

CHAPTER 34

An Act Respecting Pollution Control

[Assented to 23rd March, 1967.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Short title.

1. This Act may be cited as the *Pollution Control Act, 1967*.

Interpretation.

2. In this Act, unless the context otherwise requires,
“Board” means the Pollution Control Board continued under this Act;
“Director” means the Director of Pollution Control, and includes any Assistant Director and any person appointed by the Board as Acting Director;
“effluent” means a deleterious material flowing in or out of a drain, sewer, outfall, sewage-disposal system or works;
“engineer” means an engineer appointed under this Act;
“final permit” means a permit that authorizes the operation of works for the discharge of effluent;
“Minister” means the Minister of Lands, Forests, and Water Resources;
“municipality” means a village, town, city, or district municipality constituted under any Act, as well as an improvement district, a dyking, sewerage, and drainage district, and any special district constituted under any Act;
“order” includes any decision or direction given in writing;
“permit” means a permit issued under this Act or the Act repealed by this Act;
“pollution” means the introduction into a body of water or storing upon, in, or under land such substances of such character as to substantially alter or impair the usefulness of the land or waters;
“prescribed” means prescribed by this Act or the regulations;
“provisional permit” means a permit authorizing the permittee to proceed on the conditions set out in the permit prior to the issuance of a final permit;
“waters” includes all streams, lakes, ponds, inland waters, salt waters, watercourses, and all other surface and ground waters within the jurisdiction of the Province;
“works” includes drains, ditches, sewers, intercepting sewers, sewage treatment and disposal plants and works, pumping-stations, and other works necessary thereto, and outlets for

carrying off, treating, and disposing of drainage and sewage, including industrial waste, and any other and all works, structures, lands, and conveniences included and necessary to the completion of a sewerage or drainage system or the inclusion of any equipment or process for the curtailment or abatement of any pollution whatsoever. [R.S.B.C. 1960, c. 289, s. 2 (*am.*).]

Pollution Control Board.

3. (1) There shall continue to be a board to be known as the "Pollution Control Board," which shall consist of a Chairman and such other members as the Lieutenant-Governor in Council may from time to time determine.

(2) The Chairman and other members of the Board shall be appointed by the Lieutenant-Governor in Council for such term or terms as the Lieutenant-Governor in Council may determine.

(3) The Lieutenant-Governor in Council may direct the Board to inquire into, to determine causes of and remedies for any matter or matters relating to the polluted condition of water, land, or air, and

(a) to take such remedial action as the Board considers necessary in the public interest; or

(b) to report to the Lieutenant-Governor in Council, who may thereafter direct the Board to take whatever remedial action it considers necessary in the public interest.

(4) The Board may determine its own procedure and may elect an Acting Chairman in the absence of the Chairman. [R.S.B.C. 1960, c. 289, s. 3 (*am.*).]

Functions of Board

4. The Board has the following powers and duties:—

(a) To determine what qualities and properties of water shall constitute a polluted condition:

(b) To prescribe standards regarding the quality and character of the effluent which may be discharged into any waters:

(c) To appoint such advisory or technical committees from time to time as may be deemed necessary to inform the Board with regard to whatever matters may be referred by the Board:

(d) To carry out any specified references or instructions made to the Board under subsection (3) of section 3. [R.S.B.C. 1960, c. 289, s. 4 (*am.*).]

Discharge of sewage

5. (1) No person shall discharge sewage or other waste materials on, in, or under any land or into any waters without a permit from the Director.

(2) The Director shall not issue a permit unless the applicant therefor has complied with the regulations and supplied whatever plans, specifications, and other information the Director requires.

(3) Where application is made for a permit, the Director may

(a) refuse to grant the permit;

(b) amend the application and grant the permit;

- (c) grant the permit in whole or in part upon such terms and conditions as the Director may prescribe;
 - (d) require additional plans or other information prior to amendment of the application under clause (b), or refuse to grant the permit under clause (a), or grant the permit under clause (c); or
 - (e) require the applicant to give security in the amount and form required by the Director,
- and may, in dealing with any application, exercise more than one of those powers. [R.S.B.C. 1960, c. 289, s. 7 (*part, am.*).]

Amendment
of permits.

6. Upon notice to all persons whose rights in the opinion of the Director would be adversely affected and after consideration of any objections filed and after notifying the objectors of his decision, the Director may amend any permit

- (a) to extend the time for commencement of the construction of the works;
 - (b) to extend the time fixed for the completion of the works;
 - (c) to authorize additional or other works than those previously authorized;
 - (d) to correct any error in the permit;
 - (e) to remove any provision of the permit that is inconsistent with this Act;
 - (f) to extend the term of the permit;
 - (g) to transfer the permit to another person;
 - (h) to change the quality of the effluent when such change is not deleterious; or
 - (i) to increase or decrease the quantity of the effluent;
- or for more than one of those purposes. [R.S.B.C. 1960, c. 289, s. 7 (*part, am.*).]

Final
permits

7. When the time for completing the works expires and any other terms or conditions of a provisional permit have been met, the Director may issue a final permit setting out the terms and conditions of the provisional permit and any changes necessary thereto. [New.]

Classification
of operations
and exemp-
tions.

8. Notwithstanding sections 5 and 6, the Board may classify operations according to the type of sewage or waste materials being discharged or proposed to be discharged, or by the type of treatment proposed or undertaken, or by the volume of the discharge or proposed discharge, or any combination of these, and may, with the approval of the Lieutenant-Governor in Council, exempt any class or classes of operation so defined from the provisions of this Act and may further make such exemptions applicable to a specific area or areas. [R.S.B.C. 1960, c. 289, s. 7A (*am.*).]

Staff.

9. A Director, Assistant Director, and such engineers, officers, clerks, and other employees necessary for the purpose of this Act may be appointed in accordance with the *Civil Service Act*. [R.S.B.C. 1960, c. 289, s. 8 (*part, am.*).]

Powers of Director.

10. The Director has all powers necessary for carrying out the intent of this Act and, without limiting the generality of the foregoing, has power

- (a) to determine what qualities and properties of water shall constitute a polluted condition;
- (b) to prescribe standards regarding the quality and character of the effluent which may be discharged into any waters;
- (c) to conduct tests and surveys to determine the extent of pollution of any waters;
- (d) to examine into all existing or proposed means for the disposal of sewage or other waste materials, or both, and to approve the plans and specifications for such works as are deemed necessary to prevent pollution of any waters;
- (e) to notify all persons who discharge effluent into the said waters when the effluent fails to meet the prescribed standards;
- (f) to order any person to increase the degree of treatment of the effluent or to alter the manner or point of discharge of the effluent being discharged by such person;
- (g) to order any person who fails to comply with an order issued under clause (f) to cease discharging effluent into any waters or on, in, or under any land as and from a day and time specified in the order;
- (h) to determine his own procedure;
- (i) to exercise any of the powers or duties conferred or imposed upon an engineer under this Act or the regulations. [*New.*]

Powers of engineer.

11. In addition to all other powers given under this Act and the regulations, every engineer

- (a) may determine what constitutes a substantial alteration or impairment of the usefulness of land or water;
- (b) may enter at any time in and upon any land and premises to inspect, regulate, close, or lock any works or premises; and
- (c) may order the repair, alteration, improvement, removal of, or addition to any works. [R.S.B.C. 1960, c. 289, s. 14 (*am.*).]

Appeal.

12. (1) An appeal lies

- (a) from every order of an engineer to the Director;
- (b) from every order of the Director to the Board; and
- (c) from every order of the Board to the Lieutenant-Governor in Council, who may delegate any member or members of the Executive Council of the Province to hear the appeal and pronounce a decision thereon for or on behalf of the Lieutenant-

Governor in Council, or to the Supreme Court of British Columbia, as the appellant may decide;

and in this section the expression "appeal tribunal" means the Director, the Board, the Lieutenant-Governor in Council, or the member or members of the Executive Council of the Province delegated by the Lieutenant-Governor in Council to hear the appeal, or the Supreme Court of British Columbia, as the case may be, to whom the appeal is taken.

(2) Every appeal from an order of the engineer or the Director shall be taken within fifteen days from the date of the order, and every appeal from an order of the Board shall be taken within thirty days from the date of the order.

(3) The appellant under an appeal taken under this section shall give notice of the appeal as directed by the engineer, Director, or the Board from whose order the appeal is taken.

(4) Before hearing an appeal, the appeal tribunal may require the appellant to deposit with the appeal tribunal such sum of money as the appeal tribunal considers sufficient to cover the probable expenses of the appeal tribunal and the respondent in connection with the appeal.

(5) The appeal tribunal may, on any appeal, determine the matters involved and make any order that to the appeal tribunal appears just, and may dispose of any money deposited by the appellant pursuant to a requirement made under subsection (4).

(6) The decision of the Supreme Court of British Columbia, or the Lieutenant-Governor in Council, or the member or members of the Executive Council of the Province delegated by the Lieutenant-Governor in Council to hear the appeal, as the case may be, shall be final.

(7) No appeal shall act as a stay of execution. [R.S.B.C. 1960, c. 289, s. 15 (*am.*).]

Objections

13. (1) Any person whose rights would be affected by the granting of a permit may, within such time as may be prescribed in the regulations, file an objection thereto.

(2) The Director shall decide, in his sole discretion, whether or not the objection will be the subject of a hearing, and shall notify the objector of his decision.

(3) If the Director decides to hold a hearing, the applicant and objectors are entitled to be notified of the time and place thereof and to be heard, and to be notified of the decision following the hearing. [R.S.B.C. 1960, c. 289, s. 17 (*am.*).]

Inquiries

14. Whenever it appears to the Board or the Director that the proper determination of any matter within its jurisdiction necessitates a public or other inquiry, the Board or Director may hold an inquiry, and for that purpose the Chairman of the Board or the Director, as the case may be, has all the powers and jurisdiction of a Justice of the Peace under the *Summary Convictions Act*. [R.S.B.C. 1960, c. 289, s. 18 (*am.*).]

Ingress and
egress.

15. The Board, every member thereof, the Director, and every engineer has, for the discharge of duties and the exercise of rights, at all times a free right of ingress and egress upon, in, and over any land and premises. [R.S.B.C. 1960, c. 289, s. 16 (*am.*).]

Board re-
muneration.

16. The members of the Board shall be paid such remuneration as may be fixed by the Lieutenant-Governor in Council and such actual expenses as may be incurred by them in the discharge of their duties. [R.S.B.C. 1960, c. 289, s. 9.]

Money

17. Any moneys required for administration of this Act or for the carrying-out of the provisions of this Act shall, in the absence of any vote of the Legislative Assembly available therefor, be paid out of the Consolidated Revenue Fund. [R.S.B.C. 1960, c. 289, s. 10.]

Adminis-
tration.

18. The Minister is charged with the administration of this Act. [R.S.B.C. 1960, c. 289, s. 11.]

Fees and
regulations.

19. The Lieutenant-Governor in Council may from time to time

(a) establish a tariff of fees and charges payable in respect of applications, permits, and other things applied for or issued under this Act or any former Act;

(b) make, alter, and repeal regulations for carrying out the spirit, intent, meaning, and purpose of this Act, including matters in respect to which no express or only partial or imperfect provision has been made, and, without restricting the generality of the foregoing, in respect of the following matters:—

(i) The division of the Province into pollution control districts for administrative purposes:

(ii) The procedure to be followed with respect to applications for permits and objections thereto:

(iii) The collection of fees and other charges and the refunding of moneys paid in respect thereof. [*New.*]

Actions

20. No action may be brought against the Board, Director, any engineer, or any other person for anything done or left undone by him in good faith in the performance or intended performance of any authority conferred or duty imposed under this Act or the regulations.

Approvals
and certifi-
cates under
Health Act

21. No plans, specifications, engineers' reports, estimates, information, or data shall be approved under section 24 of the *Health Act*, and no certificate shall be given under section 25 or 27 of the *Health Act* without the authority in writing of the Director. [R.S.B.C. 1960, c. 289, s. 19.]

Repeal.

22. The *Pollution-control Act* is repealed.

Continuation
of employ-
ment.

23. Persons employed or holding office pursuant to the Act repealed by this Act continue to be employed or to hold office without re-appointment.

Printed by A. SUTTON, Printer to the Queen's Most Excellent Majesty
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1967