

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

Chronological No. - Numéro chronologique

File Reference - No de réf. du dossier

JOR/82-253

NOTE: The words "From our Band Funds", "Capital" or "Revenue", whichever is the case, must appear in all resolutions requesting expenditures.
NOTA: Les mots "des fonds de notre bande", "Capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses même les fonds des fonds.

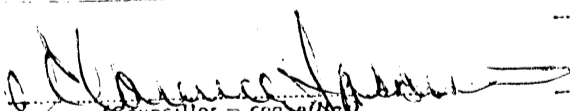
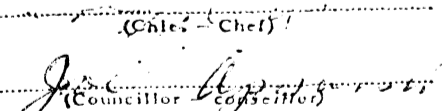
| | | | |
|---|--|---|----|
| THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE | Blueberry River Indian Band | Current Capital Balance Solde de capital | \$ |
| AGENCY DISTRICT | Prince George District | Committed - Engagé | \$ |
| PROVINCE | British Columbia | Current Revenue balance Solde de revenu | \$ |
| PLACE NOM DE L'ENDROIT | Buick | Committed - Engagé | \$ |
| DATE | 9 Dec AD 19 81 DAY - JOUR MONTH - MOIS YEAR - ANNÉE | | |

DO HEREBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

At a duly convened meeting of the Blueberry Indian Band Council held on the 9th day of December 1981 it was resolved as follows:

- That the attached Pollution Control By-law be adopted pursuant to section 81 of the Indian Act
- This by-law shall be called the Blueberry Indian Band Pollution Control By-law No. 1.

A quorum of this Band
Pour cette bande le quorum est
consists of
fixé à
Council Members
Membres du Conseil

| | | |
|--|---|------------------------------------|
|  (Councillor - conseiller) |  (Councillor - conseiller) | |
| (Councillor - conseiller) | (Councillor - conseiller) | (Councillor - conseiller) |
| (Councillor - conseiller) | (Councillor - conseiller) | (Councillor - conseiller) |
| (Councillor - conseiller) | (Councillor - conseiller) | (Councillor - conseiller) |

| FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE | | | | |
|--|---|----|----------------------------|---|
| 1. Band Fund Code Code du compte de bande | 2. COMPUTER BALANCES - SOLDES D'ORDINATEUR A. Capital B. Revenue - Revenu | | 3. Expenditure Dépenses | 4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens |
| \$ | \$ | \$ | | 5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Rev |
| 6. Recommended - Recommandable | | | Approved - Approuvable | |
| Date | Recommending Officer - Recommandé par | | Date | Approving Officer - Approuvé par |

POLLUTION CONTROL BY-LAW NO. 1

1. This By-Law may be cited as the Blueberry Indian Band Pollution Control By-Law No. 1.
2. Definitions in this By-Law:
 - (a) "air contaminant" means any solid, liquid or gas or combination of any of them in the atmosphere of the Receiving Environment resulting directly or indirectly from the activities of man;
 - (b) "air pollution" means:
 - (i) the presence in the atmosphere of the Receiving Environment of any contaminant in excess of the permissible concentrations prescribed in this By-law or the regulations made hereunder, or;
 - (ii) the presence of any air contaminant having an offensive odor in the atmosphere of the Receiving Environment, regardless of its concentration in the atmosphere;
 - (c) "Band" means the Blueberry Indian Band;
 - (d) "Band Council" means the duly elected Band Council of the Blueberry Indian Band;
 - (e) "Government Agency" means any corporation, commission, board or other body in power to exercise quasi-judicial or governmental functions;
 - (f) "Permit" means a permit to operate any plant, structure, machinery or device on Reserve, which is capable of emitting an air contaminant;

- (g) "Permittee" means the holder of a Permit;
- (g) "Person" includes every individual, company, statutory or otherwise, partnership, association, & society, co-operative or other legal entity or non-legal association;
- (h) "Reserve" means Blueberry Indian Reserve located north of Fort St. John in the Province of British Columbia which Reserve is held by Her Majesty the Queen in right of Canada, set aside for the use and benefit of the Band, whether that land has been conditionally surrendered or otherwise.

3. The Band Council may, by Band Council Resolution, make regulations:

- (a) prescribing the maximum permissible concentrations of any air contaminant for the Receiving Environment;
- (b) prescribing the maximum permissible calculated ground level concentrations for an air contaminant for the Receiving Environment;
- (c) prescribing the maximum concentrations of any air contaminant that may be emitted into the atmosphere from any plant, structure, machinery or device located on the Reserve or from associated operations being conducted on the Reserve;
- (d) prescribing the maximum weight of an air contaminant that may be emitted into the atmosphere from a plant, structure, machinery or device located on the Reserve or from associated operations being conducted on the Reserve;

- (e) prescribing a maximum rate of emission of an air contaminant that may be emitted into the atmosphere from a plant, structure, machinery or device on the Reserve or from associated operations being conducted on the Reserve;
- (f) prescribing the methods or instrument for determining:
 - (i) the concentration of an air contaminant, or
 - (ii) the calculated ground level concentration of an air contaminant, or
 - (iii) the concentration of an air contaminant emitted into the atmosphere from a plant, structure, machinery or device on the Reserve or from associated operations being conducted on the Reserve;
 - (iv) the weight of an air contaminant into the atmosphere from a plant, structure, machinery or device on the Reserve or from associated operations being conducted on the Reserve;
 - (v) the rate of emission of an air contaminant emitted into the atmosphere from a plant, structure, machinery or device on the Reserve or from associated operations being conducted on the Reserve;

such instruments or methods to include emergency warning devices for the detection of hydrogen sulphide; PROVIDED HOWEVER THAT the prescribed methods or instruments shall be scientifically acceptable and readily available according to prevailient levels of technology;

- (g) prescribing the point at which a measurement pursuant to the regulations is to take place in, on or outside, a plant, structure, machinery or device on the Reserve or from associated operations being conducted on the Reserve;

and without restricting the generality of the foregoing, the Regulations for the time being shall be those attached as Appendix "A" to this By-Law.

4. Band Council may require as a condition of any Permit that the Permittee purchase and install air contaminant devices prescribed in Clause 3 f) hereof. The costs of such purchase and installation shall be born by the Permittee. The Permittee shall also provide such further and other sums which may be necessary for the Band to retain a qualified person to perform the services of operation, maintenance, periodic calibration and performance verification of such devices.

5. Any concentrations of Air Contaminants which exceed the maximum permissible concentrations set out in this By-Law or the regulations made hereunder shall be deemed to cause air pollution.

6. No person shall commence the construction on the Reserve of any plant or facility for the manufacture or processing of petroleum products, natural gas products, chemical or allied products, nor any alterative or addition to any such plant or facility, without an application granted pursuant to section 7 hereof being made to the Band Council, and a Permit being issued by Band Council Resolution.

7. A person shall apply for a Permit by submitting an application in writing to the Band Council, which application shall contain the following information:

- (a) the location and name of all equipment used in the control, treatment, and release of air contaminants;
- (b) the location of all atmospheric discharge points;
- (c) a flow diagram as well as a general narrative description of the manufacturing process or operation involved and the pollution controlled facility including:
 - (i) the design capacity of the proposed plant or facility, and the size capacity and anticipated effectiveness of the air pollution control equipment;
 - (ii) the method by which and the manner in which any air contaminant will be released into the atmosphere, including discharges from all safety release devices;
 - (iii) the height and diameter of all discharge stacks and the elevation above grade of all discharge points;
 - (iv) the calculated ground level concentration of every air contaminant released by or from the plant or facility under normal and maximum operating conditions;
 - (v) identification of toxic material and odorous compounds, including the timetable for such processes or operations;
 - (vi) a description of the different processes or operations that may cause different rates of contamination including the timetable for such processes or operations;

- (vii) a description of the potential for accident and emergencies and the contingency procedures to minimize the potential damage;
 - (viii) the proposed method and frequency for monitoring contaminant emissions, volume flow rates and concentrations of effluent contaminates;
 - (ix) a statement assessing the impact of the operation or manufacturing process on the surrounding environment;
- (d) The applicant shall submit such additional information as Band Council deems necessary regarding the proposed plant, structure, machinery or device and in particular, without restricting the generality of the foregoing, may require the applicant to provide copies of all documents submitted to any governmental agency.
- (e) The Band Council may:
- (i) issue a permit subject to such terms and conditions the Band Council prescribes, including, but not limited to, terms and conditions prescribing such concentrations, weights or rates of emission as are referred to above;
 - (ii) specify requirements as to the manner and frequency of recording and reporting levels of concentrations, density and weight of air contaminants emitted by the plant, structure, machinery or device that is the subject of the Permit and;
 - (iii) specify requirements as to the manner in which the plant, structure, machinery or device is to be

tested or operate before normal operations commence.

- (f) Where any person has commenced the construction of any thing in contravention of this section, the Band Council, by resolution, may serve notice on that person directing him to cease the construction work forthwith, and any failure to comply with this notice, including any time periods for rectification stated therein, shall be an offense against this By-Law.
8. (a) in the event of a release of toxic air contaminant (the "Release") requiring the evacuation of the Reserve, the Permittee shall immediately provide such funds and do all such further things as may be necessary to ensure safe heress from the reserve and adequate temporary accomodation and food for Band members.
- (b) as soon as practicable after the Release, representatives of the Band and the Permittee shall conduct or cause to be conducted an investigation into the cause of the Release. In the event that the investigation proves, to the satisfaction of the Band Council and the Permittee, that the Permittee was responsible for the Release, the Permittee shall be liable for all reasonable costs and damages resulting from the Release. In the event that the investigation proves, to the satisfaction of the Band Council and the Permittee, that the Permittee was not responsible for the Release, the Permittee shall be reimbursed for all funds expended pursuant to paragraph 8 (a) hereof.
- (c) This paragraph is not intended to replace any right of action which Band Council or any Band member may have against the Permittee.

9. (a) Any person who has the care, charge or control of a plant structure machinery or devices capable of emitting an air contaminant and who, directly or indirectly allows, air pollution to occur is guilty of an offense and is liable on conviction to a fine not exceeding \$100 or imprisonment for a term not exceeding thirty days, or both, for each offense PROVIDED HOWEVER THAT a term of imprisonment shall only be imposed in the event of willful misconduct or gross negligence.
- (b) If any violation of this By-Law continues for more than one day, each day such violation continues shall constitute a separate offense and may be punishable as such and, without restricting the generality of the foregoing, a violation of this By-Law continues each day that the air pollution affects the Receiving Environment.
- (c) (i) In lieu of proceeding by way of summary conviction, Band Council may give notice of a hearing to any person who has the care charge or control of a plant, structure, machinery or device located on Reserve which is capable of emitting an air contaminant.
- (ii) At the hearing referred to in subsection (i) the Band Council shall hear evidence of whether or not an offense against this By-Law or any regulations made hereunder has occurred, and in the event of a finding of guilt, may impose a fine not to exceed \$100 for each offense and may amend or cancel the terms of the Permit issued pursuant to Section 5 hereof.

(iii) The provisions of Section 9 (b) of this By-law apply to a hearing under this sub-Section.

10. In the event that Band Council makes regulations altering or amending any regulation made hereunder, Band Council shall notify any person operating a plant, structure, machinery or device which may affect the Receiving Environment, and prescribe such reasonable time as may be required for compliance with the regulations.

BLUEBERRY INDIAN BAND APPENDIX "A"

The Regulations pursuant to Section 2 of the Pollution Control By-law are as follows:

1. Maximum Permissible Concentration of Air Contaminants in the Ambient Air of the Receiving Environment
 - a. Sulphur dioxide in the ambient air shall not exceed an average maximum permissible concentration of
 - (a) 30 micrograms per cubic meter as an annual arithmetic mean;
 - (b) 150 micrograms per cubic meter as a 25 hour concentration;
 - (c) 450 micrograms per cubic meter as a one hour concentration;
 - (d) 525 micrograms per cubic meter as a half hour concentration.
 - b. Hydrogen sulphide in the ambient air shall not exceed an average maximum permissible concentration of
 - (a) 4 micrograms per cubic meter as a 24 hour concentration;
 - (b) 14 micrograms per cubic meter as a one hour concentration;
 - (c) 17 micrograms per cubic meter as a half hour concentration;
 - c. Nitrogen dioxide in the ambient air shall not exceed an average maximum permissible concentration of
 - (a) 60 micrograms per cubic meter as an annual arithmetic mean;

- (b) 200 micrograms per cubic meter as a 24 hour concentration;
 - (c) 400 micrograms per cubic meter as a one hour concentration.
- d. Carbon monoxide in the ambient air shall not exceed an average maximum permissible concentration of
- (a) 6 milligrams per cubic meter as an eight hour concentration;
 - (b) 15 milligrams per cubic meter as a one hour concentration.
- e. Oxidants as equivalent ozone in the ambient air shall not exceed an average maximum permissible concentration of
- (a) 30 micrograms per cubic meter as a 24 hour concentration;
 - (b) 100 micrograms per cubic meter as a one hour concentration.
- f. Suspended particulates in the ambient air shall not exceed an average maximum permissible concentration of
- (a) 60 micrograms per cubic meter as an annual geometric mean;
 - (b) 100 micrograms per cubic meter as a 24 hour concentration.
- g. Total dustfall readings in the ambient air, making due allowance for normal background levels, shall not exceed
- (a) 53 milligrams per hundred square centimeters per 30 days in residential and recreational areas;
 - (b) 158 milligrams per hundred square centimeters per 30 days in commercial and industrial areas.