



## **BYLAW No. 2020 - LANDCLEARING MANAGEMENT REGULATION BYLAW, 2009.**

~ BACKGROUND ~

### **THE REASON FOR THE BYLAW**

Cowichan Valley Regional District Bylaw No. 2020 now outlaws the traditional open burning of landclearing debris. It was developed to reduce the effects of smoke pollution on human and environmental health. Historically, open burning has been practiced in the Valley as a way to dispose of waste from landclearing and development operations. However, because of local topography and air patterns, smoke from open burning can linger in the Valley for days, severely impacting visibility and human health.

In the past, the Cowichan Valley Regional District (CVRD) was unable to regulate any open burning that occurred outside of fire protection

areas (those areas with a fire department in place). Regulation of this activity historically fell to the Province, which, faced with funding cutbacks, has often been unable to provide strong enforcement of air quality regulations. Even within fire protection areas, regulation tended to focus more on fire safety than on pollution prevention.

Bylaw No. 2020 allows CVRD Enforcement Officers to provide an extra level of enforcement in those Electoral areas traditionally underserved by Provincial and Regional staff.

### **HOW IT WAS DEVELOPED**

In response to growing public and political concern about the impact of open burning on local air quality, Bylaw No. 2020 was drafted to regulate the large scale open burning of landclearing debris in the Cowichan Valley.

Introduced in 2006, during the CVRD's Solid Waste Management Plan public consultation,

Bylaw No. 2020 was developed and revised over several years prior to adoption by the CVRD Board on August 12, 2009. The Bylaw was also developed in consultation with the Province, and closely matches the proposed direction of future Provincial regulatory changes.

### **HOW IT WORKS**

Bylaw No. 2020 targets the large scale open burning of landclearing debris in CVRD electoral areas, such as that undertaken during landclearing or development activities. Specifically, the Bylaw applies to any **machine-piled landclearing debris**, or any quantity of **landclearing debris that meets or exceeds Category 3 quantities** (see over).

The Bylaw does *NOT* apply to persons carrying out "normal farm practices" within the meaning of the *Farm Practices Protection Act* (British Columbia); or a "forest practice" as defined by the *Forest and Range Practices Act* (British Columbia); or lands classed as Property

Assessment Class 7 (private forest lands) by the *BC Assessment Authority*.

### **Does the Bylaw Apply to Me?**

If you do not have a working farm or private licensed wood lot, and are burning any machine-piled or large quantities of landclearing debris, chances are that Bylaw No. 2020 applies to you. See over for specific exemptions.

### **So the Bylaw Applies to Me, Now What?**

The first thing to do when dealing with large quantities of landclearing debris is to see if any alternative methods of disposal are available. Chipping, grinding, or reuse on site are some options that may be cost effective and more environmentally friendly. Smaller wood waste (less than 3" in diameter) and yard and garden materials are accepted for free at all CVRD recycling depots and Central Landscape Supplies in Cobble Hill.

If, however, you have to burn your landclearing debris, Bylaw No. 2020 states that you can only do so in an air curtain or trench burner. These portable devices direct a high velocity column of air over a burn pit or fire box, which results in a much cleaner, hotter, and more efficient burn.

1) All burns taking place with an air curtain or trench burner must be registered with the CVRD Public Safety Department prior to ignition. Registration forms are available by calling 250-746-2561 or from [www.cleartheaircowichan.ca](http://www.cleartheaircowichan.ca).

2) Operators must still adhere to the Provincial *Open Burning Smoke Control Regulation* and only ignite burns on days when the ventilation index is "good" for the first day, and "good" or "fair" for the second day. Call 1-888-281-2992 for the Provincial venting index.

3) Those with Category 3 quantities of landclearing debris must also obtain a burn registration number from the Ministry of Forests, Lands and Natural Resource Operations. Burn registration numbers can be obtained by calling 1-800-797-1717.

Category 3 quantities are defined as a fire that burns:

- material concurrently in 3 or more piles each not exceeding 2 m in height and 3 m in width; or
- material in 1 or more piles each exceeding 2 m in height and 3 m in width.

### **Equipment & Suppliers**

Several local businesses provide air curtain/trench burners, or chipping and grinding services. Call the CVRD Recycling Hotline at 250-746-2540 for more information.

Air curtain or trench burners can also be purchased, for those interested in making such an investment. Please note that all operators of air curtain burners are required to be certified by the manufacturer in the safe and efficient operation of the machine.

### **Violations & Fines**

Those who violate Bylaw No. 2020 will face fines of up to \$2000 per incident, and may also be faced with prosecution. Report violators by calling 250-746-2561.

### **For More Information...**

For more information, or to obtain copies of CVRD Bylaw No. 2020 – *Landclearing Management Regulation Bylaw, 2009*, call the CVRD Engineering & Environmental Services Department at 250-746-2530, or check [www.cleartheaircowichan.ca](http://www.cleartheaircowichan.ca).