

**Guidance Document for the  
British Columbia  
Finfish Aquaculture Waste Control  
Regulation**



**Ministry of Water, Land and Air Protection**

## **Introduction**

*This document is written solely as a guidance document to highlight the main requirements of the Finfish Aquaculture Waste Control Regulation (B.C. Reg. 256/2002) under the provincial **Waste Management Act** ([RSBC 1996] CHAPTER 482). **In no event will the Province be liable or responsible for damages of any kind arising out of the use of this document.** Persons who need to rely on the text of the regulation for legal and other purposes should obtain the official printed version.*

## **Purpose**

Due to the legal nature of regulations, the format of the Finfish Aquaculture Waste Control Regulation does not always provide an easy-to-read set course of actions for any particular situation that could be encountered at a marine fish farm. This document attempts to arrange the requirements (often in simple point form) in a more logical fashion for the situations that are likely to arise at any particular site. It highlights the main requirements by referencing the appropriate sections within the regulation and notes important dates for action. However, it does not lay out all associated requirements and only deals with the main body of the regulation. It does not cover **Schedules A** or **B** of the regulation, or the associated WLAP document, **Protocols for Marine Environmental Monitoring**. Although both the schedules and the protocols document are referenced in the following sections, operators will need to ensure they consult and follow the requirements within both the schedules and the protocols document. NOTE that there is a definitions section in the regulation that should be referred to if any terms are unfamiliar to the reader.

## **Registration**

All finfish aquaculture sites operating in marine waters need to be registered under this regulation. Only those sites operating in accordance with the regulation are allowed to introduce waste within a tenure, **Section 2**. Sites that operate without being registered under this regulation are in contravention of the **Waste Management Act**, and subject to enforcement and penalties prescribed within that act.

### **Existing Sites**

For sites operational prior to **September 12, 2002**, the following requirements apply:

- Operator must not restock a site unless registered, **Section 3(2)**
- Operator must submit application for registration of the site by **December 11<sup>th</sup>, 2002, Section 3(3)a**
- Operator must submit application for registration to the manager in accordance with **Section 3(4) or 3(5)**

- The manager may request revisions to the application for registration up to January 10, 2003, **Section 3(6)**
- Operator must submit revised registration information as outlined in **Section 3(8)**
- Registration comes into effect in accordance with **Section 3(7)**

#### **New Sites**

For sites commencing operation post **September 12, 2002**, the following requirements apply:

- Operator must monitor the baseline conditions at the facility in accordance with **Schedule A** prior to applying for registration, **Section 3(1)**
- Operator must submit application for registration of the site prior to commencing operations **Section 3(b)**
- Operator must submit application for registration to the manager in accordance with **Section 3(4) or 3(5)**
- The manager may request revisions to the application for registration within 30 days of receiving the application, **Section 3(6)**
- Operator must submit revised registration information as outlined in **Section 3(8)**
- Registration comes into effect in accordance with **Section 3(7)**

#### **Domestic Sewage Requirements**

The domestic sewage requirements in **Section 7** come into effect **March 11, 2003**

#### **Best Management Practices (BMP) Plan**

The requirements for BMP plans outlined in **Section 8** come into effect **March 11, 2003**

#### **Production Cycle Monitoring/Reporting Requirements and Standards**

All active sites must conduct operational monitoring either within 30 days of achieving peak biomass at a site, **Section 9(1)**, or within 30 days of relocating containment structures if they are moved prior to achieving peak biomass at a site, **Section 9(2)**. Monitoring results must be reported according to **Section 10**.

The following sections outline the monitoring and reporting requirements for both hard and soft bottom sites, along with the standards and triggers associated with soft bottom sites.

#### **Soft Bottom Monitoring, Stations At or Beyond 30 m from the 0m Station**

For any specific site, one of the three scenarios below will apply. The procedures outlined must be followed at all stations that fall under each scenario.

- 1) If at all stations, the mean sulphide reading is **not significantly greater than 1300 µM or not significantly greater than the mean reference or baseline readings if those readings exceed 1300 µM** then:
  - the site is in compliance with the standards in **Section 4(1)**
  - the site meets pre-stocking requirements in **Section 6**
  - the operator must report the monitoring results in compliance with **Sections 10(1) and 10(2)a**
  - there are no additional monitoring requirements
  
- 2) If at one or more stations the mean sulphide reading is **significantly greater than 1300 µM and greater than the mean reference or baseline readings, but not significantly greater than 6000 µM** then:
  - the site is in compliance with the standards in **Section 4(1)**
  - effective **March 21, 2004**, the operator must meet the pre-stocking requirements in **Section 6(1)**
  - the operator must monitor prior to stocking in compliance with **Section 9(4)a**
  - the operator must report the monitoring results in compliance with **Sections 10(1) and 10(2)a**
  
- 3) If at one or more stations the mean sulphide reading is **significantly greater than 6000 µM** then:
  - effective **September 21, 2003**, the site is out of compliance with the standards in **Section 4(1)**
  - effective **March 21, 2004**, the operator must meet the pre-stocking requirements in **Section 6(2)**
  - the operator must repeat sulphide monitoring and conduct biological monitoring in compliance with **Section 9(3)**
  - the operator must have biological samples analyzed in compliance with **Section 9(6)**
  - the operator must report biological results in compliance with **Section 10(2)c**
  - the operator must monitor prior to stocking in compliance with **Section 9(4)b**
  - the operator must report sulphide results in compliance with **Section 10(3)**
  - the operator must prepare, submit, and implement a remedial action plan in compliance with **Section 11(1)**

#### **Soft Bottom Monitoring, Stations At or Beyond the Tenure Perimeter**

For any specific site, one of the two scenarios below will apply. The procedures outlined must be followed at all stations that fall under each scenario.

- 1) If at all stations, the mean sulphide reading is **not significantly greater than mean reference or baseline sulphide reading** then:
  - the stations are below the trigger in **Section 5**

- the site meets pre-stocking requirements in **Section 6(3)**
  - the operator must report the monitoring results in compliance with **Sections 10(1) and 10(2)a**
  - there are no additional monitoring requirements
- 2) If at one or more stations the mean sulphide reading is **significantly greater than mean reference or baseline sulphide reading** then:
- effective **September 21, 2003**, the station(s) exceed the trigger in **Section 5** and the operator must comply with **Section 5**
  - effective **March 21, 2004** the operator must meet the pre-stocking requirements in **Section 6(3)**
  - the operator must repeat sulphide monitoring and conduct biological monitoring in compliance with **Section 9(3)**
  - the operator must have biological samples analyzed in compliance with **Section 9(6)**
  - the operator must report biological results in compliance with **Section 10(2)c**
  - the operator must monitor prior to stocking, in compliance with **Section 9(4)c**
  - the operator must report sulphide results in compliance with **Section 10(3)**
  - effective **September 21, 2003**, if the biological results exceed the standards in **Section 4(2)**, the site will be out of compliance with **Section 4**

#### **Hard Bottom Monitoring, All Stations**

NOTE that there are currently no standards associated with hard bottom sites. However, there are still monitoring and reporting requirements that must be met. The following requirements apply to all hard bottom sites:

- the operator must conduct monitoring in accordance with **Section 9(1)**
- the monitoring results must be reported in compliance with **Sections 10(1) and 10(2)b**
- all monitoring procedures must follow **Schedule B**

#### **All Sites**

For all sites the following notes apply:

- **Section 9(7)** outlines how an operator can apply to have the manager vary the requirements in **Section 9(3)a**
- All monitoring must comply with **Section 9(8)**
- The standards and requirements contained within **Sections 4, 5, and 6** are all subject to **Section 11(2)**. **Section 11(2)** states that if containment structures are moved within a single tenure, the footprint of previous locations will be considered to be fallow. As long as the new waste footprint does not overlap the fallow footprint(s), stations within the fallow footprint(s) will not be used in determining compliance at the new location. Thus, the new location could potentially be stocked with fish even if the fallow footprint remains out of

compliance. NOTE, however, that this does not exempt the fallow locations from any of the offences and penalties contained in **Section 13**.

### **Annual Reporting Requirements**

There are several annual reporting requirements outlined in **Sections 10(4)** and **10(5)**

### **Intermittent Reporting Requirements**

There are several reporting requirements within the regulation that arise only in certain situations. These requirements are outlined in **Sections 3(8)** and **10(6)**.

### **Other Reporting Requirements**

NOTE that detailed reporting requirements are also outlined in **Schedules A** and **B** and WLAP's **Protocols for Marine Environmental Monitoring** document. These reporting requirements need to be followed when these documents are referenced in the regulation.

### **Annual Fees**

Annual fee calculations are outlined in **Section 12**. NOTE that annual fees for the preceding calendar year are due by **March 31<sup>st</sup>** of each year, **Section 12(1)**.

### **Offences and Penalties**

**Section 13** outlines the various offences and penalties associated with this regulation. NOTE that the fines listed are the maximum allowable fines and do not, necessarily, indicate the magnitude of fines that will be assessed for any particular case.

### **Contact Information**

If you have any questions or need clarification on any of the topics addressed in this document, please contact the Regional Manager of Environmental Protection, Ministry of Water Land and Air Protection, [Vancouver Island Region](#), Nanaimo:

2080-A Labieux Rd  
Nanaimo BC V9T 6J9  
phone: (250) 751-3100  
fax: (250) 751-3103

A copy of the regulation and the protocols document can be accessed on the internet at the following URLs:

- [http://www.qp.gov.bc.ca/statreg/reg/W/WasteMgmt/256\\_2002.htm](http://www.qp.gov.bc.ca/statreg/reg/W/WasteMgmt/256_2002.htm)
- [http://wlapwww.gov.bc.ca/epd/epdpa/industrial\\_waste/agriculture/reg\\_protocols.pdf](http://wlapwww.gov.bc.ca/epd/epdpa/industrial_waste/agriculture/reg_protocols.pdf)