amendments to Bylaws R1030 and R1032. The referral responses are also summarized below.

Island Health: The referral response from Jade Yehia, Regional Built Environment Consultant with Island Health details the negative health impacts from exposure to PM 2.5 and notes that air quality related health indicators such as asthma incidence, respiratory hospitalization, chronic obstructive pulmonary disease (COPD) incidence and hospitalization tend to be higher in the Alberni-Clayoquot Local Health Area in comparison with Island Health and BC.

Ministry of Environment & Climate Change Strategy: The response from Earle Plaine, Section Head of the Air Quality Section of the Ministry detailed varying wood burning appliance standards and provided input on the proposed open burning regulations. The letter proposed moving up the outdoor burning window to September 15th, if permitted by the Province, when the venting index can be more favourable and clarifies that larger debris pile burning should be regulated by the Province through the *Open Burning Smoke Control Regulation*.

Alberni Air Quality Council (AQC): The AQC discussed the proposed burning regulations at a meeting in May 2020 where they provided background information on the need to implement burning regulations in the ACRD and provided detailed feedback to both bylaws.

Agricultural Development Committee (ADC): The ADC discussed the proposed burning regulations in May 2020. The key points discussed were agricultural producers' need to: burn brush piles/pruning/diseased materials; clear land; and use non-conforming wood burning appliances for product processing, such as when making maple syrup, smoking, or drying. Also discussed were issues of enforcement and the applicability of the *Farm Practices Protection (Right to Farm) Act* and its limitations if a producer is not on ALR and/or does not have farm status with BC Assessment. There was discussion about the need for chippers, organics collection, and/or alternatives to burning. The ADC recommended the creation of a registration system that allows for the use of modified stoves for the purpose of processing agricultural product and for educational material to be developed at the regional level with regards to agriculture and burning.

Proposed Amendments to Bylaws R1030 and R1032:

Based on the input received from the public and from referral agencies, staff have proposed a number of amendments to Bylaws R1030 and R1032. Staff have presented the bylaws with proposed amendments and recommend that the Board rescind third reading of each bylaw, incorporate the proposed amendments into the bylaws, and give third reading and adoption of the bylaws as amended. The proposed changes to the bylaws are outlined in point form below.

Bylaw R1030, Solid-Fuel Burning Appliance Emission Regulation Bylaw

- Definitions: “Fireplace” removed from “certified appliance” and “solid-fuel burning appliance” definitions to clarify that open fireplaces are exempt from the bylaw.
- Section 5: Existing wood burning appliances not in compliance with the bylaw to remain in service until July 2024, extended from July 2023.
- Exemption provided for any person using a solid-fuel burning appliance for farm product processing as part of “normal farm practices” as defined in the Province’s *Farm Practices Protection Act*.

Bylaw R1032, Outdoor Burning Smoke Control Regulation Bylaw

- Clarified “open burning” definition to include outdoor burning devices detached from buildings.
- Fall burning period adjusted from Sept. 30 – Nov. 30 to Sept. 15 – Nov. 15 to further restrict burning during the colder period more susceptible to atmospheric inversions.
- Reduced smoke release period for Category A fires from 72 hours to 36 hours.

Time Requirements – Staff & Elected Officials:

Significant bylaw enforcement staff time will be required to educate the public, respond to complaints and administer the bylaws. Enforcement of the bylaws on the west coast will require significant travel time to respond to complaints. Staff are willing to investigate creative possibilities to work with ACRD staff located on the west coast or with agencies on the west coast to identify enforcement resources that could be utilized locally.

In order to be effective, planning staff also recommend that contraventions to the bylaw be included within the Bylaw Notice Enforcement ticketing process to gain compliance with the regulations. Staff expect to have procedures in place for the implementation of the Bylaw Notice Enforcement process in 2021.

Financial:


The Board had previously included 0.5 FTE staff resourcing in the Financial Plan to implement, monitor and enforce the burning bylaws. Including burning bylaw enforcement within the Bylaw Notice Enforcement ticketing process would help offset the costs of enforcement.

Strategic Plan Implications:

The ACRD Strategic Plan 2021-2024 envisions better support for the region’s vulnerable populations and adapting to and mitigating the impacts of climate change. Implementing burning regulations within the region will help the Board achieve this vision. Strategy 5.1 encourages engagement with community partners to review respective goals and strategies and identify opportunities for alignment and cooperation. Each of the municipalities within the region have already implemented burning regulations and the need to cooperate as a region and align burning regulations has been highlighted by the multi-stakeholder Alberni Air Quality Council to help mitigate the negative impacts of PM 2.5 throughout the region.

Options Considered:


1. Defer a decision on the bylaws and refer the proposed burning regulations to an Electoral Area Directors Committee meeting for further discussion.

Submitted by: 

Alex Dyer MCIP, RPP, Planning Manager

Reviewed by: 

Mike Irg MCIP, RPP, General Manager of Planning and Development

Approved by: 

Douglas Holmes BBA, CPA, CA, Chief Administrative Officer



ACRD Burning Regulation Survey

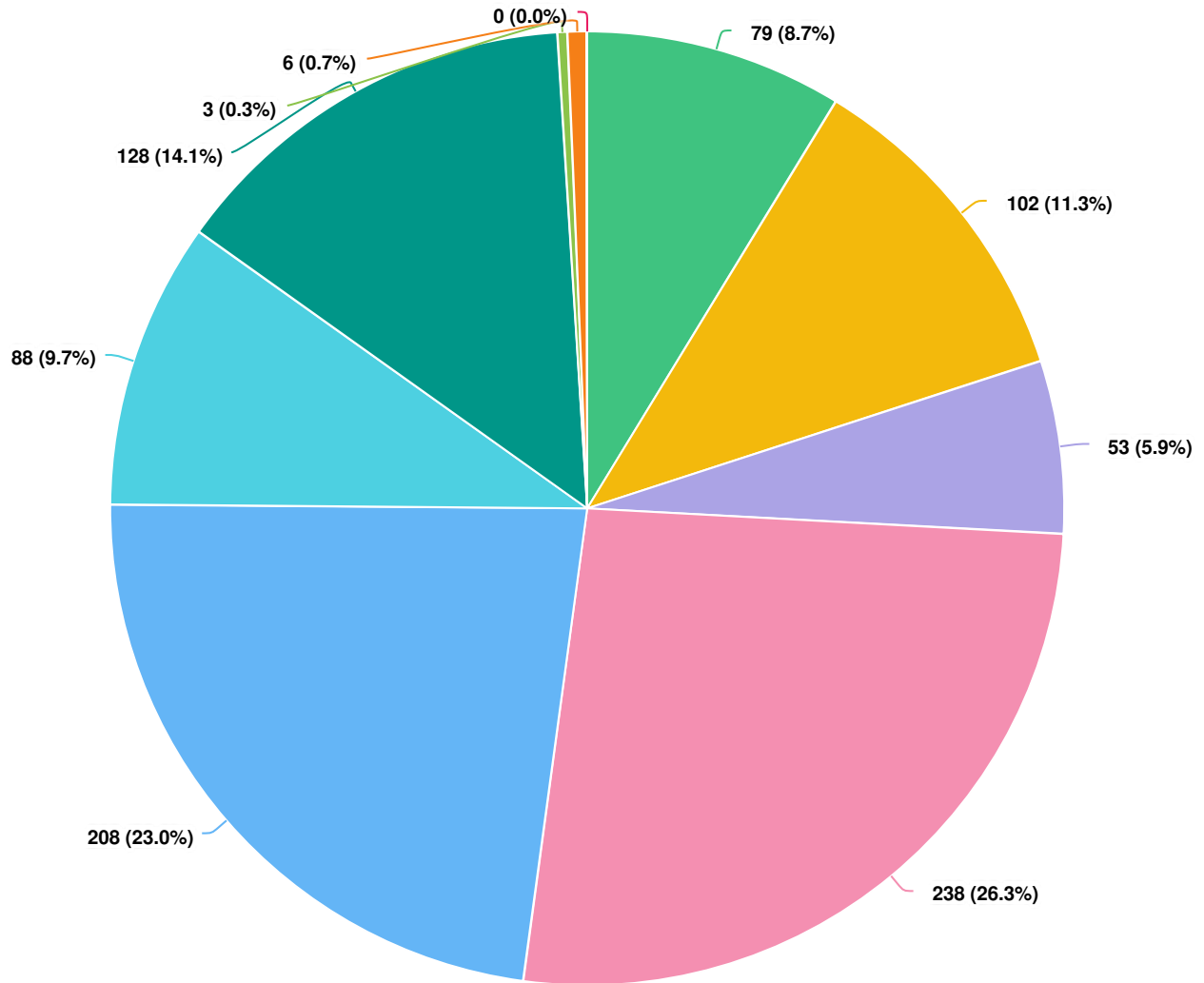
SURVEY RESPONSE REPORT

20 April 2021 - 16 May 2021

PROJECT NAME:

Burning Bylaw Review

Q1 | Where is your primary residence located? *Note: the proposed ACRD Bylaws R1030 and R1032 would only apply to the six (6) ACRD...*

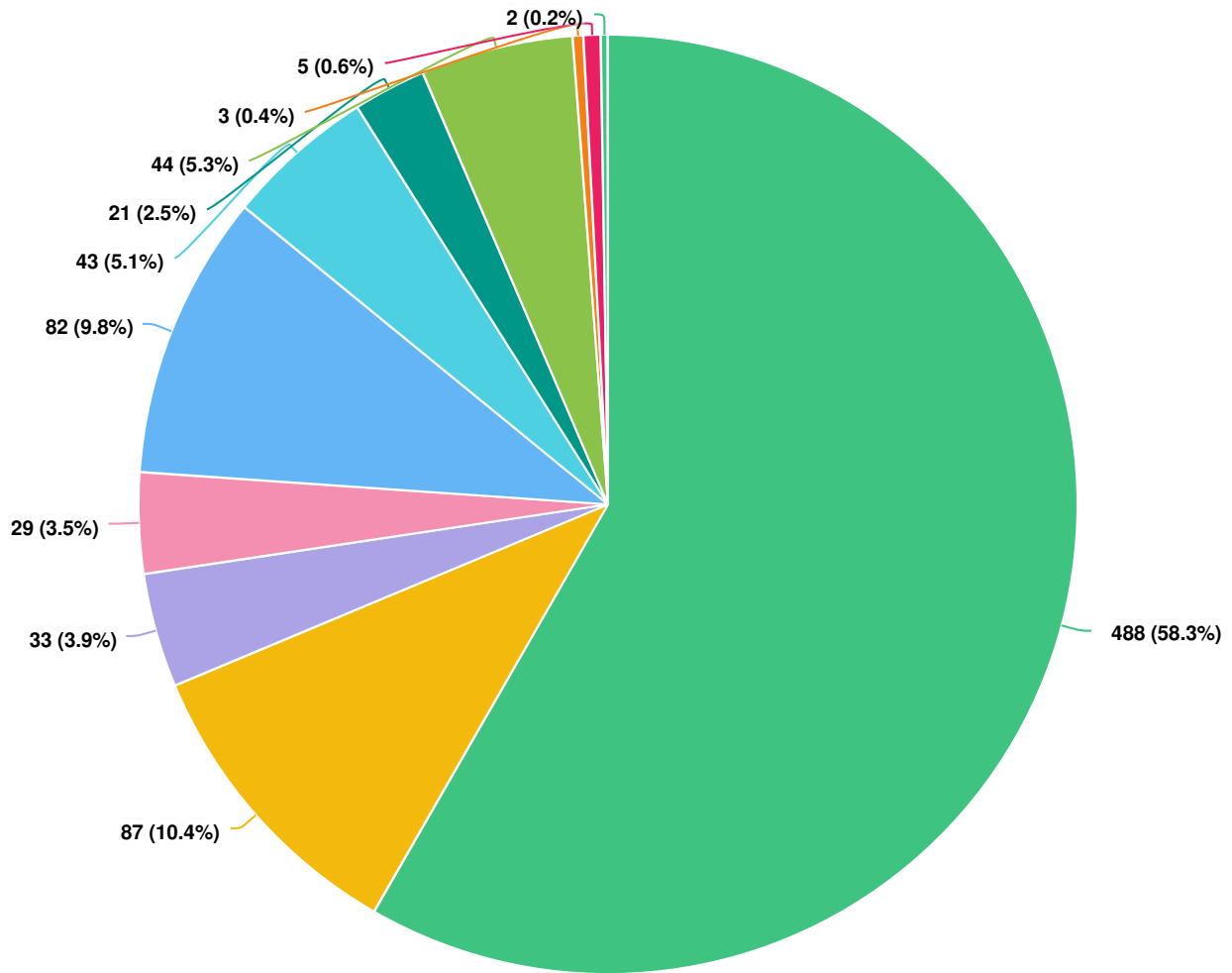


Question options

- Bamfield Electoral Area "A" ● Beaufort Electoral Area "B" ● Long Beach Electoral Area "C"
- Sproat Lake Electoral Area "D" ● Beaver Creek Electoral Area "E" ● Cherry Creek Electoral Area "F"
- City of Port Alberni ● District of Tofino ● District of Ucluelet
- First Nations community (Maa-nulth Treaty land or non-treaty IR)

*Optional question (905 response(s), 14 skipped)
Question type: Radio Button Question*

Q2 If you rent or own a second property within the ACRD, please indicate where it is located

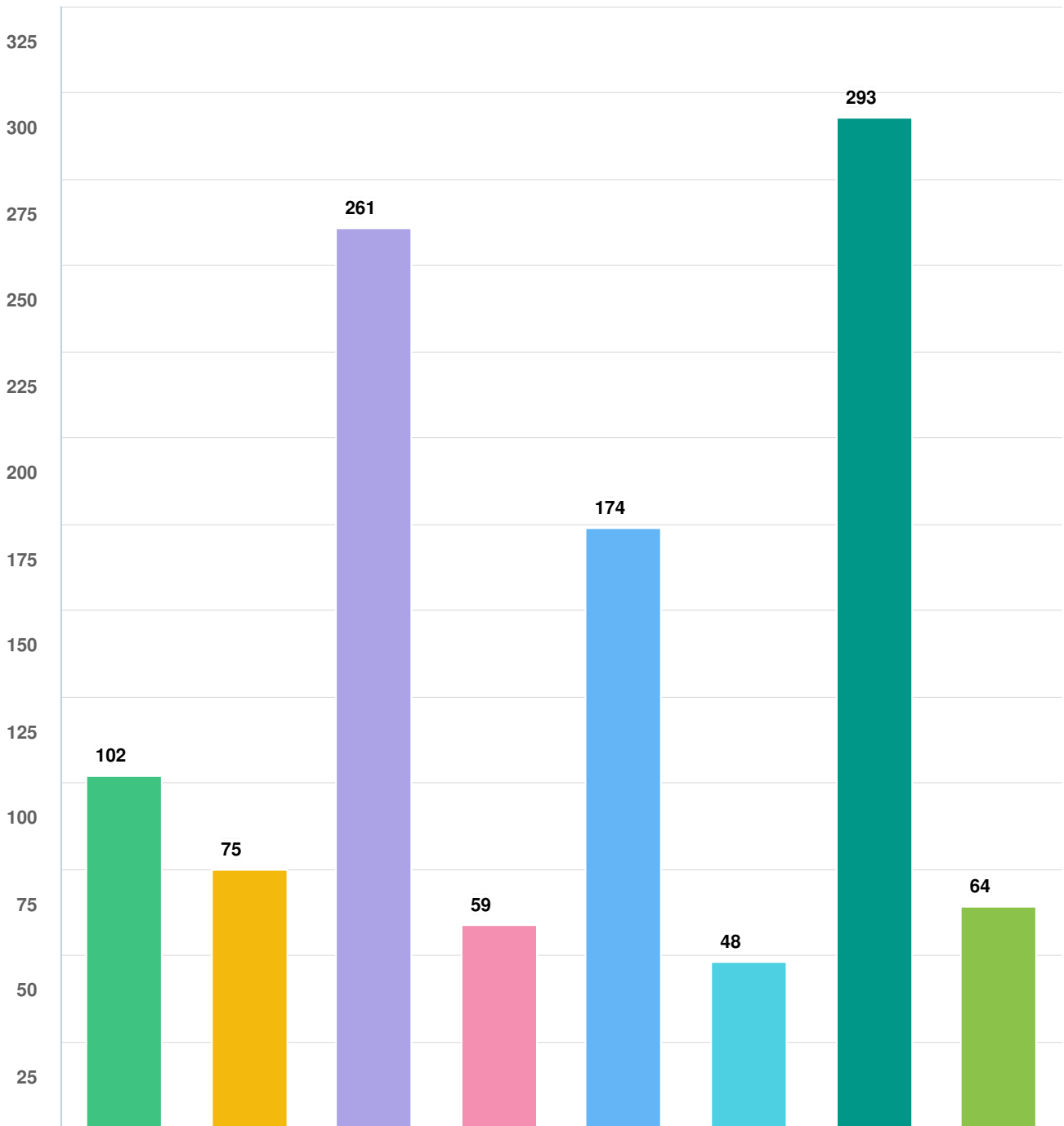


Question options

- I do not rent or own a second property in the ACRD
 ● Bamfield Electoral Area "A"
● Beaufort Electoral Area "B"
- Long Beach Electoral Area "C"
 ● Sproat Lake Electoral Area "D"
● Beaver Creek Electoral Area "E"
- Cherry Creek Electoral Area "F"
 ● City of Port Alberni
● District of Tofino
● District of Ucluelet
- First Nations community (Maa-nulth Treaty land or non-treaty IR)

Optional question (837 response(s), 82 skipped)
 Question type: Radio Button Question

Q3 Do you identify with any of the following groups?(Choose all that apply)

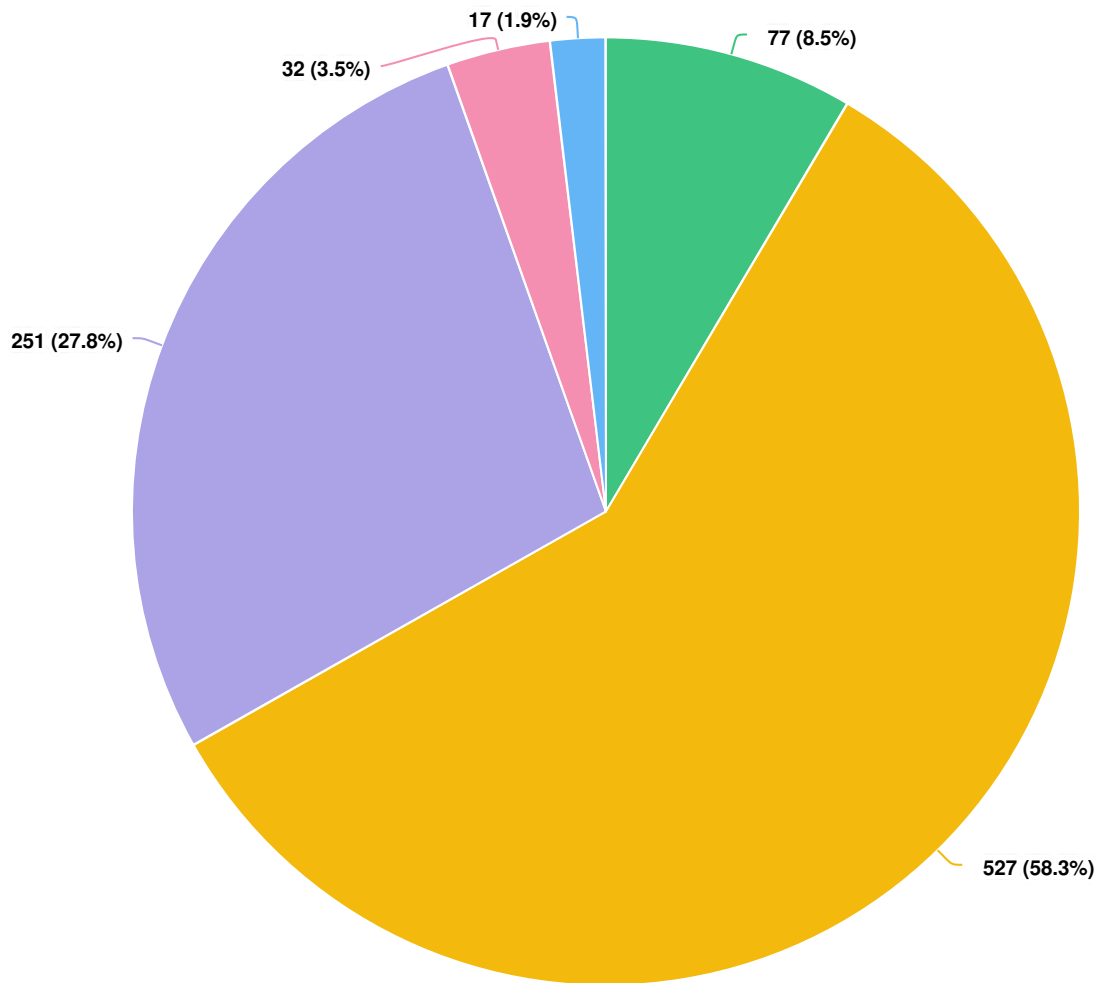


Question options

- Living with lung disease(s)
 ● Living with cardiovascular disease(s)
 ● Older adult (65+ years)
- Caregiver of older adult or person(s) living with chronic disease(s)
 ● Caregiver of children
 ● Pregnant
- None of the above
 ● Prefer not to say

*Optional question (905 response(s), 14 skipped)
Question type: Checkbox Question*

Q4 How many people, including yourself, currently reside in your household?



Question options

- 1
- 2-3
- 4-5
- 6+
- Prefer not to say

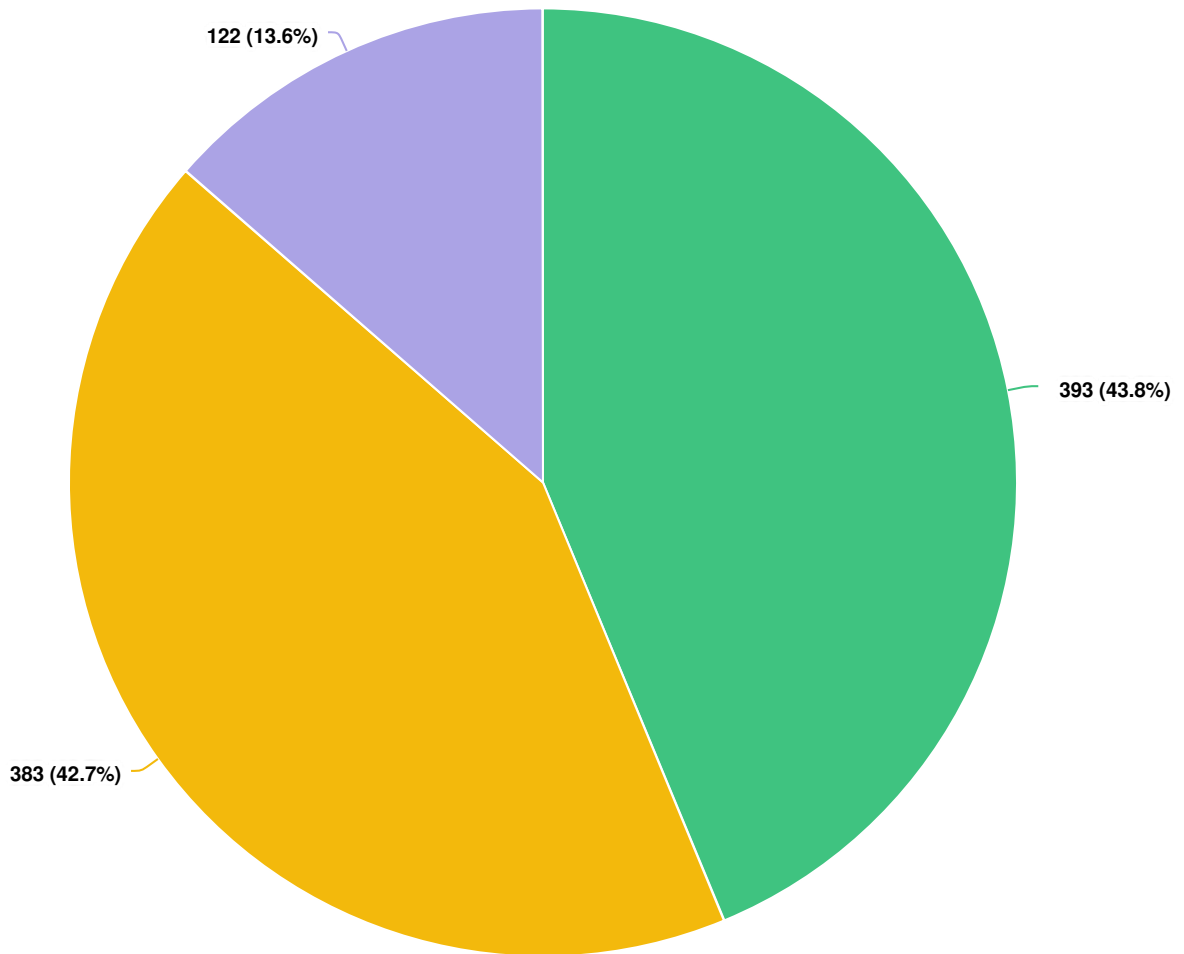
Optional question (904 response(s), 15 skipped)
Question type: Radio Button Question

**Q5 | How well do you feel you understand the information related to Particulate Matter 2.5?
(Rank level of understanding from 1 - no understanding at all to 5 - good understanding)**



Optional question (909 response(s), 10 skipped)
Question type: Likert Question

Q6 Do you feel that that PM 2.5 negatively impacts your health?

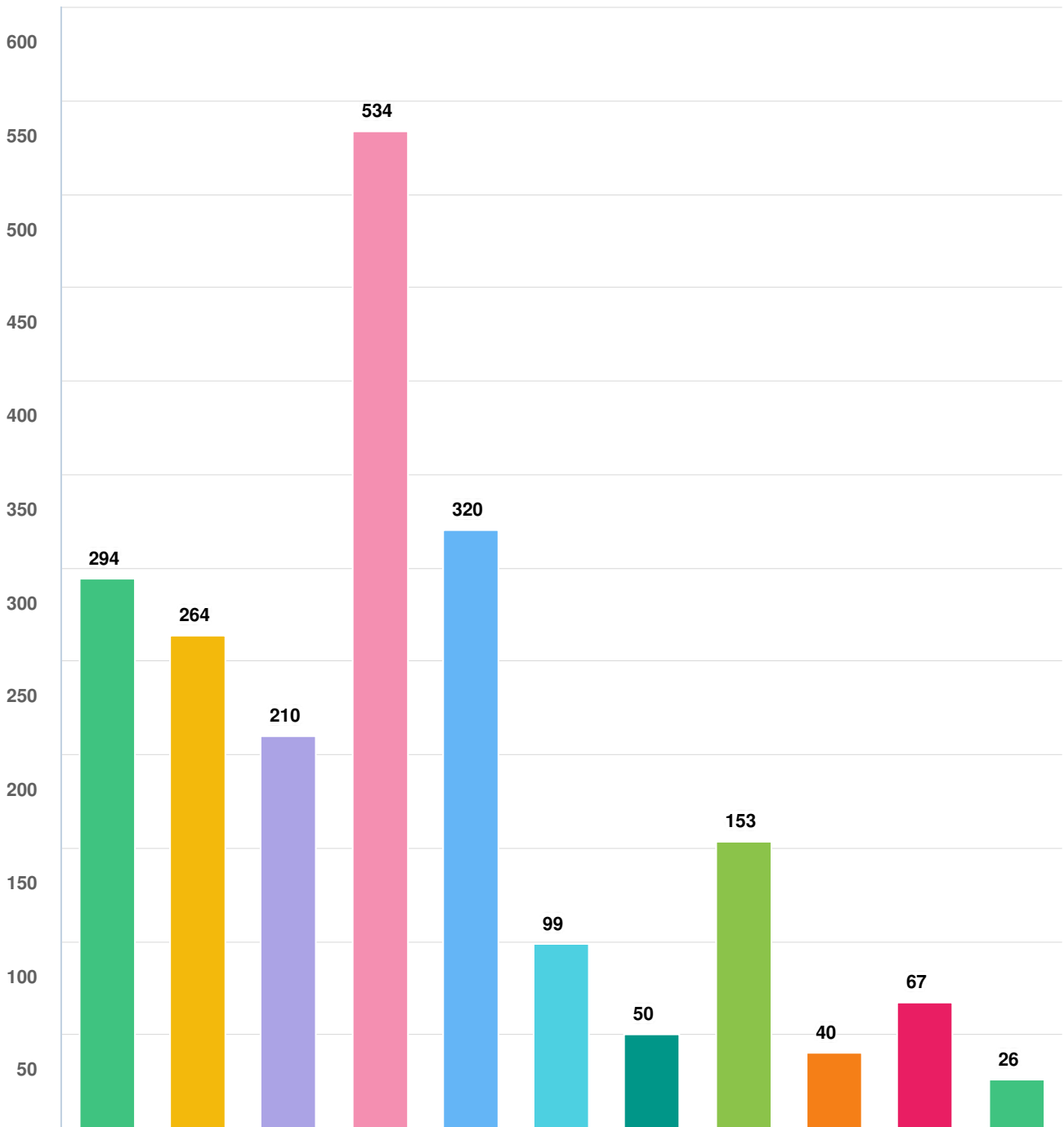


Question options

- Not sure
- No
- Yes

*Optional question (898 response(s), 21 skipped)
Question type: Radio Button Question*

Q7 How do you receive information related to air quality issues in our region?(Choose all that apply)

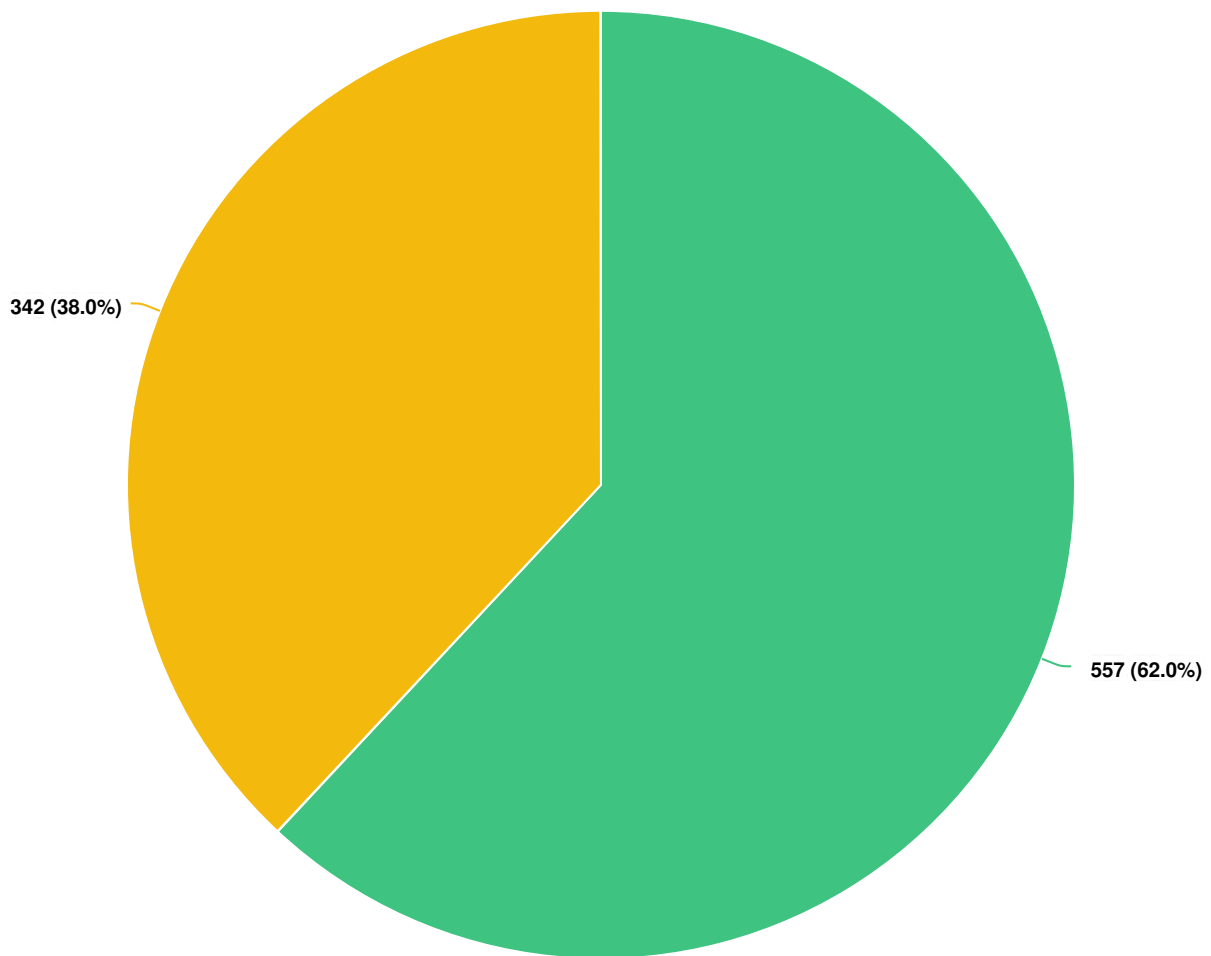


Question options

- Other (please specify)
- Are not aware of any ways to access air quality information
- Health care provider
- Family/friend/community member
- Text alert
- Email
- Mobile device app (Weather app, Air Quality Health Index)
- Online (internet)
- Radio
- Newspaper
- TV

Optional question (909 response(s), 10 skipped)
 Question type: *Checkbox Question*

Q8 Are you aware that you can sign up to automatically receive air quality messages from the Province (Smoky Skies Bulletins and Air Quality Advisories) via your email address and/or mobile phone number? More details can be found on the BC Air Quality...

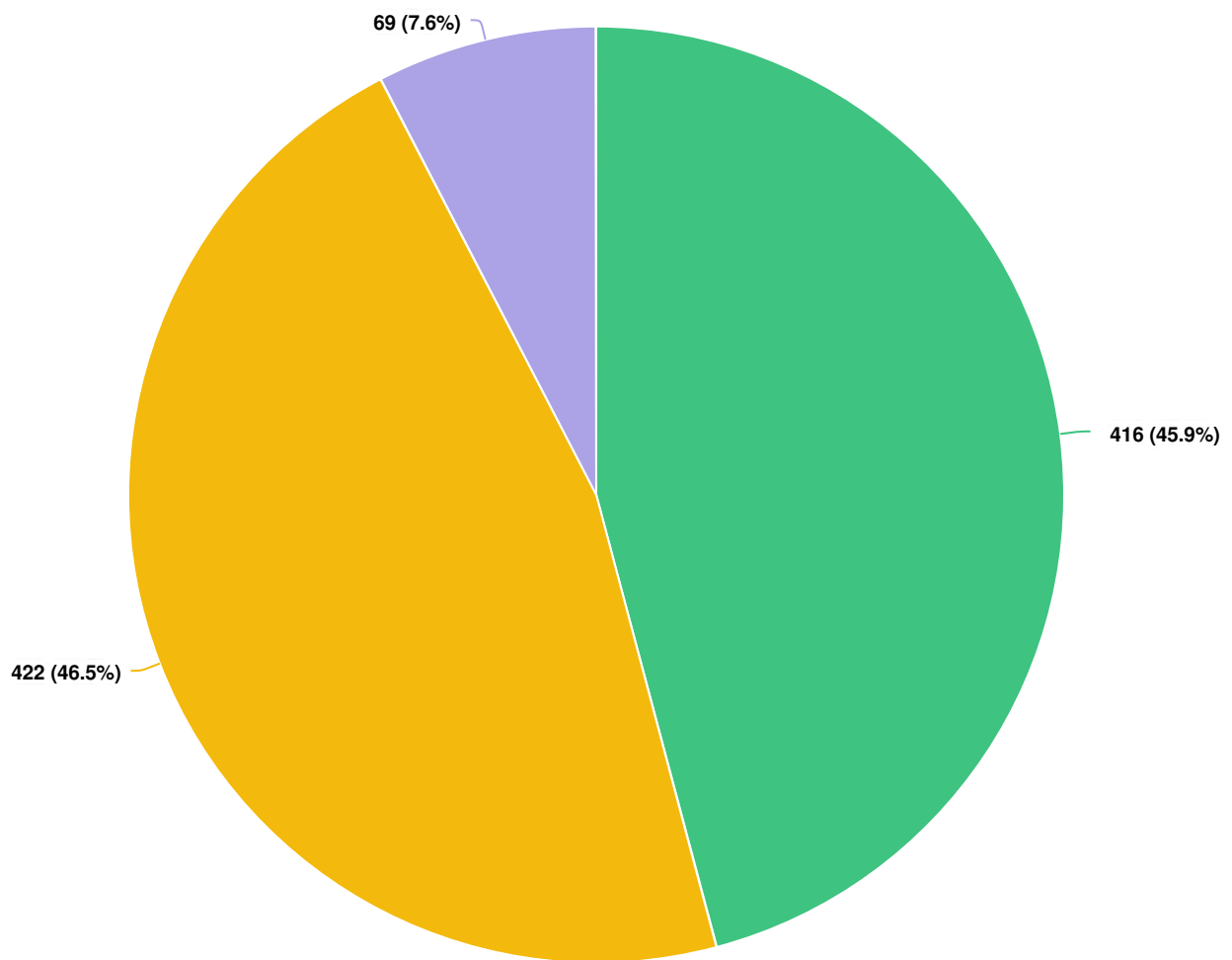


Question options

- No
- Yes

Optional question (899 response(s), 20 skipped)
Question type: Radio Button Question

Q9 Do you support Bylaw R1030: Solid-Fuel Burning Appliance Emission Regulation Bylaw as presented? Note: the proposed ACRD Bylaws R1030 and R1032 would only apply to the six (6) ACRD Electoral Areas: Bamfield, Beaufort, Long Beach, Sproat Lake, Beaver Creek and Cherry Creek.

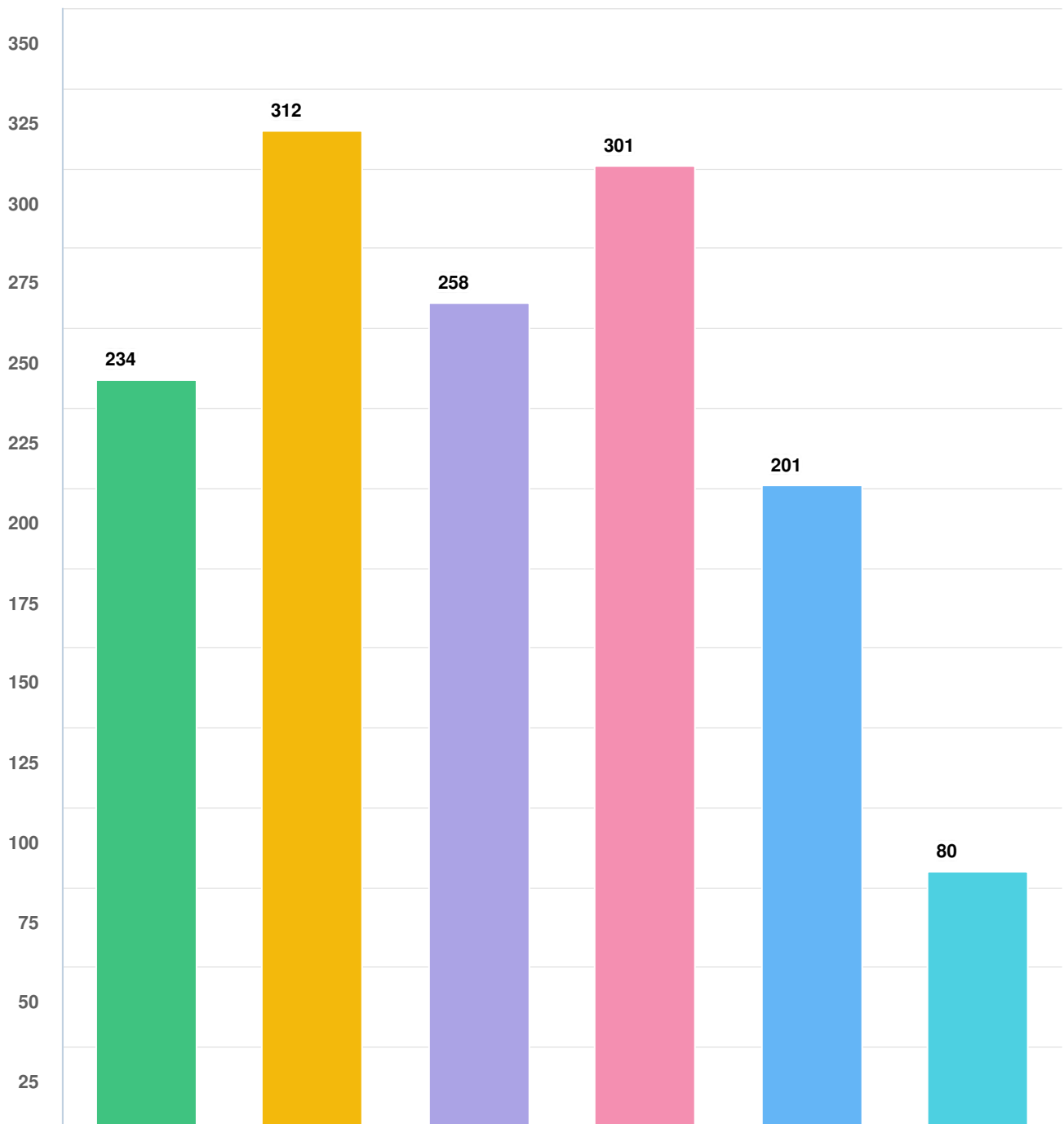


Question options

- Not sure
- No
- Yes

Optional question (907 response(s), 12 skipped)
Question type: Radio Button Question

Q10 If you are opposed to Bylaw R1030, please indicate why.(Choose all that apply)



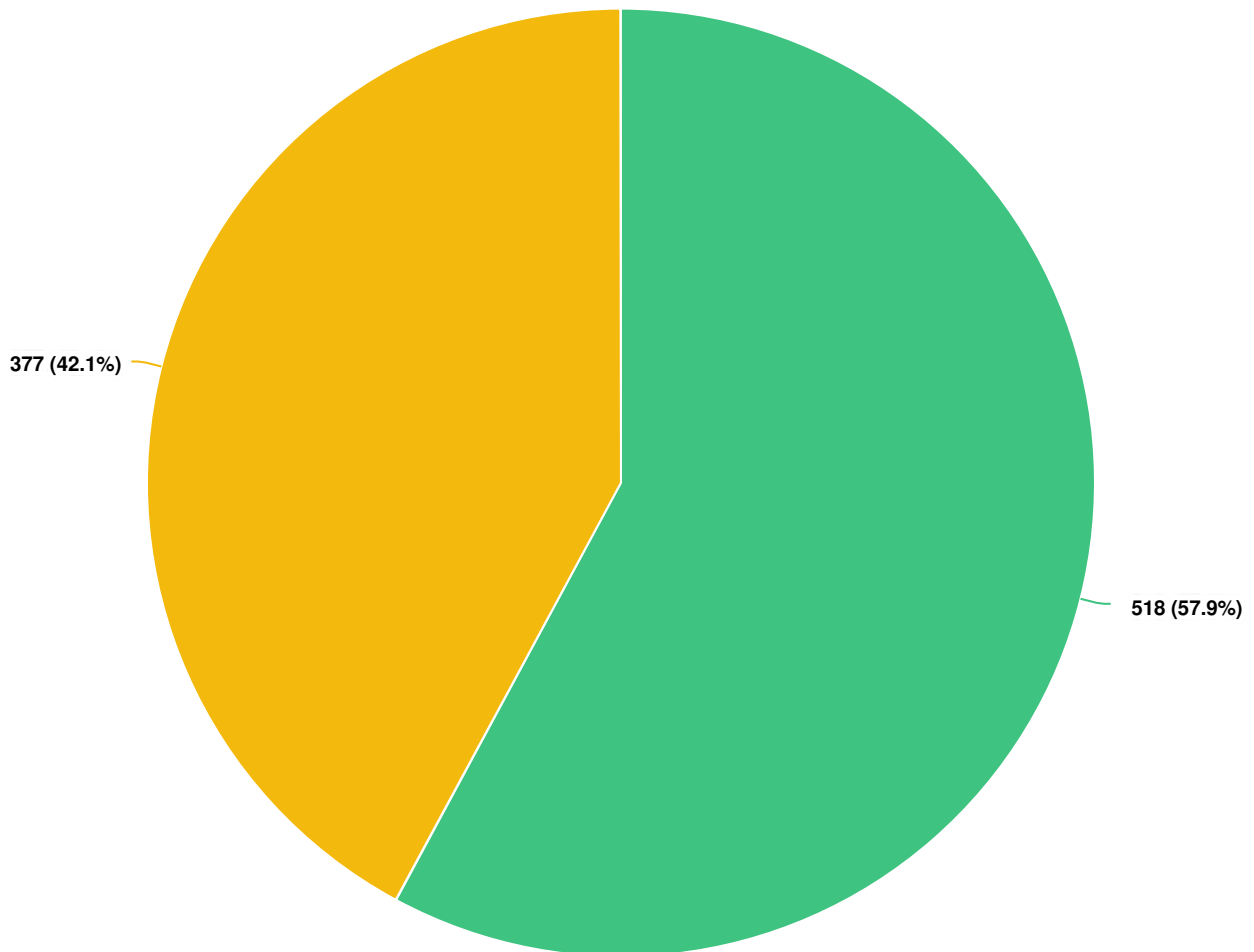
Question options

- Other (please specify)
- I am not opposed to the bylaw
- Excessive smoke from woodstoves is not an issue in my area
- Financial cost to upgrade woodstove
- Generally do not believe that smoke from woodstoves is an issue
- Generally opposed to any additional regulation

Optional question (801 response(s), 118 skipped)

Question type: Checkbox Question

Q11 | If Bylaw R1030 is adopted, older woodstoves and homemade woodstoves would need to be upgraded by July 1, 2023. Do you agree this is a reasonable regulation?

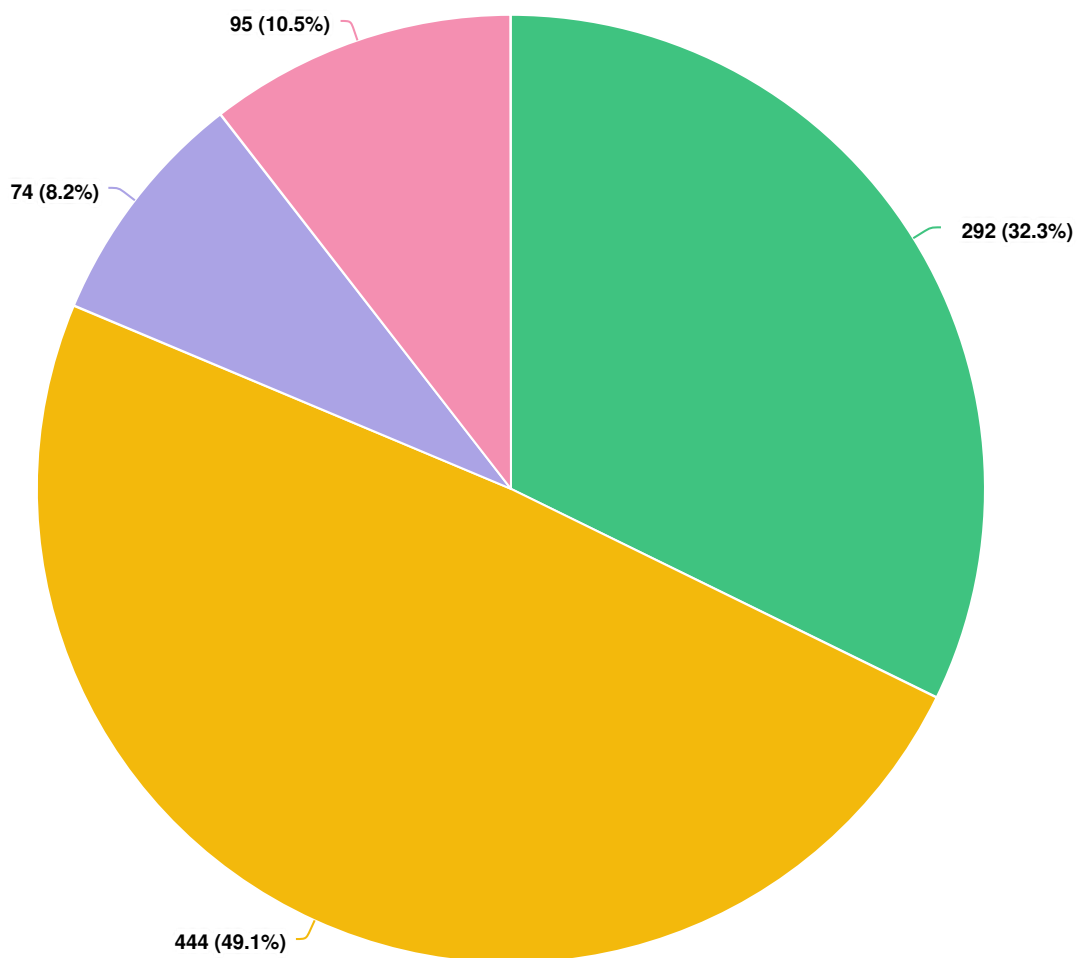


Question options

- Disagree
- Agree

*Optional question (895 response(s), 24 skipped)
Question type: Radio Button Question*

Q12 | The current CSA/EPA standard approves certified woodstoves dating from 1994 onward. If the bylaw is adopted requiring certified woodstoves in the ACRD, do you own or rent a home that would need to upgrade a woodstove?

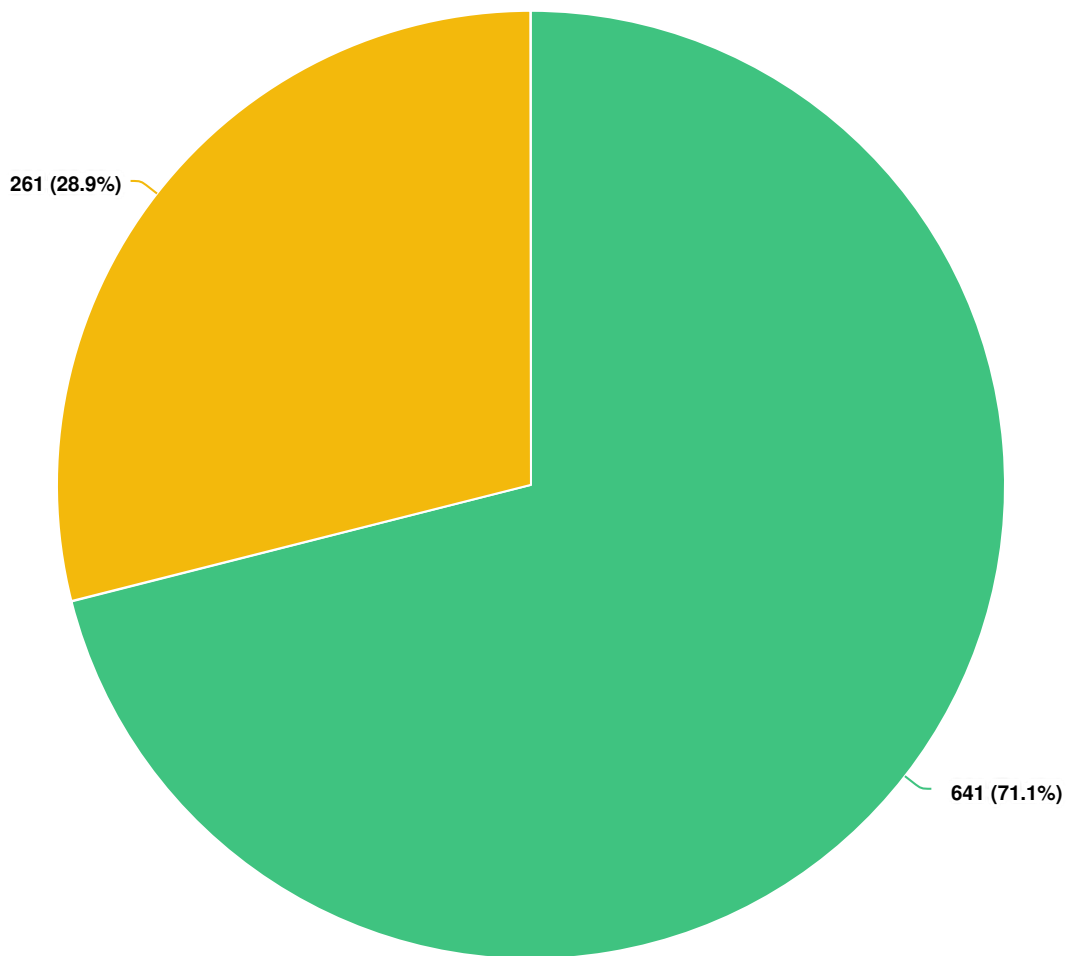


Question options

- Do not own or rent a home with a woodstove
- Not sure
- No
- Yes

Optional question (905 response(s), 14 skipped)
 Question type: Radio Button Question

Q13 Are you aware of the Woodstove exchange program that is managed by the ACRD in partnership with the BC Ministry of Environment and Climate Change Strategy and the BC Lung Association? More information can be found on the ACRD Woodstove Exchange Pro...

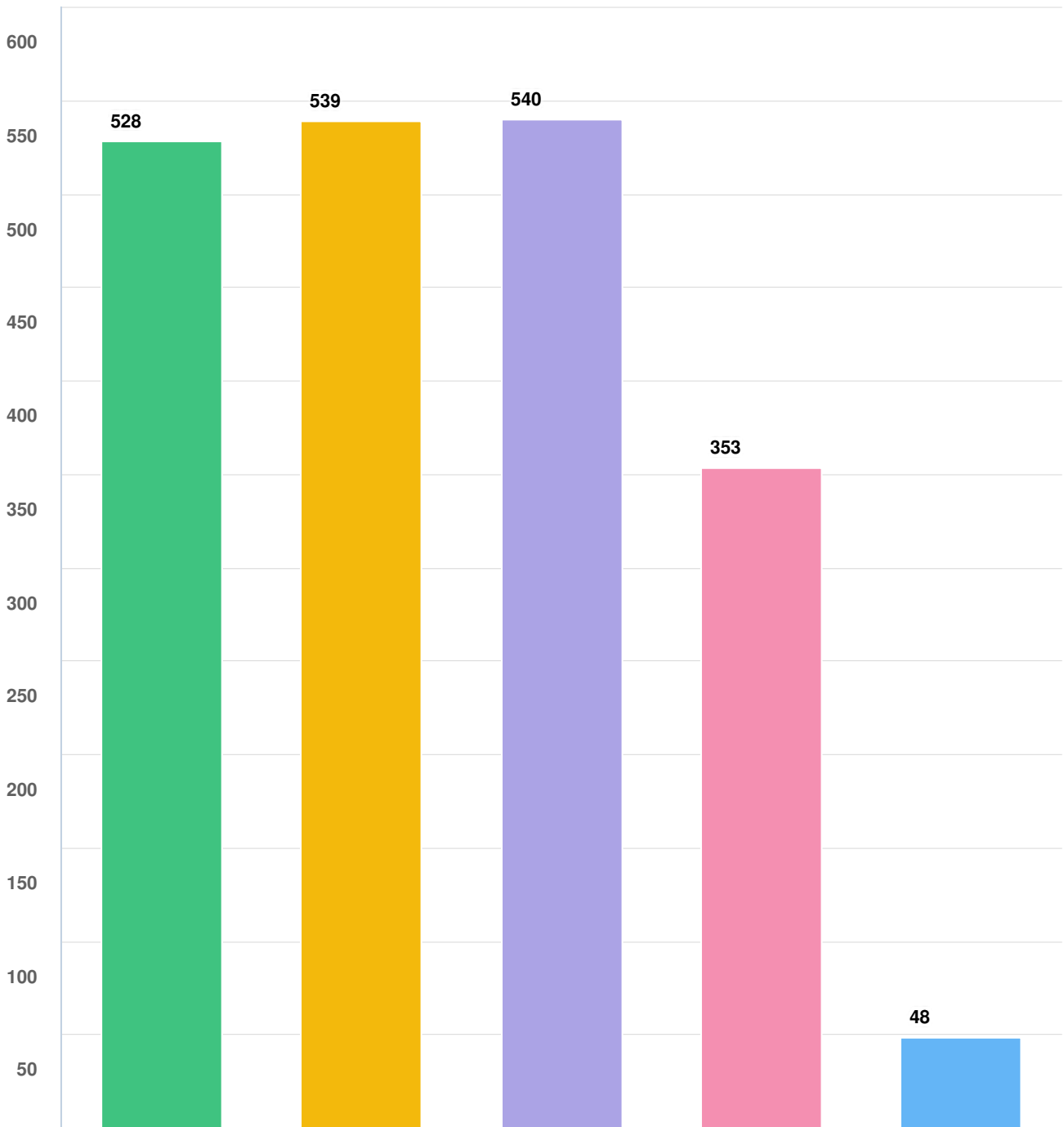


Question options

- No
- Yes

Optional question (902 response(s), 17 skipped)
Question type: Radio Button Question

**Q14 What incentives do you think are needed to encourage updating an old woodstove?
(Choose all that apply)**

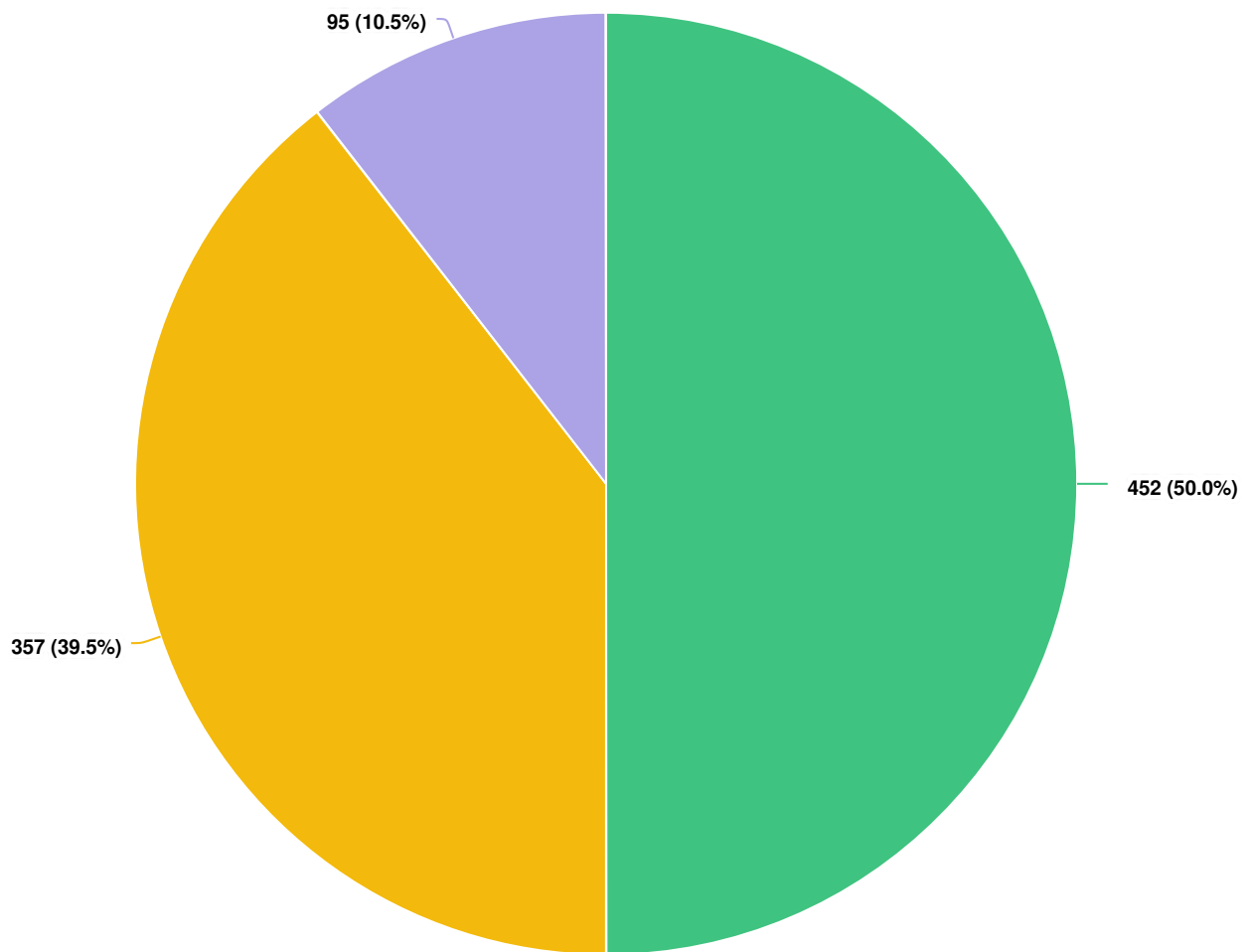


Question options

- Other (please specify)
- Education on the benefits of upgrading woodstoves
- Financial support for lower income families to upgrade woodstoves
- Additional financial grants from the ACRD and Province
- Continuation of the existing Woodstove Exchange Program

*Optional question (902 response(s), 17 skipped)
Question type: Checkbox Question*

Q15 Do you support Bylaw R1032: Outdoor Burning Smoke Control Regulation Bylaw as presented? Note: the proposed ACRD Bylaws R1030 and R1032 would only apply to the six (6) ACRD Electoral Areas: Bamfield, Beaufort, Long Beach, Sproat Lake, Beaver Creek, Cherry Creek.

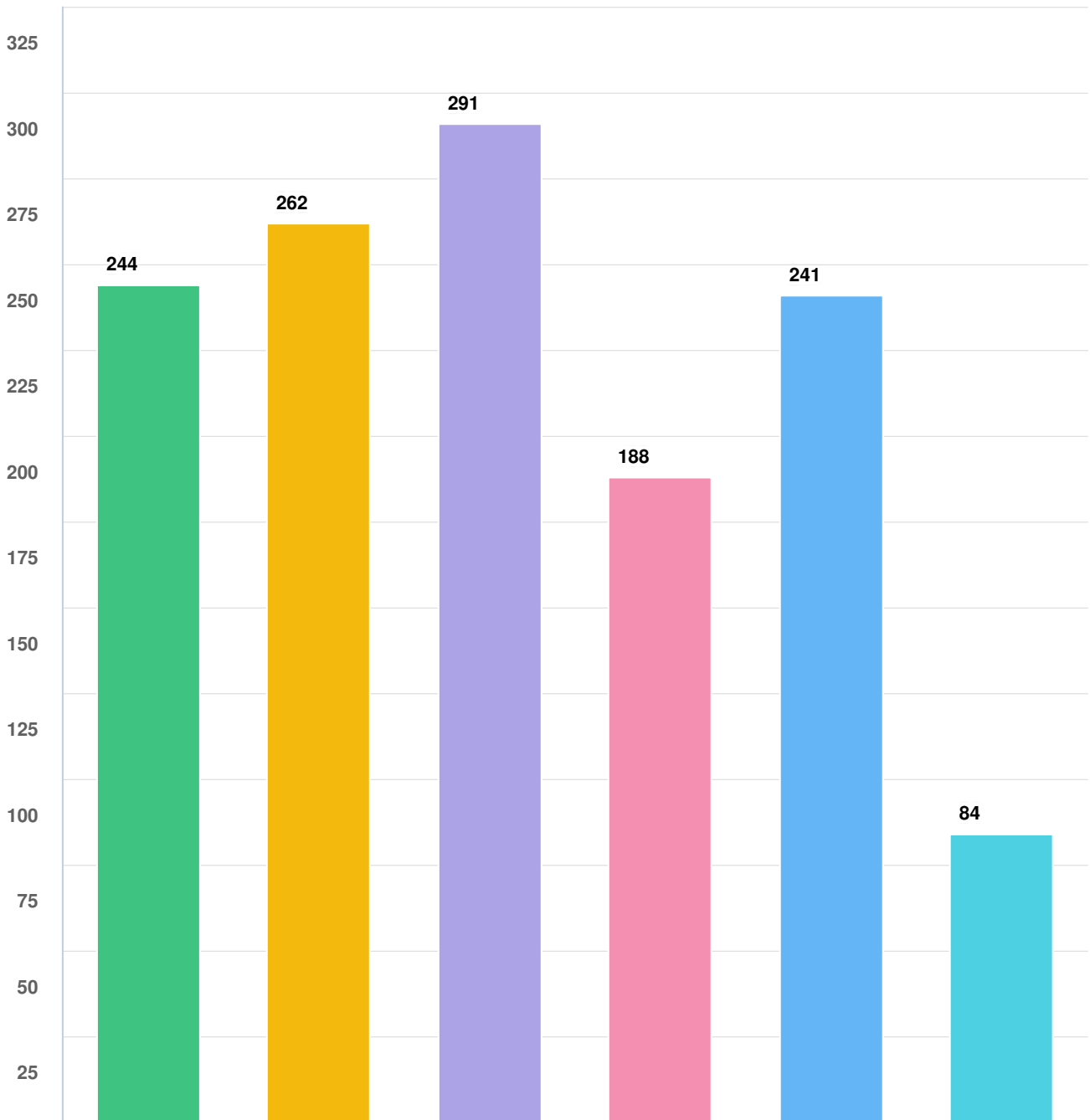


Question options

- Not sure
- No
- Yes

Optional question (904 response(s), 15 skipped)
Question type: Radio Button Question

Q16 If you are opposed to Bylaw R1032, please indicate why.(Choose all that apply)



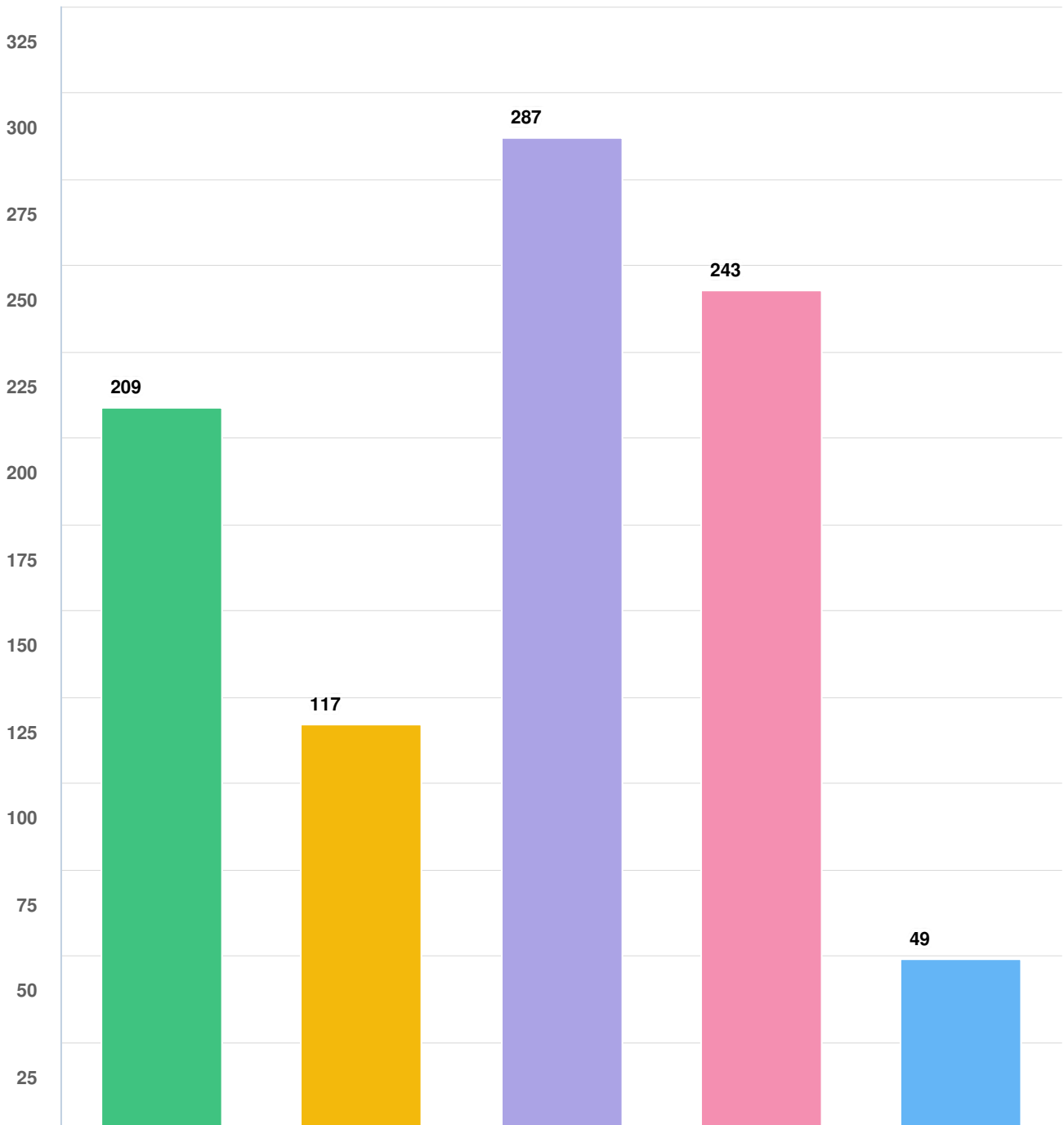
Question options

- Other (please specify)
- I am not opposed to the bylaw
- Do not believe that smoke from backyard burning is an issue
- Do not believe that smoke from backyard burning is an issue
- Cost of bylaw enforcement to regulate open burning throughout the Regional District
- Generally opposed to any additional regulation

Optional question (786 response(s), 133 skipped)

Question type: Checkbox Question

Q17 If you are supportive of Bylaw R1032, please indicate why.(Choose all that apply)



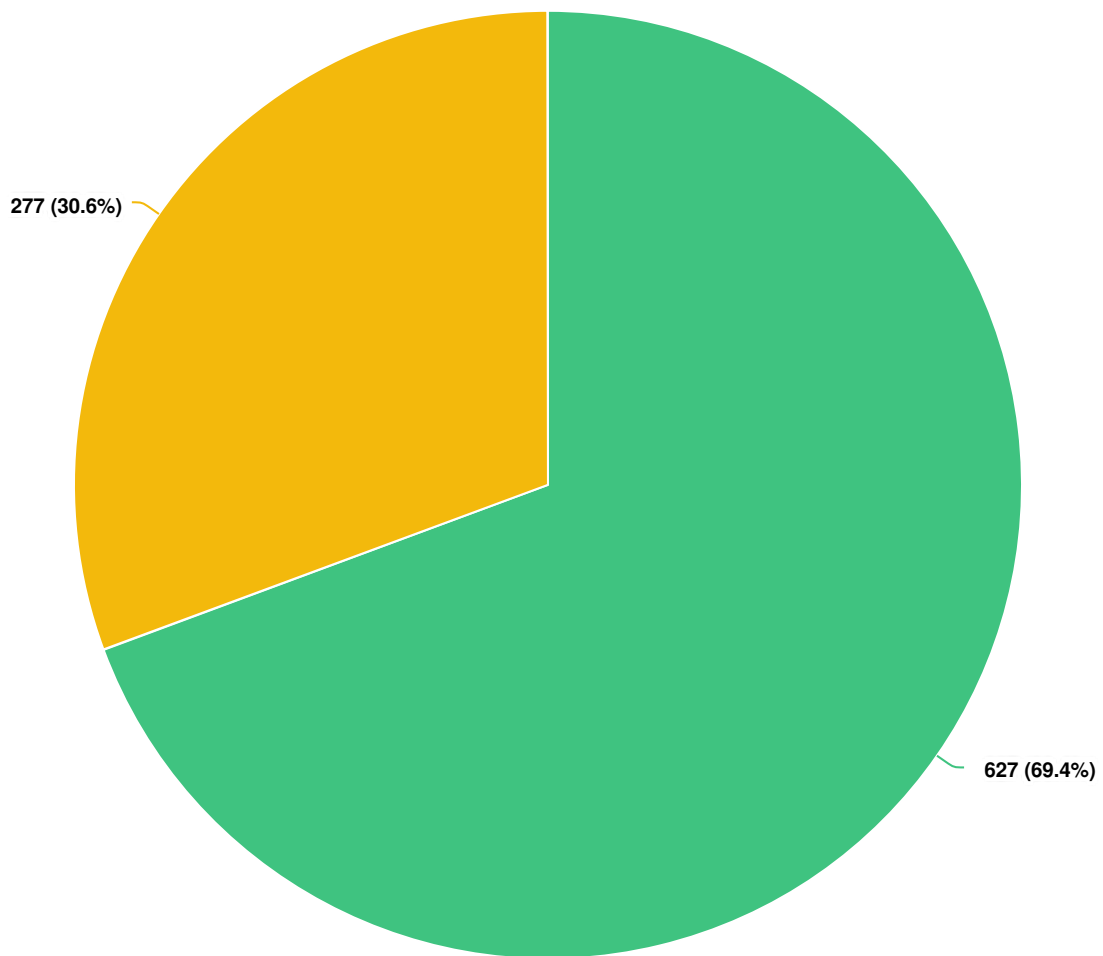
Question options

- Other (please specify)
- Concerned about the level of PM 2.5 within the airshed
- Utilize yard waste drop off at the Alberni Valley Landfill, West Coast Landfill or private facilities
- Have no reason to backyard burn
- You are someone that is impacted by PM 2.5 or know someone who is

Optional question (529 response(s), 390 skipped)

Question type: Checkbox Question

Q18 Are you aware of the Province’s Open Burning Smoke Control Regulation (OBSCR) legislation that came into effect in September 2020, which has identified all of the Alberni Valley in a “high smoke sensitivity” classification?

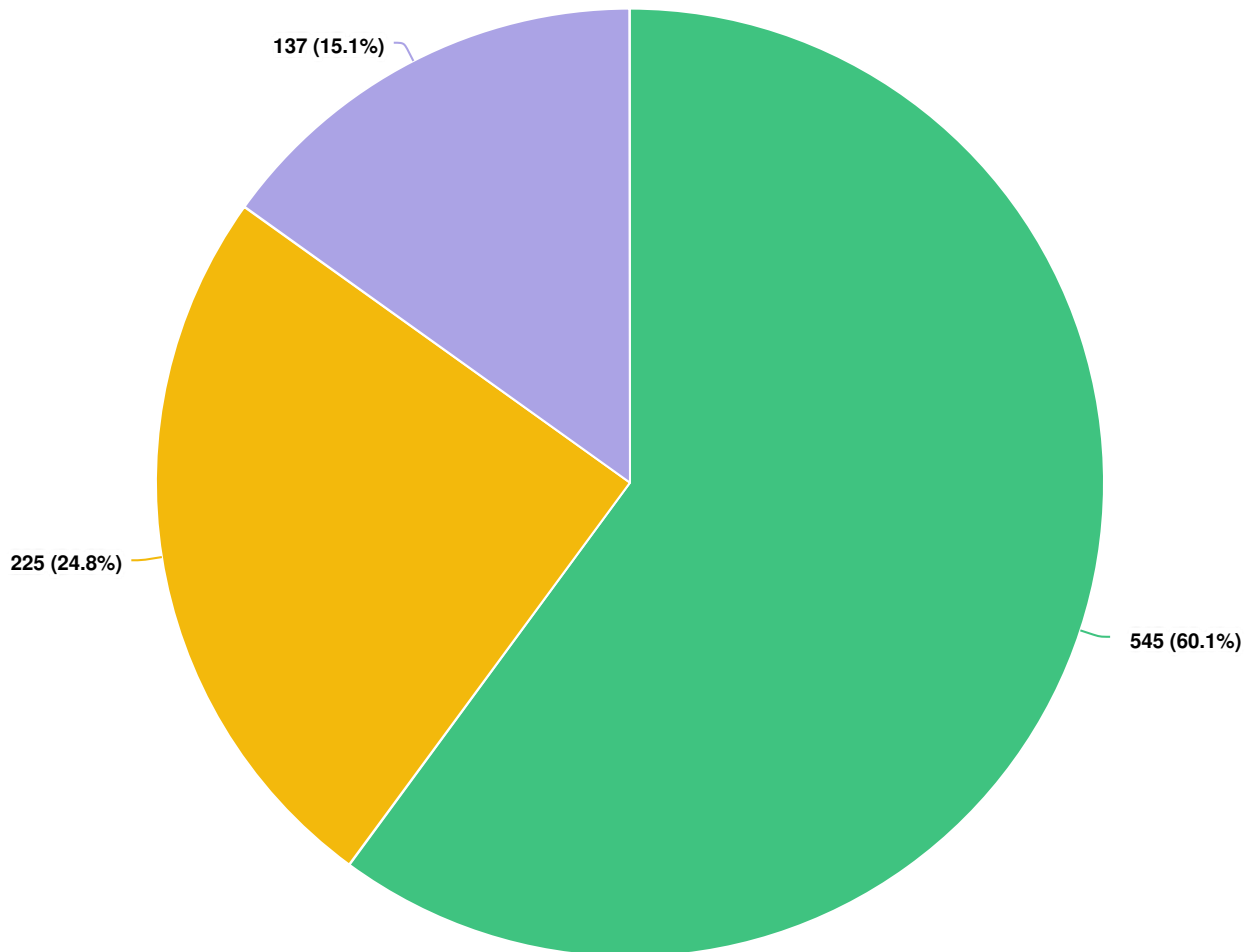


Question options

- No
- Yes

Optional question (904 response(s), 15 skipped)
Question type: Radio Button Question

Q19 Are you aware you are required to check the venting index before outdoor burning? The venting index can be monitored on the BC Air Quality webpage.

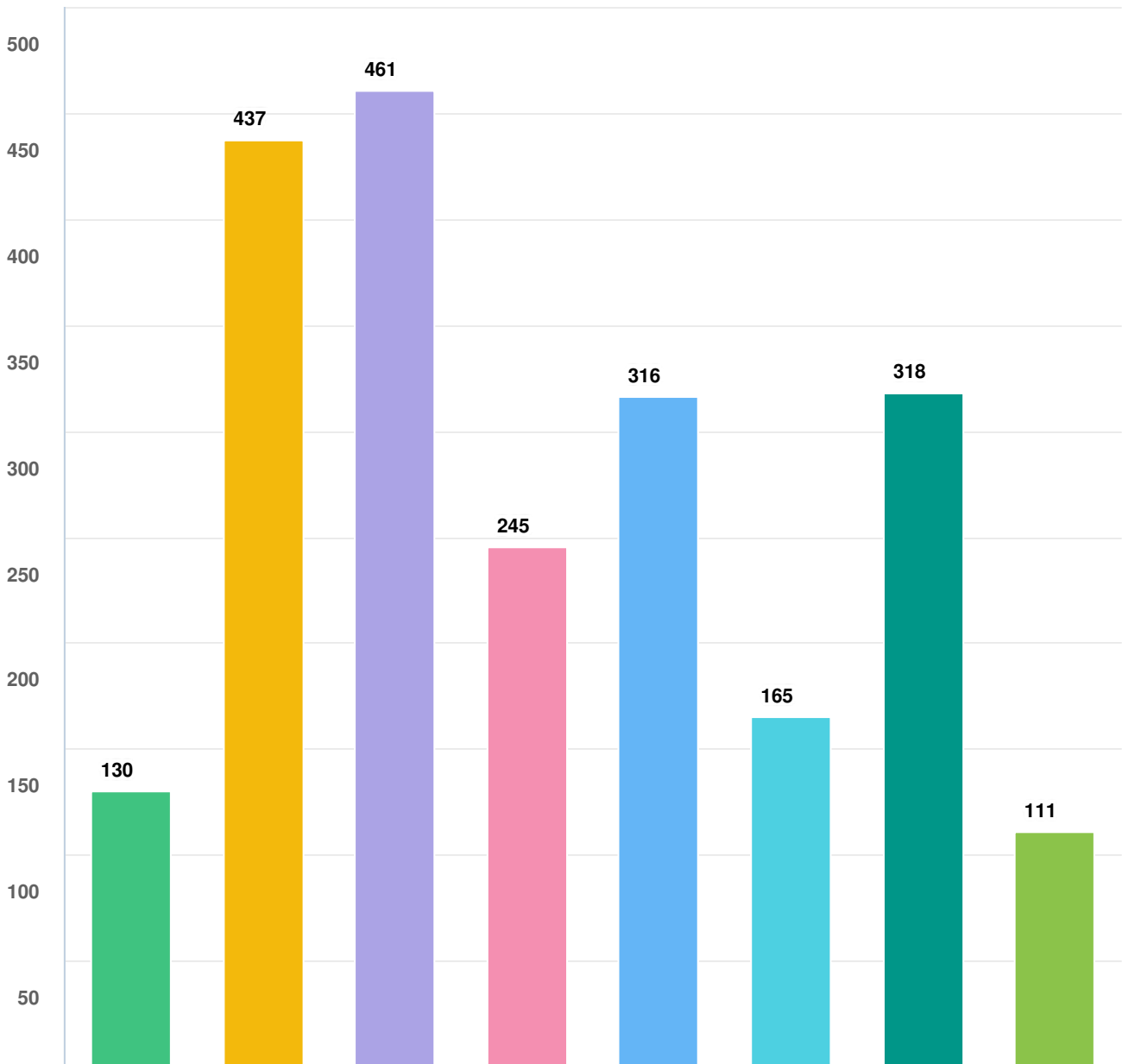


Question options

- Do not know what a venting index is or how to find that information
- No
- Yes

*Optional question (907 response(s), 12 skipped)
Question type: Radio Button Question*

Q20 What do you think would be the most effective way to control air quality issues in our region?(Check any that apply)

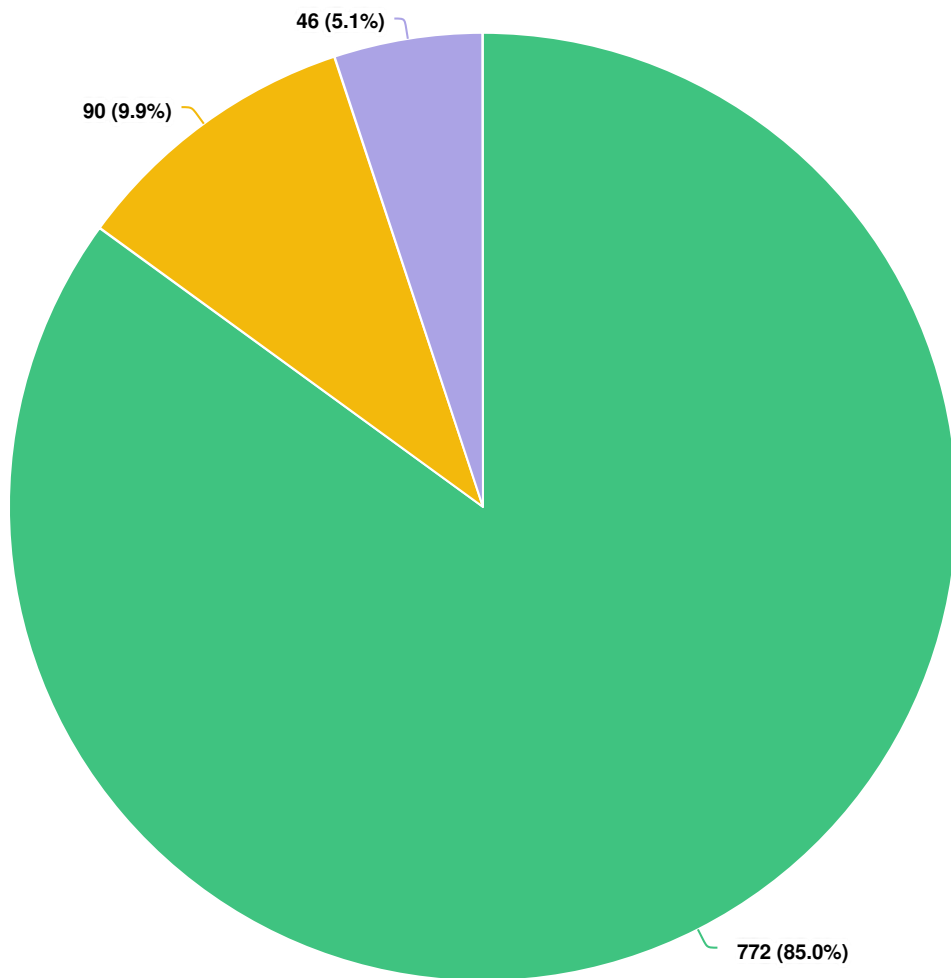


Question options

- Other (please specify)
- Differentiating between larger debris fires and smaller hand-piled outdoor piles and establishing different setbacks and regulations for each
- Limiting the number of outdoor fires on a property per year
- Establishing an outdoor burning window that prohibits burning during the wettest months most susceptible to atmospheric inversions
- Limiting any active burning to between sunrise and sunset and limiting the smoke-release period of a fire
- Restricting the materials that can be burned
- Limiting the size of outdoor burning piles
- Setbacks from property lines

Optional question (854 response(s), 65 skipped)
Question type: Checkbox Question

Q21 | Do you support permitting campfires contained within a fire pit at any time, unless otherwise prohibited by the Province, subject to size limitations, and material and setback restrictions?



Question options

- Not sure
- No
- Yes

Optional question (908 response(s), 11 skipped)
Question type: Radio Button Question

COMMENTS FROM THE ALBERNI AIR QUALITY SOCIETY (AAQS)
REGARDING PROPOSED BYLAWS R1030 AND R1032

May 31, 2020

The Alberni Air Quality Society (AAQS) provides financial and institutional support to the Air Quality Council (AQC). The Society funds the work of the AQC Chair and gives guidance to fulfill the purpose of the Society which is to promote the cleanest possible air for the Alberni Basin and its inhabitants by:

1. Working collaboratively with individuals, organizations, businesses, and governments to promote health and improve air quality.
2. Undertaking research and monitoring, public education and policy development.

The Alberni Air Quality Society (AAQS) supports the intent of the proposed ACRD Bylaws, R1030 and R1032. We have collaborated with the AQC in developing a response to these bylaws and emphasize the following points to help ensure the effectiveness of the bylaws and their regulation and enforcement.

BYLAW R1030 - TO REGULATE SOLID-FUEL BURNING APPLIANCE EMISSIONS

1. Under DEFINITIONS:

For both “certified appliance” and “solid-fuel burning appliance” the word *intended* should be replaced with *used* or *primary use* to avoid confusion with other uses outside the scope of this bylaw, such as outdoor boiling of maple sap or other enterprises perceived as farm practices.

The phrase “heating of water or other such purpose” should be removed.

2. Under REGULATION OF EXISTING NON-COMPLIANT APPLIANCE:

To be consistent with the ACRD woodstove exchange program, the last sentence should include “permanently disconnected **and disposed of** at an official landfill or metal recycling depot”. (Otherwise these stoves have a way of being sold or given away to heat someone else’s building)

3. Under INSPECTION:

The AAQS recognizes the challenges associated with entering and inspecting premises. We support the alternative move to a woodstove registration policy. This would emphasize owner responsibility and initiative and, for the most part, would relieve staff from having to physically attend sites.

However, it is still important to identify agents of authority - a Building Inspector, Bylaw Enforcement officer, Fire Chief and the powers they may exercise, including entering premises when necessary.

The enforcement of the bylaw should follow progressive stages from registration, complaint notification, requests in writing from ACRD to comply, and finally, the use of municipal ticketing if required.

As noted in the April 8th Request for Decision, the ACRD staff are looking “to identify related enforcement resources that could be utilized locally” (on the west coast). The AAQS recommends using Fire Departments/Chiefs to assist in the oversight of this bylaw, thereby reducing staff time needed to attend in remote communities. The ACRD already has a history of integrating fire services and capacity.

BYLAW NO. 1032 – OUTDOOR BURNING SMOKE CONTROL REGULATION

1. The definition of ‘open burning’ should be tightened up to read “without a stack or chimney **incorporated in a building** to vent....” Otherwise, the simple addition of a bit of stove pipe over an open fire or burn barrel, for example, removes this kind of outdoor burning from the purview of this bylaw. (this language would be consistent with the “open fire” definition)
2. RE: (4.1.ii) The fall burning period should not be longer than 2 months. If the start date is changed to September 15, the end date should be changed to November 15th.
3. RE: (4.2.viii) Adding additional debris two hours before sunset is too late to avoid inversion activity that holds smoke on or near the ground and too late to avoid overnight smouldering. Debris should not be added to a fire after 4pm.

This should also be noted in (4.3.viii)

4. RE: (4.2.ix) The smoke release period is inappropriately long for the size of the fire and should be reduced to 36 hours or less.
5. As the OBSCR sets a precedent with regard to open burning it should be included with this bylaw as an appendix, making it easy for readers to access.
6. The AAQS appreciates the new policy allowing branches and garden waste to be brought to the landfill for a nominal fee, thereby creating an alternative to burning for residents.

BACKGROUND COMMENTS

The AAQS has an institutional memory spanning 17 years of projects and public education work related to smoke reduction in our area.

The first major region-wide campaign aimed at reducing smoke from backyard burning was delivered in 2005. Subsequently, the AQC initiated a regional woodstove exchange program that has been running for the last 12 years.

Over these many years there have been numerous public engagements and presentations made by the AQC, Dr. Paul Hasselback (VIHA medical health officer) and Earle Plain (Ministry of Environment) with requests for appropriate bylaw development related to the problem of smoke from outdoor burning and domestic wood heat. After one such request on October 10, 2012 staff was directed by the board to draft a valley wide woodstove bylaw based on the City of Port Alberni's bylaw.

We are pleased that the current ACRD board and staff are willing to address these long-standing issues and encourage them to do what is necessary to ratify both of these bylaws as soon as possible.

Respectfully Submitted,

Keith Wyton
Co-Chair, AAQS

From: [Plain, Earle N ENV:EX](#)
To: [Alex Dyer](#)
Cc: ["Anna Lewis"](#)
Subject: ACRD Bylaw referral
Date: June 1, 2020 5:01:10 PM

Hi Alex. Sorry for the late response. The space on the referral form was too small so I've included my comments here. Firstly, I'd like to commend the ACRD on its initiative to improve air quality in the valley and protect the health of local residents. Note that I also sit on the Air Quality Council (AQC) in Port Alberni so my comments are also reflected in their submission for the most part. I have not re-stated those comments here.

Bylaw R030

Section 4

If the intent of this clause is to ensure that any new installations of wood-burning appliances meet the highest standards for emissions, you may want to consider referencing the specific emissions Standards you want these appliances to achieve. For instance, the current wording in section 4 is quite ambiguous and could be interpreted to mean that any appliance that has an affixed USEPA emissions certification label can be installed in the valley regardless of when the certification took place. Note that emissions certification began back in 1994 (particulate emissions at 7.5 g/h) with the most recent changes being in 2015 and 2020 (emissions down to 4.5 g/h and 2.5 g/h respectively). Under the current wording, an individual could buy a used 25 year old stove that was certified in 1994 (meets the US standard) and install it in a home in the valley and be in compliance with your bylaw. If this is your intent then fine. Otherwise, I suggest that you tighten up the requirements by referencing the most recent standards - step 1 (2017) and step 2 (2020) appliances under the New Source Performance Standards (NSPS) for New Residential Wood Heaters, New Hydronic Heaters and Forced-Air Furnaces (collectively referred to as "wood heating devices").

Section 5.

If the intention is to ensure that only woodstoves that meet more modern standards are allowed to operate in the valley past 2023, then a change to S. 4 as above would accomplish this with the proposed wording intact in S. 5. This way, anyone who purchased a stove in the last 5 years (Step 1 appliances) won't be unduly affected by the sunset clause and all wood burning appliances operating after this time would need to meet modern requirements. This would mean that a large number of residents would need to upgrade their appliances however. If the intent is to allow all certified appliances (post 1994) to operate past 2023 then the current wording should reflect this. I suggest defining a separate standard and include it in this clause (e.g. keep generic wording) – e.g. "Existing solid-fuel burning appliances not able to meet the Emissions standard as defined by the CSA B415 or the US EPA NSPS will be permitted to remain...". Again, this will allow relatively old technology stoves to continue to operate in the valley; but it would target very old uncertified appliances.

Enforcement: See comments from the AQC around registration.

Bylaw R1032.

Retain S. 4(1) – consider moving up the burn window to September 15th to allow for earlier burning if the BCWS burn is lifted earlier. Venting conditions are better during the warmer months and deteriorate into the colder months.

Retain 4(2)

Retain 4(3) i. Delete the remaining clauses that apply to larger debris pile burning and default to the OBSCR. It is difficult to put a single rule in place for the entire ACRD as it is comprised of all 3 Smoke Sensitivity Zones under the OBSCR and each zone has different rules for ignition, smoke release period and number of burns allowed per year.

I hope this helps.

Please contact me if you have any questions.

Earle Plain – Acting Section Head

Air Quality Section (Assessments and Stewardship)

Monitoring, Assessment, and Stewardship

Environmental Protection

Ministry of Environment & Climate Change Strategy

2080-A Labieux Road Nanaimo, BC V9T-6J9

* **New Ph. (250) 739-8253** Fax. (250) 751-3103

[BC Air Quality](#)

Environmental complaints – Please call 1-877-952-7277 (RAPP) or #7277 on the TELUS Mobility Network. If the situation is not an emergency, report the incident [online](#) or contact the nearest [Conservation Officer Service district office](#).

Excellent care, for everyone,
everywhere, every time.



May 29, 2020

VIA EMAIL: planning@acrd.bc.ca

Alex Dyer
Planner
Alberni-Clayoquot Regional District
3008 5th Ave
Port Alberni, BC
V9Y 2E3

Re: Burning Bylaws Response Summary – Bylaw No’s R1030 & 1032 Burning Regulations

Thank you for the opportunity to provide comment on the Alberni Clayoquot Regional Burning Bylaws. We applaud the Regional District taking this critical step to ‘protect air quality for the benefit of all residents’. In line with this general purpose, our approval is hearteningly recommended for the many reasons outlined below:

There is strong scientific evidence of the correlation between wood-smoke and human health. Wood smoke contains many of the same harmful substances found in tobacco smoke and is a significant source of fine particulate matter (PM2.5), a major component of air pollution and a detriment to health. When inhaled, PM2.5 embeds deep inside the tissue of the lung. Exposure is associated with a shortened lifespan, and can lead to lung cancer, reduced lung functioning and worsening of heart disease and asthma among those who suffer from these conditions.

Research has shown that exposure to PM2.5 can lead to increased days lost from work or school, emergency room visits, hospital stays, and deaths. In fact, a study on air pollution by the Canadian Medical Association (CMA), said that in 2008 alone, up to 21,000 Canadians would die from air pollution. A more recent study, conducted by Health Canada (2017) using air quality data from three BC cities, found that an increase in PM2.5 specifically due to wood burning in the winter was associated with a 19 percent increase in hospitalization for heart attacks among those 65 years or older. In the Alberni Clayoquot region, the largest PM contributor in the region is from open burning, followed by space heating (MOE, 2017).

As identified in the Alberni Clayoquot Local Health Area Profile (2019) chronic disease prevalence rates tend to be higher Alberni-Clayoquot in comparison to Island Health and BC (page 7). More specifically, air quality related health indicators, which include annual rates of asthma incidence, respiratory hospitalization, chronic obstructive pulmonary disease (COPD) incidence and hospitalization. While individuals can lower their exposure to air pollution, by making informed decisions in their daily lives, smoke from burning, know no bounds.

Island Health would like to offer its support to the Burning Bylaws, aimed at reducing air pollution from wood burning in the interest of public health, and to protect the health of all Valley residents and visitors.

If you have any questions or comments please do not hesitate to contact this office or the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "J Yehia".

Jade Yehia, MSc, CPHI(C)
Regional Built Environment Consultant
Health Protection and Environmental Services

cc: Dr. Paul Hasselback, Medical Health Officer, Central Island
Stephanie Bruvall, Environmental Health Officer, Port Alberni



ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3

Telephone (250) 720-2700 Fax (250) 723-1327

BURNING BYLAWS RESPONSE SUMMARY

BYLAW NO's: R1030 & R1032

Burning Regulations

Date of Referral: April 27, 2020

Approval Recommended for Reasons
Outlined Below

Interests Unaffected by Bylaws

Approval Recommended Subject to
Conditions Below

Approval NOT Recommended Due to
Reasons Outlined Below

The ACRD's Agricultural Development Committee discussed these bylaws at its May 12, 2020 meeting.

The key points in discussion were agricultural producers' needs to: burn brush piles/pruning/diseased materials; clear land; and burn non-conforming appliances for product processing, such as when making maple syrup, smoking, or drying.

Also discussed were issues of enforcement and the applicability of the Right to Farm Act and its limitations if a producer is not on ALR and/or does not have Farm Tax Status.

Finally, there was discussion about the need for chippers, organics collection, and/or alternatives to burning.

The following Motions were passed by the Committee:

- 1) "The ADC recommends the Creation of a registration system that allows for the use of modified stoves for the purpose of processing agricultural product"
- 2) "Educational material be developed at the regional level with regards to agriculture and distributed to agricultural producers".

Name: Heather Shobe

Agency: ACRD Agricultural Development Committee

Date: May 29, 2020

From: [Walker, Doug G FLNR:EX](#)
To: [Alex Dyer](#)
Cc: [Berry, Alan R FLNR:EX](#)
Subject: BCWS Comments - Proposed ACRD Open Burn Bylaw R1032
Date: June 23, 2020 1:57:36 PM
Attachments: [image001.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)

Thank you for the opportunity to comment on your proposed bylaw. Here are some items I recommend you consider before passing the final draft.

1. Many of the definitions seem to copy those already found in Provincial legislation or are paraphrased from Provincial legislation. This is not really an issue and the definition for "campfire" may be better than that in the Wildfire regulation.
2. In 2002/2003 the Provincial government committed to reducing government prescriptive requirements within regulation. The impact on the Forest Service was to produce a new set of legislation which was less prescriptive but still held persons accountable if a fire was started as a result of the person's activities. The new legislation is called the Wildfire Act and Wildfire Regulation. It was designed to not be in conflict with any local bylaws that any municipality or local government have in place to govern open burning. Section 4(2) of the Wildfire Act mandates that the Wildfire Act applies to all areas **except those areas within a municipality or local government that have bylaws** that relate to the lighting, fueling or use of open fires, the bylaw provides for fire prevention and forest protection and applies to the area serviced by a fire department with a system for the public to report fires (i.e. 911 or *5555 on a cell phone).

It is our opinion that this proposed bylaw will sufficiently satisfy enough of these requirements that when passed into effect, the Wildfire Act will not be enforceable within any electoral area serviced by a fire department. Enforcement of any open burning infraction directly involving fires will be the sole responsibility of the ACRD. Issues involving smoke might still be enforced by MOE legislation subject to their review.

3. Only officials appointed under the Wildfire Act, Conservation Officers and peace officers can issue violation tickets under the Wildfire Act. Bylaw enforcement officers cannot be authorized or appointed to issue violation tickets under the Wildfire Act. In any event the Wildfire Act will not apply within electoral areas serviced by fire departments. Any open burning infractions of the local bylaw must, therefore, be enforced through the local bylaw by ACRD bylaw enforcement officers. Section 7 Offence is therefore a potentially false statement and may not be enforceable by Provincial legislation.

4. Noting point #3, Section 9 Liability (note the numbering discrepancy in the proposed draft) requires careful review and may not be a true statement.
5. It is unclear how the number of burning days allowed on a property under Sections 4 Open Burning 2) x and 3) x is to be tracked or administered.
6. The BC Wildfire Services restricts open burning under Section 10 of the Wildfire Act. If the Wildfire Act does not apply within electoral areas serviced by a fire department then the statements within Section 4 Open Burning for Category A and B open fires and campfires - *...unless prohibited by the Province...* - may also not be enforceable unless enforcement provisions are written into this bylaw.

Please review these comments and contact us if you have any questions or concerns.

Doug Walker

Prevention Specialist (auxiliary), Coastal Fire Centre

BC Wildfire Service | Ministry of Forests, Lands and Natural Resource Operations

Phone: 250 ???-???? | Cell: 250-927-6260

Report Wildfires: 1 800 663-5555 or *5555



REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. R1030

A Bylaw to Regulate Solid-Fuel Burning Appliance Emissions

WHEREAS the Regional District of Alberni-Clayoquot is empowered under supplementary Letters Patent dated December 22, 1966 to exercise the powers of the *Municipal Act* relating to air pollution control;

AND WHEREAS Section 325 of the *Local Government Act* gives the Regional District of Alberni-Clayoquot the authority to regulate the emission of smoke and require owners or occupiers of real property to eliminate or reduce the fouling or contaminating of the atmosphere through those emissions;

NOW THEREFORE, the Board of Directors of the Regional District of Alberni-Clayoquot in open meeting assembled enacts as follows:

1. AREA

This bylaw shall apply within the boundaries of Electoral Area "A" (Bamfield), Electoral Area "B" (Beaufort), Electoral Area "C" (Long Beach), Electoral Area "D" (Sproat Lake), Electoral Area "E" (Beaver Creek) and Electoral Area "F" (Cherry Creek).

3 DEFINITIONS

"Certified appliance" means a woodstove, wood-fired furnace, or other wood or solid-fuel burning appliance or device used for space heating of buildings, the heating of water or other such purpose and is located in the interior of a building and which contains an identification label affixed to the appliance indicating compliance with either the CSA Standard or EPA Standard.

"CSA Standard" means the "Performance Testing of Solid-Fuel Burning Heating Appliances" CAN/CSA-B415.1 standard, published by the Canadian Standards Association (CSA), as amended from time to time.

"EPA Standard" means the "New Source Performance Standards, Title 40, Part 60, Sub-part AAA of the Code of Federal Regulations (USA) (7-1-02 Edition)" standard, published by the United States Environmental Protection Agency (EPA), as amended from time to time.

"Solid-fuel burning appliance" means a fireplace insert, woodstove, pellet stove, wood-fired furnace, or other wood or solid-fuel burning appliance or device used for space heating of buildings, the heating of water or other such purpose and is located in the interior of the building which it serves, but specifically excludes an open fireplace and a coal burning device.

4. PROHIBITION

No person shall install, or allow to be installed, a solid-fuel burning appliance unless the appliance is a certified appliance which conforms to the CSA Standard or EPA Standard.

5. REGULATION OF EXISTING NON-COMPLIANT APPLIANCE

Existing solid-fuel burning appliances not in compliance with Section 4 above will be permitted to remain in service until July 1, 2024, providing that the solid-fuel burning appliance, its installation and use otherwise meet required safety standards. Thereafter, any such non-conforming solid-fuel burning appliance must be permanently disconnected and removed from the structure.

6. EXCEPTIONS

Nothing in this bylaw restricts or prohibits any person using a solid-fuel burning appliance for farm product processing as part of “normal farm practices” as defined in the Province’s *Farm Practices Protection Act*.

7. INSPECTION

A Building Inspector, Bylaw Enforcement Officer, Fire Chief, or designate of a Fire Chief, may enter and inspect any premises in which burning is being conducted, for the purpose of determining compliance with this bylaw.

8. OFFENCE

Any person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act to be done in contravention of this bylaw, commits an offence and shall be liable upon conviction to a fine not more than the maximum prescribed in the *Offence Act*, as amended from time to time.

9. SEVERABILITY

If any section or lesser portion of this bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the bylaw.

10. TITLE

This bylaw may be cited as the “Solid-Fuel Burning Appliance Emission Regulation Bylaw No. R1030, 2021”

Read a first time this 8th day of May, 2019

Read a second time this 8th day of May, 2019

Read a third time this 8th day of May, 2019

ADOPTED this day of , 2019

Douglas Holmes, BBA, CPA, CA
Chief Administrative Officer

Chairperson of Regional Board

REGIONAL DISTRICT OF ALBERNI-CLAYOQUOT

BYLAW NO. R1032

Outdoor Burning Smoke Control Regulation Bylaw

WHEREAS the Regional District of Alberni-Clayoquot is empowered under supplementary Letters Patent dated December 22, 1966 to exercise the powers of the *Municipal Act* relating to air pollution control;

AND WHEREAS Section 325 of the *Local Government Act* gives the Regional District of Alberni-Clayoquot the authority to regulate the emission of smoke and require owners or occupiers of real property to eliminate or reduce the fouling or contaminating of the atmosphere through those emissions;

NOW THEREFORE, the Board of Directors of the Regional District of Alberni-Clayoquot in open meeting assembled enacts as follows:

1. AREA

This bylaw shall apply within the boundaries of Electoral Area "A" (Bamfield), Electoral Area "B" (Beaufort), Electoral Area "C" (Long Beach), Electoral Area "D" (Sproat Lake), Electoral Area "E" (Beaver Creek) and Electoral Area "F" (Cherry Creek).

3 DEFINITIONS

"Campfire" means a fire that is:

- a) located within a permanent outdoor fireplace or fire pit that is designed and constructed to confine the fire;
- b) limited in size to no larger than 0.5 m in height and 0.5 m in width; and
- c) lit, fuelled or used by any person for a recreational or ceremonial purpose.

"Category A Open Fire" means an open fire that is:

- a) limited to vegetative debris with a diameter less than 10 cm; and
- b) burns material in one pile not exceeding 2 m in height and 3 m in width, or burns stubble or grass over an area that does not exceed 0.2 ha.

"Category B Open Fire" means an open fire that contains vegetative debris with a diameter of 10 cm or greater, or includes stubble or grass over an area 0.2 ha or greater;

"Debris" means disturbed or undisturbed vegetative matter targeted for management or disposal by open burning.

"Demolition Waste" means any materials resulting from or produced by the complete or partial destruction or tearing down of any structure.

"Fuel Break" means a barrier, change in fuel type, change in condition or strip of land that has been modified or cleared to prevent fire spread.

"Heavy Equipment" means crawler tractors, skidders, excavators or other suitable mechanized fire fighting equipment.

“Inspector” means a Bylaw Enforcement Officer, Fire Chief, designated member of a Fire Department or peace officer.

“Open Burning” means the combustion of material with or without control of the combustion air and without a stack or chimney incorporated in a building to vent the emitted products of combustion to the atmosphere.

“Open Burning Smoke Control (OBSC) Regulation” means the provincial Open Burning Smoke Control Regulation of *the Environmental Management Act*, as amended from time to time;

“Open Fire” means any fire that is not vented through a structure that has a flue incorporated in a building.

“Prohibited Materials” includes tires, plastic, polystyrene foam, rubber products, drywall, demolition waste, domestic waste, construction waste, paint, special waste, animal organic waste, biomedical waste, hazardous waste, tar, tar paper, treated or painted wood products, furniture, appliances, carpets, railway ties, asphalt products, battery boxes, petroleum products, fuel and lubricant containers or any other material which may produce black smoke or noxious odours.

“Province” means the Province of British Columbia.

“Smoke” means the gases, particulate matter and products of combustion emitted into the atmosphere when debris is open burned.

“Ventilation Index” means the forecast ventilation index prepared using Environment Canada data.

4. OPEN BURNING

- 1) Category A Open Fires and Category B Open Fires are permitted only:
 - i. When the ventilation index is rated as ‘good’, as reported by Environment Canada’s Ventilation Index;
 - ii. Between March 1 and April 30 inclusive and between September 15 and November 15 inclusive, unless otherwise prohibited by the Province.
- 2) Category A Open Fires permitted under subsection (1) are subject to the following requirements:
 - i. Category A Open Fires must be compliant with the Province’s *Open Burning Smoke Control (OBSC) Regulation* where applicable;
 - ii. Fires limited to:
 - a. vegetative debris with a diameter less than 10 cm.
 - b. debris burned in one pile not exceeding 2 m in height and 3 m in width, or stubble or grass over an area that does not exceed 0.2 ha;
 - iii. Fires must be located at minimum:
 - a. 2 metres from any shrubs, trees or other combustible materials;
 - b. 5 metres from any building or structure;
 - c. 10 metres from any property line;
 - iv. Only one open fire per parcel of land at any one time;

- v. Fire-fighting equipment, including a shovel, rake and hose connected to a water source, must be on hand and readily available;
- vi. All material burned must originate from the parcel of land where it is burned;
- vii. All material burned must consist of untreated natural wood and brush and must not include any prohibited materials;
- viii. Fires must be ignited no earlier than one hour after sunrise and additional unlit debris must not be added to a fire later than two hours before sunset;
- ix. The smoke-release period for any fire must not exceed 36 consecutive hours;
- x. Each parcel of land is limited to a maximum of 12 days of Category A or Category B Open Fire burning in each calendar year and 6 days of Open Fire burning in each calendar month;
- xi. The property owner, or designate of the property owner, must ensure that a competent person is present at all times when the fire is burning, for the purpose of controlling and supervising the fire;
- xii. Compliance with all applicable provincial and federal regulations.

3) Category B Open Fires permitted under subsection (1) are subject to the following requirements:

- i. Category B Open Fires must be compliant with the Province's *Open Burning Smoke Control (OBSC) Regulation* where applicable;
- ii. Category B Open Fires include any fire that contains vegetative debris with a diameter of 10 cm or greater, or includes stubble or grass over an area exceeding 0.2 ha;
- iii. Fires must be located in compliance with the minimum setbacks provided in the Province's *OBSC Regulation*;
- iv. Fire-fighting equipment, including heavy equipment and hose connected to a water source, must be on hand and readily available;
- v. All material burned must originate from the parcel of land where it is burned;
- vi. All material burned must consist of untreated natural wood and brush and must not include any prohibited materials;
- vii. Establishment of a fuel break surrounding the fire;
- viii. Fires must be ignited no earlier than one hour after sunrise and additional unlit debris must not be added to a fire later than two hours before sunset;
- ix. The smoke-release period for any fire must not exceed 72 consecutive hours;
- x. Each parcel of land is limited to a maximum of 12 days of Category A or Category B Open Fire burning in each calendar year and 6 days of Open Fire burning in each calendar month;
- xi. The property owner, or designate of the property owner, must ensure that a competent person is present at all times when the fire is burning, for the purpose of controlling and supervising the fire;
- xii. Compliance with all applicable provincial and federal regulations.

4) Campfires are permitted at any time, unless otherwise prohibited by the Province, subject to the following requirements:

- i. Campfires limited to one pile no larger than 0.5 m in height and 0.5 m in width;
- ii. Campfires must be located:
 - a. within a permanent outdoor fireplace or fire pit that is designed and constructed to confine the fire;
 - b. a minimum of 5 metres from any building, structure or property line;

- iii. Fire-fighting equipment, including a shovel, rake and hose connected to a water source, must be on hand and readily available;
- iv. All material burned must consist of untreated natural wood and brush and must not include any prohibited materials;
- v. The property owner, or designate of the property owner, must ensure that a competent person is present at all times when the fire is burning, for the purpose of controlling and supervising the fire;
- vi. Compliance with all applicable provincial and federal regulations.

5. EXCEPTIONS

- 1) Nothing in this bylaw restricts or prohibits:
 - i. A fire contained within a barbeque or appliance designed to cook food;
 - ii. Fires started and maintained by Alberni-Clayoquot Regional District staff, fire services personnel and emergency services personnel in the course of their duties;
 - iii. Any person undertaking open burning as part of “normal farm practices” as defined in the *Province’s Farm Practices Protection Act*;
 - iv. Any person undertaking open burning as part of “forest practices” as defined in the *Province’s Forest and Range Practices Act* or forest practices on land managed under the *Province’s Private Managed Forest Land Act*, Crown Land and any Alberni-Clayoquot Regional District land used for forestry purposes;

6. INSPECTION AND ORDERS

- 1) An Inspector may enter and inspect any premises in which burning is being conducted at all reasonable times, for the purpose of determining compliance with this bylaw.
- 2) An Inspector may order the extinguishment of any fire that is in violation of this bylaw.
- 3) An Inspector may prevent prohibited materials from being added to any fire.
- 4) No person shall interfere with or obstruct an Inspector in carrying out their duties pursuant to this bylaw.

7. OFFENCE

Any person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act to be done in contravention of this bylaw, commits an offence and shall be liable upon conviction to a fine not more than the maximum prescribed in the *Province’s Offence Act*, as amended from time to time.

9. LIABILITY

This bylaw shall not create a duty or responsibility for the Alberni-Clayoquot Regional District, its officers, employees, Inspectors or persons acting on its behalf pursuant to this bylaw, concerning enforcement or failure to enforce any provision contained within this bylaw.

8. SEVERABILITY

If any section or lesser portion of this bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the bylaw.

9. REPEAL

Bylaw R1025, cited as the “Bamfield Residential Backyard Burning Bylaw No. R1025, 2013” is hereby repealed.

10. TITLE

This bylaw may be cited as the “Outdoor Burning Smoke Control Regulation Bylaw R1032, 2021”

Read a first time this 12th day of June, 2019

Read a second time this 12th day of June, 2019

Read a third time this 8th day of April, 2020

Adopted this day of , 2020

Douglas Holmes, BBA, CPA, CA
Chief Administrative Officer

Chairperson of Regional Board