

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 109

, Approved and Ordered April 1, 2026



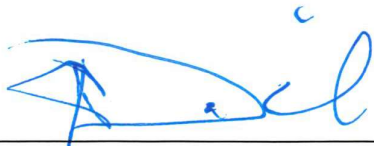
~~Lieutenant Governor~~
Administrator

Executive Council Chambers, Victoria

Administrator

On the recommendation of the undersigned, the ~~Lieutenant Governor~~, by and with the advice and consent of the Executive Council, orders that, effective April 1, 2026,

- (a) the Greenhouse Gas Emission Reporting Regulation, B.C. Reg. 249/2015, is amended as set out in the attached Appendix 1, and
- (b) the Greenhouse Gas Emission Administrative Penalties and Appeals Regulation, B.C. Reg. 248/2015, is amended as set out in the attached Appendix 2.



Minister of Energy and Climate Solutions



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: *Greenhouse Gas Industrial Reporting and Control Act*, S.B.C. 2014, c. 29, ss. 46, 47, 49 and 51

Other: OIC 804/2015; OIC 805/2015

R10949843

APPENDIX 1

- 1 Section 1 of the Greenhouse Gas Emission Reporting Regulation, B.C. Reg. 249/2015, is amended**
- (a) in subsection (2) in the definition of “authorization date” by striking out “an industrial operation” and substituting “an industrial operation or a part of an industrial operation”,**
 - (b) in subsection (2) in paragraphs (a) and (b) of the definition of “authorization date” by striking out “the operation” wherever it appears and substituting “the operation or the part of the operation”,**
 - (c) in subsection (2) by adding the following definition:**
 - “date of first commercial production”,** in relation to a part of an industrial operation, means, with respect to any product produced by the part of the operation, the date on which the part of the operation first produced the product for commercial purposes if the product was a regulated product on that date or has become a regulated product; ,
 - (d) in subsection (2) in paragraph (a) of the definition of “linear facilities operation” by striking out “Table 2 in Schedule A” and substituting “Table 2 of Schedule A”, and**
 - (e) in subsection (5.1) by striking out “an industrial operation” and substituting “an industrial operation or a part of an industrial operation” and by striking out “section 41.10 of this regulation in relation to the operation” and substituting “section 41.91 of this regulation in relation to the operation or the part of the operation”.**
- 2 Section 4 (4) is amended by striking out “a regulated operation” and substituting “a regulated operation or a part of a regulated operation”.**
- 3 Section 13 (3) is repealed and the following substituted:**
- (3) The director may act under subsection (2) if the director is satisfied that the extension of the date for submission is not contrary to the public interest.
- 4 Section 18.2 is amended by adding the following subsection:**
- (4.1) A proposed industrial operation is a regulated operation effective on the date that the operation’s new entrant period begins.
- 5 Section 19 (3) is repealed and the following substituted:**
- (3) The director may act under subsection (2) if the director is satisfied that the extension of the date for submission is not contrary to the public interest.
- 6 Section 23 is amended**
- (a) in subsection (2) (a) and (b) by striking out “a regulated operation” and substituting “a regulated operation or a part of a regulated operation”,**

(b) in subsection (3) (a) by striking out “both of”,

(c) in subsection (3) (a) by adding the following subparagraph:

(iii) any directions of the director; ,

(d) in subsection (4) by striking out “a regulated operation” and substituting “a regulated operation or a part of a regulated operation” and by striking out “the operation” and substituting “the operation or the part of the operation”,

(e) in subsection (5) by striking out “a regulated operation” and substituting “a regulated operation or a part of a regulated operation”,

(f) by repealing subsection (5) (b) and substituting the following:

(b) if the date of first shipment of the operation, or the date of first commercial production of the part of the operation, is on or after April 1, 2024,

(i) a statement asserting that the operation was a reporting operation on the date that the operation’s new entrant period began,

(ii) the authorization date of the operation or the part of the operation,

(iii) if applicable, the date of first shipment of the operation or the date of first commercial production of the part of the operation, and

(iv) if the operation or the part of the operation is a new entrant, the date under section 41.91 (1), (2), (2.1) or (2.2) that the new entrant period of the operation or the part of the operation began. ,

(g) in subsection (6) by striking out “a regulated operation” and substituting “a regulated operation or a part of a regulated operation”, and

(h) in subsection (6) (a) and (b) by striking out “the operation” and substituting “the operation or the part of the operation”.

7 Section 33 (2) (d) is amended by striking out “sections 11.3 (2) (a) to (c), (e) to (g), (m) and (o) [registration requirements reporting operations and potential reporting operations] and 14 (2) (a), (d) and (f) [content of emission reports]” and substituting “sections 11.3 (2) (a) to (c) [operator’s legal name] and 14 (2) (a) and (f) [reporting period and unique identification number]”.

8 Section 39 (3) (b) is repealed and the following substituted:

(b) the information referred to in section 14 (2) (e) and (f) [name and unique identification number];

(c) the information referred to in section 23 (1) (e), (f), (g) and (i) [content of compliance reports];

(d) for each regulated product produced by the regulated operation, the quantity of product produced during the compliance period, including any quantity produced before the product became a regulated product, in units set out in column 4 of Table 2 of Schedule A.1 for the product, calculated in accordance with any directions of the director;

- (e) for a regulated operation or a part of a regulated operation referred to in section 23 (2) (a) or (b), the following information:
 - (i) the operation's authorization date;
 - (ii) if applicable, the date of first shipment of the operation or the date of first commercial production of the part of the operation.

9 Section 41.8 is amended

(a) by repealing subsections (1) and (2),

(b) by repealing subsection (3) and substituting the following:

- (3) An application for designation as a new entrant of all or part of an industrial operation must be made
 - (a) on or after the authorization date of the operation or the part of the operation, and
 - (b) on or before May 31 of the compliance period in which the first compliance report of the operation or the part of the operation is due if the designation is made. ,

(c) in subsection (4) by adding "for designation as a new entrant of all or part of an industrial operation" after "An application",

(d) in subsection (4) (g) and (h) (i) and (ii) by striking out "an operation" and substituting "all of an operation",

(e) in subsection (4) by adding the following paragraph:

- (h.1) if the application is for a part of an operation,
 - (i) a description of the part of the operation,
 - (ii) an assertion as to the date of first commercial production, and
 - (iii) a description of how the operator will distinguish between the operation and the part of the operation when reporting under sections 3 and 7 of the Act; , **and**

(f) by adding the following subsections:

- (5) An application for designation as a new entrant of a proposed industrial operation must be made before the operation becomes a reporting operation.
- (6) An application for designation as a new entrant of a proposed industrial operation must be in the form and manner specified by the director and include the following:
 - (a) the information referred to in subsection (4) (a) to (e) and (i);
 - (b) an assertion that the operation will meet the criteria set out in section 41.9 (1) before the operation's new entrant period begins;
 - (c) the date, if any, that the operation requests for its designation as a new entrant to begin, which date must be
 - (i) on or after the operation's authorization date, and
 - (ii) before the operation's date of first shipment.

10 Section 41.9 is amended

(a) by renumbering the section as section 41.9 (1),

(b) in subsection (1) by striking out “referred to in section 41.8 of this regulation”, and

(c) by adding the following subsections:

- (2) For the purposes of section 20.2 (2) of the Act, the director must, in order to designate a part of an industrial operation as a new entrant, be satisfied that
 - (a) the operation meets the criteria set out in subsection (1) of this section, and
 - (b) the part of the operation meets the following criteria:
 - (i) the part of the operation is sufficiently distinguishable from the operation so that the emissions of the part of the operation can be reported under sections 3 and 7 of the Act;
 - (ii) the operation has produced a regulated product and its capacity to produce that product has increased by at least 80% as a result of the addition of the part of the operation.
- (3) In deciding whether to designate a part of an industrial operation as a new entrant, the director must consider the following factors:
 - (a) whether there was or will be a significant financial investment in the part of the operation;
 - (b) the cause of the operation’s increase in production of a regulated product;
 - (c) whether there will be volatility in emission intensity during the new entrant period of the part of the operation;
 - (d) the operator’s history of compliance with the Act and the regulations made under it;
 - (e) the operator’s likelihood of meeting its compliance obligation after the new entrant period of the part of the operation.
- (4) For the purposes of section 20.2 (2) of the Act, the director must, in order to designate a proposed industrial operation as a new entrant, be satisfied that the criteria set out in subsection (1) of this section will be met before the operation’s new entrant period begins.

11 Sections 41.10 to 41.15 are renumbered as sections 41.91 to 41.96.

12 Section 41.91 is amended

(a) in subsections (1) and (2) by striking out “a reporting operation” and substituting “an industrial operation”,

(b) in subsection (2) (a) by striking out “section 41.8” and substituting “section 41.8 (3)”, and

(c) *by adding the following subsections:*

- (2.1) The new entrant period for a part of an industrial operation that is designated as a new entrant begins on the date of first commercial production of the part of the operation.
- (2.2) The new entrant period for a proposed industrial operation that is designated as a new entrant begins on the earlier of the following:
 - (a) the date, if any, that is requested under section 41.8 (6) (c);
 - (b) the operation’s date of first shipment.

13 Section 1 (1) of Schedule A is amended by adding the following definition:

“lime recovered by kiln” means calcium oxide converted from calcium carbonate through a thermochemical reaction in a high-temperature rotary furnace that is used to produce chemical pulp; .

14 Table 1 of Schedule A is amended in item 2 by striking out “or 12.1” in column 2.

15 Table 2 of Schedule A.1 is amended

- (a) *in item 12.1 by striking out “items 11 to 13” in column 2 and substituting “items 11, 12 and 13”,*
- (b) *in item 16 by striking out the text in column 3 and substituting “0.3095”, and*
- (c) *by adding the following item as indicated:*

Column 1	Column 2	Column 3	Column 4
Item	Product	PWAEI (tonnes carbon dioxide equivalent per unit)	Unit
16.1	Pulp and paper: lime recovered by kiln	0.3822	Tonne dry recovered lime

16 Section 1 of Schedule C is amended in the definition of “renewable diesel” by striking out “hydrogenated-derived” and substituting “hydrogenation-derived”.

17 Section 1 (1) of Schedule E.1 is amended

- (a) *in the description of “Pr_{y,p}” by striking out “Pr_{y,p}” and substituting “PR_{y,p}” and by striking out “produced by an operation that is a new entrant” and substituting “produced by an operation or a part of an operation that is a new entrant”,*

(b) by striking out the description of “RF” and substituting the following:

- RF = the reduction factor
- (a) for the industry in which the regulated products, other than a regulated product referred to in paragraph (b), were produced, listed in column 4 of Table 1 of this Schedule for the industry, or
 - (b) for the regulated product, listed in column 4 of Table 1.1 of this Schedule for the regulated product; , *and*

(c) by striking out the description of “TR” and substituting the following:

- TR = the tightening rate
- (a) for the industry in which the regulated products, other than a regulated product referred to in paragraph (b), were produced, listed in column 5 of Table 1 of this Schedule for the industry, or
 - (b) for the regulated product, listed in column 5 of Table 1.1 of this Schedule for the regulated product; .

18 *Schedule E.1 is amended by adding the following table:*

Table 1.1

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Regulated Product	NAICS Code	Reduction Factor	Tightening Rate
1	Lime recovered by kiln in chemical pulp mills	322112	.90	.01

APPENDIX 2

1 *Section 2 (10) of the Greenhouse Gas Emission Administrative Penalties and Appeals Regulation, B.C. Reg. 248/2015, is amended*

- (a) in paragraph (a) by striking out “section 41.15 (1) (a) (ii), (b) (ii) or (c) (ii)” and substituting “section 41.96 (1) (a) (ii), (b) (ii) or (c) (ii)”, and*
- (b) in paragraph (b) by striking out “section 41.15 (2) (b) (i) or (ii)” and substituting “section 41.96 (2) (b) (i) or (ii)” and by striking out “section 41.15 (3)” and substituting “section 41.96 (3)”.*