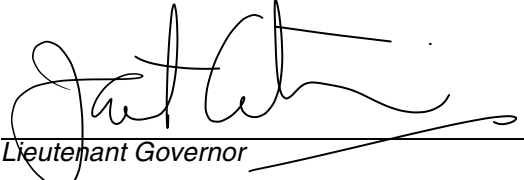


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 447

, Approved and Ordered July 6, 2024


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) section 181 of the *Budget Measures Implementation Act, 2023*, S.B.C. 2023, c. 23, is brought into force,
- (b) the BC Carbon Registry Regulation, B.C. Reg. 25/2024, is amended as set out in the attached Schedule 1,
- (c) the Emission Offset Project Regulation, B.C. Reg. 250/2015, is amended as set out in the attached Schedule 2,
- (d) the Greenhouse Gas Emission Administrative Penalties and Appeals Regulation, B.C. Reg. 248/2015, is amended as set out in the attached Schedule 3, and
- (e) the Greenhouse Gas Emission Reporting Regulation, B.C. Reg. 249/2015, is amended as set out in the attached Schedule 4.



Minister of Environment and Climate Change Strategy



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Budget Measures Implementation Act, 2023*, S.B.C. 2023, c. 23, ss. 181 and 185;
Greenhouse Gas Industrial Reporting and Control Act, S.B.C. 2014, c. 29, ss. 46 to 48, 50, 51 and 53

Other: OIC 71/2024; OIC 807/2015; OIC 804/2015; OIC 805/2015

R10791319

SCHEDULE 1

- 1** *Section 13 (5) (c) of the BC Carbon Registry Regulation, B.C. Reg. 25/2024, is amended by striking out “the contingency account” and substituting “a contingency account”.*

SCHEDULE 2

- 1** *Section 20 (3) (f) (ix) of the Emission Offset Project Regulation, B.C. Reg. 250/2015, is amended by striking out “the contingency account” and substituting “a contingency account”.*

- 2** *Section 24 is amended*

(a) by repealing subsection (1), and

(b) by repealing subsections (2) to (4) and substituting the following:

- (2) Subject to subsection (3), a protocol may require that up to 51% of offset units issued in relation to a sequestration project must be credited to a contingency account.*
- (3) If the director retires offset units from a contingency account under section 13 (5) (c) of the BC Carbon Registry Regulation in relation to a sequestration project, the director may, subject to section (4) of this section, credit to a contingency account any offset units that would otherwise be credited to the holding account of the project proponent during the crediting period.*
- (4) The number of offset units that may be credited to a contingency account under subsection (3) of this section must not exceed the number of offset units that were retired from a contingency account under section 13 (5) (c) of the BC Carbon Registry Regulation.*

SCHEDULE 3

- 1** *Section 2 (10) of the Greenhouse Gas Emission Administrative Penalties and Appeals Regulation, B.C. Reg. 248/2015, is amended by striking out “section 41.16” wherever it appears and substituting “section 41.15”.*

- 2** *Section 3 (1) is amended by adding “section” before “25 (2)”.*

SCHEDULE 4

- 1** *Section 1 (2) of the Greenhouse Gas Emission Reporting Regulation, B.C. Reg. 249/2015, is amended*

(a) by repealing the definition of “date of first shipment” and substituting the following:

“date of first shipment”, in relation to an industrial operation, means the earlier of the following dates with respect to any product produced by the operation that

was, on the applicable date, a regulated product, or has become a regulated product:

- (a) in the case of a product that is capable of being transported, the date on which the operation transported its first shipment of the product from the operation for delivery
 - (i) to a commercial purchaser of the product for consumption or resale,
 - (ii) to another industrial operation that is to refine or otherwise add commercial value to the product, or
 - (iii) outside of British Columbia;
- (b) in the case of a product that is not capable of being transported, the date on which the operation first produced the product. , **and**

(b) in the definition of “reporting-only emissions” by striking out “6 and 11” and substituting “6, 11 and 14”.

2 Section 11 is amended

(a) in subsection (2) by striking out “under this section” and substituting “under subsection (1)”, and

(b) by adding the following subsection:

- (2.1) A person who becomes an operator of a single facility operation or a linear facilities operation referred to in subsection (1) after the registration required under subsection (1) (b) (i) or (ii) is made in a reporting period must, within 30 days after becoming the operator of the operation, register in accordance with section 11.3.

3 Section 11.2 is amended

(a) in subsection (2) (a) by adding “subject to subsection (3),” before “in the case of an operator”,

(b) in subsection (2) (b) (i) by striking out “February 28, 2024” and substituting “July 31, 2024”, and

(c) by adding the following subsection:

- (3) A person who becomes an operator of an industrial operation referred to in subsection (1) after the registration required under subsection (2) (a) or (b) is made must, within 30 days after becoming the operator of the operation, register in accordance with section 11.3.

4 Section 11.3 (2) (u) is amended

(a) by adding “the date of the event and” before “the following information”,

(b) by repealing subparagraph (i) and substituting the following:

- (i) in the case of the closure or temporary shutdown of a facility or operation controlled and directed by the operator, the name,

geographic coordinates and street address, if any, of the facility or operation; , **and**

(c) by renumbering subparagraphs (vii) and (viii) as subparagraphs (vi) and (vii), respectively.

5 Section 11.4 is amended by adding the following subsection:

(4) This section does not apply in relation to the operator of an industrial operation referred to in section 11.2 (1) (b) if the director

(a) rejects the operator's application for designation of the operation as an opted-in operation,

(b) revokes the designation of the operation as an opted-in operation, or

(c) approves an application by the operator for designation of the operation as an opted-out operation.

6 Section 13 is amended

(a) in subsection (1) by striking out “regulated” and substituting “reporting”,

(b) in subsection (1.1) (b) by striking out “subject to subsection (2),”,

(c) in subsection (2) by striking out “subsection (1) (a)” and substituting “subsection (1.1) (b)”, and

(d) in subsection (2) (a) (i) by striking out “section 28 (1) or (3)” and substituting “section 28 (1)”.

7 Section 15 (2) (a) is amended by striking out “column 5, or” and substituting “column 5,”.

8 Section 18.2 (1) is amended by striking out “industrial operation engaged in the production” and substituting “industrial operation primarily engaged in the production”.

9 Section 23 is amended

(a) in subsection (1) (c.1) by striking out “for each regulated product produced by the regulated operation, the quantity of product” and substituting “for each regulated product produced by each facility in the regulated operation, the quantity of product by facility, including any quantity produced before the product became a regulated product”, and

(b) in subsection (1) (e.1) by adding “and 14” after “items 2 to 4”.

10 Section 31 (2) (c) (i) and (d) (i) is amended by striking out “CO₂e” and substituting “carbon dioxide equivalent”.

11 Section 41.1 (2) (a) is amended by striking out “February 28, 2024” and substituting “July 31, 2024”.

12 Section 41.2 is amended

- (a) in subsection (1) (d) (i) by adding “an operator of” before “a reporting operation”,*
- (b) in subsection (2) (d) by striking out “operator” and substituting “operation”, and*
- (c) in subsection (2) (e) (i) by adding “an operator of” before “a reporting operation”.*

13 Section 41.8 (1) is repealed and the following substituted:

- (1) As an exception to section 20.2 of the Act, an application for designation of an industrial operation as a new entrant may be made only by the operator of a reporting operation that is, or is expected to become, a regulated operation.

14 Sections 41.12 to 41.16 are renumbered as sections 41.11 to 41.15.

15 Section 1 of Schedule A is amended

- (a) by renumbering the section as section 1 (1),*

- (b) in subsection (1) by adding the following definitions:*

“copper-equivalent” means all marketable minerals of a regulated operation that mines, beneficiates or otherwise prepares copper as a primary metal, measured as the sum of

- (a) the tonnes of copper mined, beneficiated or otherwise prepared by the regulated operation, and
- (b) the tonnes of minerals other than copper mined, beneficiated or otherwise prepared by the regulated operation, if any, adjusted on the basis of average market price to the equivalent tonnes of copper;

“critical mineral” means a mineral listed in Table 2 of Schedule E.1;

“critical mineral mining” means the mining, beneficiation or other preparation of a mineral, or an ore of a mineral, by a regulated operation if the operation’s primary mineral is a critical mineral;

“gold-equivalent” means all marketable minerals of a regulated operation that mines, beneficiates or otherwise prepares gold as a primary metal, measured as the sum of

- (a) the tonnes of gold mined, beneficiated or otherwise prepared by the regulated operation, and
- (b) the tonnes of minerals other than gold mined, beneficiated or otherwise prepared by the regulated operation, if any, adjusted on the basis of average market price to the equivalent tonnes of gold;

“primary metal”, in relation to a regulated operation that mines, beneficiates or otherwise prepares a metal or an ore of a metal, means

- (a) if the operation mines, beneficiates or otherwise prepares a single metal or an ore of a single metal, that metal, and
- (b) if the operation mines, beneficiates or otherwise prepares more than one metal or an ore of more than one metal, the metal that yields the highest revenue for the operation on the basis of average market price;

“primary mineral”, in relation to a regulated operation that mines, beneficiates or otherwise prepares a mineral or an ore of a mineral, means

- (a) if the operation mines, beneficiates or otherwise prepares a metal or an ore of a metal, the primary metal of the operation, and
- (b) in any other case, the mineral mined, beneficiated or otherwise prepared by the operation that yields the highest revenue for the operation on the basis of average market price; , *and*

(c) by adding the following subsections:

- (2) For the purposes of the definitions of **“copper-equivalent”** and **“gold-equivalent”** in subsection (1), the tonnes of marketable minerals other than copper or gold, as applicable, mined, beneficiated or otherwise prepared by a regulated operation are to be adjusted on the basis of average market price to the equivalent tonnes of copper or gold using, in accordance with any directions of the director,
 - (a) the average price of each mineral on the London Metals Exchange over the 3-year period specified by the director within the preceding 5 years, or
 - (b) if there is no price for a mineral on the London Metals Exchange, the average price of the mineral on a comparable index over the period referred to in paragraph (a).
- (3) For the purposes of the definitions of **“primary metal”** and **“primary mineral”** in subsection (1), the metal or mineral, as applicable, that yields the highest revenue for a regulated operation on the basis of average market price is to be determined using, in accordance with any directions of the director,
 - (a) the amount of each metal or mineral mined, beneficiated or otherwise prepared by the operation during the 3-year period specified by the director within the preceding 5 years, and
 - (b) the average price of each metal or mineral on the London Metals Exchange over the period referred to in paragraph (a) or, if there is no price for the metal or mineral on the London Metals Exchange, the average price on a comparable index over that period.

16 *Table 1 of Schedule A is amended in item 2 by striking out the text in column 2 and substituting the following:*

Fuel combustion by mobile equipment at a facility that

- (a) carries out an activity referred to in this column of item 1 or any of items 3 to 27 in this Table, or
- (b) produces a product referred to in column 2 of any of items 10 to 13 or 12.1 in Table 2 of Schedule A.1.

17 *Table 2 of Schedule A is amended*

(a) by repealing item 1.1 and substituting the following:

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Activity	Source Type	Greenhouse Gas Type	Relevant Requirements
1.1	General stationary non-compression and non-processing combustion	(a) General stationary combustion of fuel or waste at a linear facilities operation resulting in the production of useful energy	Disaggregated combustion emissions	WCI.020
		(b) General stationary combustion of fuel or waste at a linear facilities operation not resulting in the production of useful energy	Disaggregated combustion emissions	
		(c) Field gas or process vent gas combustion at a linear facilities operation	Disaggregated combustion emissions	WCI. 360

(b) in item 2 by striking out “, carbon dioxide transportation and oil transmission” in column 2,

(c) in item 2.1 by striking out the text in column 2 and substituting “Non-compression and non-processing activities that are oil and gas extraction and gas processing activities”,

(d) in item 2.1 by repealing paragraphs (r) and (s) in columns 3 and 4,

(e) in item 4 by striking out “or natural gas storage” in column 2 and substituting “, natural gas storage, carbon dioxide transportation or oil transmission,”, and

(f) in item 4.1 by striking out “or natural gas storage” in column 2 and substituting “, natural gas storage, carbon dioxide transportation or oil transmission”.

18 *Table 2 of Schedule A.1 is amended by adding the following items:*

Column 1	Column 2	Column 3	Column 4
Item	Product	PWAEI (tonnes carbon dioxide equivalent per unit)	Unit
5.1	Forged steel balls: less than 3.5 inches diameter	0.1055	Tonne forged steel balls

Column 1	Column 2	Column 3	Column 4
Item	Product	PWAEI (tonnes carbon dioxide equivalent per unit)	Unit
5.2	Forged steel balls: greater than 4 inches diameter	0.1830	Tonne forged steel balls
12.1	Mining: critical mineral other than the products listed in items 11 to 13	N/A	N/A
22.1	Smelting: critical mineral other than the products listed in items 22 and 23	N/A	N/A

19 Schedule B is amended

- (a) *in items 1 and 2 by striking out “Table 2, item 1.1” in column 3 and substituting “Table 2, item 1.1 (a) and (b)”*,
- (b) *in item 3 by adding “Table 2, item 1.1 (a) and (b)” in column 3*,
- (c) *in item 9 by striking out “Table 2, item 1.1” in column 3 and substituting “Table 2, item 1.1 (a) and (c)”*,
- (d) *in item 12 by striking out “Table 2, item 1.1” in column 3 and substituting “Table 2, item 1.1 (b)”*, and
- (e) *by adding the following item:*

Column 1	Column 2	Column 3
Item	Categories of Emissions	Emissions Included in Category
14	Emissions from fat, oil and grease collection, refining and storage	All emissions attributable under section 3 that are solely from fuel combustion carried out for the purpose of fat, oil and grease collection, refining and storage from the following Table 1, item 1 (a) Table 1, item 2

20 Section 1 of Schedule C is amended

- (a) *in the definition of “digester gas” by striking out “produced in a digester” and substituting “a gas produced in a digester”*,
- (b) *by repealing the definitions of “ethanol”, “regulated fuel” and “unregulated fuel”*, and

(c) *in the definitions of “biodiesel” and “renewable diesel” by striking out “if it is an unregulated fuel”.*

21 *Section 1 (1) of Schedule E.1 is amended in the description of “PWAEly,p” by striking out “table 1 of this Schedule” and substituting “table 2 of Schedule A.1”.*

22 *Table 1 of Schedule E.1 is amended*

(a) by adding the following items:

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Industry	NAICS Code	Reduction Factor	Tightening Rate
5.1	Critical mineral smelting and refining other than the industries listed in items 1 and 5	N/A	.85	.01
6.1	Critical mineral mining other than the industry listed in item 6	N/A	.80	.01

, and

(b) in item 7 by striking out “Items 1 to 6” and substituting “items 1 to 6.1”.

23 *The following table is added to Schedule E.1:*

Table 2

Column 1	Column 2
Item	Critical Mineral
1	Aluminum
2	Antimony
3	Bismuth
4	Chromite
5	Cobalt
6	Copper
7	Fluorspar
8	Germanium
9	Graphite
10	Indium
11	Lithium
12	Magnesium
13	Manganese
14	Molybdenum
15	Nickel

Column 1	Column 2
Item	Critical Mineral
16	Niobium
17	Platinum group metals
18	Rare earth elements
19	Tantalum
20	Tellurium
21	Tin
22	Titanium
23	Tungsten
24	Vanadium
25	Zinc

24 Section 1 of Schedule G is amended

- (a) in the description of “np” by adding “, including any number of the products produced before the product became a regulated product or the operation became a regulated operation” **after** “compliance period”, and*
- (b) in the description of “Pr2024,p” by adding “, including any quantity produced before the product became a regulated product or the operation became a regulated operation” **after** “compliance period”.*