
TO: Carey McIver
Manager Solid Waste

DATE: September 2, 2008

FROM: Sharon Horsburgh
Senior Zero Waste Coordinator

FILE: 5290-00

SUBJECT: Plebiscite on Open Burning Restrictions in Electoral Area E

PURPOSE

To consider a plebiscite question on the issue of restricting open burning in Electoral Area E.

BACKGROUND

In August 2007, the Board directed staff to prepare a report on the issue of outdoor burning. This was in direct response to a resident from Electoral Area E who addressed the Board and requested that the RDN establish a bylaw to regulate open burning. At that meeting the Director from Electoral Area E requested that the RDN ask a plebiscite question in his area on this issue to coincide with the November 2008 municipal elections.

A plebiscite is used only to gauge public opinion on an issue and does not ask for the assent of the electors to establish a regional district function.

Open Burning

The term “open burning” is used to describe burning and associated activities undertaken for a variety of reasons, including: residential backyard burning; landclearing burning; industrial burning; agricultural burning; construction waste burning; and, resource management open fires. Burning can be considered a legitimate management tool, as in the case of certain land management objectives, or simply as an easy way of waste disposal. In B.C. resource management open fires are regulated by the Wildfire Act whereas open burning for waste disposal is regulated either through the Open Burning Smoke Control Regulation or through local government bylaws. The scope of this report is limited to open burning of landclearing debris and residential backyard burning of vegetative debris.

Air Quality and Health Impacts

The smoke generated by open burning can have significant impacts on air quality, with associated health and environmental concerns. Air quality concerns include: exposure to particulate matter at concentrations that could lead to detrimental human health and ecosystem effects; ground level ozone; impairment of visibility; and odorous emissions.

The most significant risks to air quality and human health are associated with the emission of fine particulates. Fine particulate matter is a known health concern in part because of its potential to penetrate deep into the lungs. People who already have lung, asthmatic or heart problems are most at risk, but healthy younger adults and children can also be affected. Fine particulates are presently viewed as the most serious kind of air pollution in B.C.

With increasing scientific understanding of the health impacts of wood smoke, open burning is becoming less and less accepted as a method of solid waste disposal and alternatives are being encouraged. The regulation of open burning is increasingly focused on air quality and health protection objectives. These values must be balanced with protection of communities by not allowing a fire hazard to develop.

Open Burning Smoke Control Regulation

As stated above, the Ministry of Environment (MOE) has the authority to regulate open burning of landclearing waste under the Open Burning Smoke Control Regulation (OBSCR). The regulation incorporates two categories. Category A restricts open burns to a maximum smoke release period of 72 hours, no more than four burns per year per property and there must be a 15 day rest period between burns. Category B only restricts the length of burn to 96 hours but another pile can be started with the debris from the first pile, in which case there would not be a break between burns.

Under the OBSCR every city, town and village as defined in the Local Government Act in the RDN is a Category A. All other areas of the RDN are Category B. However, under municipal bylaw, open burning of land clearing waste has been banned in the urban municipalities of Nanaimo, Parksville and Qualicum Beach including the French Creek area of Electoral Area G.

The OBSCR was introduced by the Ministry of Environment in 1993 and since then the RDN has received numerous requests from the public to further restrict burning. These requests have largely been related to open burning of land clearing materials in the vicinity of the urban/rural interface.

In October 2004, the Board passed a resolution requesting that the Ministry of Environment change areas of the regional district outside of municipal boundaries to Category A under the Open Burning Smoke Control Regulation. A map outlining the area recommended for Category A classification was forwarded to the Ministry in November 2004. Generally, it followed the boundaries of the Fire Protection Areas and Improvement Districts, since these are the most populated areas.

In August 2005, staff was advised by the Ministry that they could not amend the regulation based on the boundaries identified in this map since a provincial regulation cannot apply to boundaries set by a local government such as Fire Protection Areas. Instead the Ministry required that the request for a category change follow provincial boundaries such as electoral areas. Consequently, in November 2005 the Board passed a motion requesting that the MOE change Electoral Areas A, B, E and G to Category A and the OBSCR. To date there has been no response from the Ministry to this request.

Proposed Changes to the OBSCR

The MOE is currently reviewing the OBSCR and has issued a Policy Intentions Paper for consultation. In this policy intentions paper the MOE is proposing to establish a comprehensive province-wide framework of three "smoke sensitivity zones" (high, moderate and low). It has been proposed that under the revised OBSCR, the majority of the RDN will be a High Sensitivity Zone.

The smoke sensitivity zoning is a science based approach that defines risk to human health. The RDN's zone is based on population density, topography and direction of the prevailing winds. Each zone will have specific standards for parties considering the open burning of vegetative debris. This risk-based, province-wide approach supports the ministry's primary objective of reducing or minimizing impacts to human health, as well as related objectives such as enabling and encouraging compliance, minimizing undue costs, and promoting equity and consistency.

Under the proposed regulation, open burning of landclearing waste in high sensitivity zones will be prohibited upon enactment of the regulation for landclearing fires that do not use forced air technology (i.e. air curtain incinerators) as this technology can substantially reduce emissions when used properly. However, the use of this technology will be phased-out over a two year period at which time they will be prohibited entirely. Staff is currently preparing a detailed report on the implications of this proposed OBSCR.

Burning Bylaws in the RDN

Table 1 below that outlines the current restrictions for landclearing waste and residential backyard burning in the RDN’s Fire Protection Areas as well as member municipalities. Member municipalities have their own municipal burning bylaws and levels of enforcement. Thus, the amount and type of waste burned and the resulting emissions will vary across each jurisdiction depending on the bylaws and enforcement. In general, open burning in urban areas is currently banned or restricted while burning in the rural areas is permitted.

Table 1: Open Burning Restrictions in the RDN

| Fire Protection Area | Landclearing Burning | Backyard Burning |
|------------------------|----------------------|---|
| Deep Bay | OBSCR | No permit required. |
| Bow Horne Bay | OBSCR | No permit required. |
| Dashwood | OBSCR | No permit required. |
| Coombs-Hilliars | OBSCR | No permit required. |
| Errington | OBSCR | No permit required. |
| Nanoose | OBSCR | No permit required. |
| Mountain | OBSCR | No permit required. |
| Wellington | OBSCR | No permit required. |
| Extension | OBSCR | Permit required. |
| Yellowpoint – Waterloo | OBSCR | Permit required from April 1 to Oct. 31 |
| Cranberry | OBSCR | No permit required. |
| North Cedar | OBSCR | Permit required from April 1 to Oct. 31 |
| Gabriola | OBSCR | No permit required. |
| Lantzville | OBSCR | Permit required. Burning allowed Feb. 15 – April 15 and Oct. 15- Dec. 15 only. |
| Town of Qualicum Beach | Not permitted | Not permitted within Urban Containment Boundary. |
| French Creek | Not permitted | Permit required. Burning allowed Feb. 15 – April 15 and Oct. 15- Dec. 15 only. |
| City of Parksville | Not permitted | Permit required. Burning allowed March 15 – April 15 and Oct. 15- Nov. 15 only. |
| Parksville Local | Not permitted | Burning allowed Feb. 15 – April 15 and Oct. 15 to Dec. 15 only. |
| Nanaimo | Not permitted | Not permitted. |

Alternatives to Open Burning

As stated previously, open burning is an expensive method of vegetative waste disposal. There are currently many options available to residents that choose not to burn their backyard vegetative debris. Residents can self-haul this material to the Regional Landfill, the Nanaimo Recycling Exchange or the Church Road Transfer Station after which this material is hauled to the International Composting Corporation facility at Duke Point for composting. Residents can also pay for private hauling services.

With respect to curbside collection of yard waste, in 2001 the RDN included yard waste collection options in the tender for the RDN Garbage Collection and Recycling Service. Based on customer surveys there was little support (33%) for a bi-weekly yard and garden waste collection program at \$30 per year and somewhat greater support (53%) for a 4 times per year collection program for an annual cost of \$17. Consequently, the Board chose not implement a curbside yard and garden waste collection program in urban areas of the RDN. Given public demand to limit backyard burning, staff plans to include yard waste collection options in the upcoming collection contract tender.

Potential Restrictions to Backyard Burning

Many Regional Districts and Municipalities in BC are responding to the new scientific data with respect to open burning in relation to air quality and health impacts and have passed bylaws that completely prohibit backyard burning or limit burning to only dry, garden refuse under strict conditions. With respect to the RDN, landclearing and backyard burning has become an issue in the rural/urban interface and the Board may want to restrict burning in those areas.

As stated previously, staff is currently reviewing the proposed changes to the Open Burning Smoke Control Regulation and its impact to residents of the RDN. In particular, staff is reviewing the proposed boundaries for the High Sensitivity Zone which includes populated areas in the RDN as well as the rural/urban interface. Given that the intent of the proposed regulation is to prohibit landclearing burning within this area within two years of enacting the regulation, the Board may want to introduce similar restrictions to residential backyard burning.

Plebiscite on Open Burning Restrictions in Area E

In the meantime, to gauge public support for further restrictions, the Director from Electoral E has requested that the following plebiscite question be presented to the voters in Electoral Area E:

“Are you in favour of burning restrictions in Electoral Area E?”

ALTERNATIVES

1. Ask a plebiscite question on the issue of burning restrictions in Electoral Area E to determine general public opinion.
2. Do not ask a plebiscite question on the issue of burning restrictions in Electoral Area E and await a broader evaluation in conjunction with the MOE review of the open burning regulation and the Regional District of Nanaimo’s Community Climate Change Plan project.

FINANCIAL IMPLICATIONS

Under Alternative 1, there will be costs associated with conducting the plebiscite and preparing public consultation materials. Staff estimates these costs to be roughly \$10,000. There are no financial implications associated with Alternative 2.

SUSTAINABILITY IMPLICATIONS

Open burning of landclearing or backyard vegetative material does not contribute to sustainability in the RDN. Although open burning provides no-cost waste disposal, this economic advantage must be balanced with the health impacts to humans and the environment.

SUMMARY/CONCLUSIONS

With increasing scientific understanding of the health impacts of wood smoke, open burning is becoming less and less accepted as a method of solid waste disposal and alternatives are being encouraged. The regulation of open burning is increasingly focused on air quality and health protection objectives. In B.C. open burning for waste disposal is regulated either through the Open Burning Smoke Control Regulation (OBSCR) or through local government bylaws.

The Ministry of Environment (MOE) is currently reviewing the OBSCR and has issued a Policy Intentions Paper for consultation that proposes the establishment of a comprehensive province-wide framework of three “smoke sensitivity zones” (high, moderate and low). Under the proposed OBSCR, the majority of the RDN will be a High Sensitivity Zone.

Open burning of landclearing waste in high sensitivity zones will be prohibited upon enactment of the regulation for landclearing fires that do not use forced air technology (i.e. air curtain incinerators) as this technology can substantially reduce emissions when used properly. However, the use of this technology will be phased-out over a two year period at which time burning will be prohibited entirely. Staff is currently preparing a detailed report on the implications of this proposed OBSCR.

Within the RDN, residential backyard burning regulations vary between municipalities and Fire Protection Areas. Although landclearing and backyard burning is generally prohibited within municipal boundaries, there are few restrictions in the Electoral Areas and many residents have requested that open burning be restricted in the rural/urban interface. Staff is currently developing appropriate boundaries to delineate the rural/urban interface and plan to undertake a region-wide consultation process on this issue in 2009. In the meantime, the Director for Electoral Area E has requested that the RDN ask a plebiscite question on burning restrictions in the Area E to coincide with the November 15, 2008 election.

RECOMMENDATION

That the Regional District ask the following plebiscite question to gauge public opinion on November 15, 2008 in Electoral E on the issue of backyard burning restrictions and that the plebiscite question be as follows:

Are you in favour of burning restrictions in Electoral Area E?

S Horsburgh
Report Writer

C McIver
Manager Concurrence

D Trudeau
General Manager Concurrence

C Mason
CAO Concurrence

COMMENTS: