

Ministry of the Environment,
Conservation and Parks



Waste Management Systems EASR Proposal

August 2023

Discussion Paper

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1 Introduction

The Ministry of the Environment, Conservation and Parks is proposing amendments to Ontario Regulation 351/12, Registrations under part II.2 of the Act – Waste Management Systems under the *Environmental Protection Act*, R.S.O. 1990, c. E.19. to transition more waste management systems onto the Environmental Activity and Sector Registry (EASR), to allow for the in-transit storage of waste and to strengthen the operational requirements for current EASR registrants.

The proposal is to expand self-registration under Ontario Regulation 351/12 for a waste management system that manages one or more of the following wastes:

- Asbestos waste within the meaning of *Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management)* made under the Act.
- Biomedical waste as defined in the ministry publication entitled “Guideline C-4: The Management of Biomedical Waste in Ontario” dated November 2009, as amended from time to time and available from the ministry.
- Treated biomedical waste as defined in the ministry publication entitled “Guideline C-4: The Management of Biomedical Waste in Ontario” dated November 2009, as amended from time to time and available from the ministry.
- Hazardous waste within the meaning of Regulation 347 of the Revised Regulations of Ontario, 1990 made under the Act.
- Liquid industrial waste within the meaning of Regulation 347 of the Revised Regulations of Ontario, 1990 made under the Act.
- Waste that was a characteristic waste as defined in Regulation 347 but that has been treated so that it is no longer characteristic waste, if the waste may not be disposed of by land disposal pursuant to subsection 79 (1) of Regulation 347 of the Revised Regulations of Ontario, 1990 made under the Act.

The proposal is to also expand the eligibility criteria for waste management systems to include the following waste activities:

- In-transit storage of waste based on waste types and operations.

The purpose of this discussion paper is to outline the proposed amendments to Ontario Regulation 351/12 mentioned above and to seek public comments on the proposal.

1.1 Environmental Activity and Sector Registry (EASR)

The Environmental Activity and Sector Registry (EASR) replaces the requirement to obtain an Environmental Compliance Approval (ECA), a Renewable Energy Approval (REA), or a Permit to Take Water (PTTW) for certain activities. It is an online self-registration system that allows businesses to register once they have determined they meet the eligibility criteria set out in the Regulation.

Registration on the EASR is immediate, which means registrants may complete their assessments, register online, and undertake an activity once confirmation of registration has been given. Although the ministry does not actively review such registrations at first instance, registrations will be audited periodically to ensure compliance. Registrants will still have to comply with the *Environmental Protection Act*, and any other applicable regulations, policies, and guidelines.

EASRs save businesses time by allowing them to proceed with their activities faster upon registration, while still protecting the environment and human health. It allows the ministry to focus on reviewing and issuing permissions for more complex waste management operations.

2 Sector Overview and Current Regulatory Framework

Ministry regulations and guidelines set out requirements that apply to waste management systems, such as specifications for vehicles, mandatory operational practices, training requirements for operators, and documentation or tracking obligations.

Currently, waste management systems in Ontario must obtain an ECA, self-register on the EASR depending on the waste type and activity or may meet the criteria for exemptions in regulations.

For waste management systems to be eligible to register on EASR, they must meet the following criteria set out in Ontario Regulation 351/12:

1. The waste management system is a waste transportation system as defined in Regulation 347¹.

¹ Regulation 347 defines a “waste transportation system” as “those facilities, equipment and operations that are involved in transporting waste beyond the boundaries of a site or from site to site”.

2. The only waste management done by the waste management system is the collection, handling, transportation, and transfer of waste.

It is important to note that storage, treatment, processing, and disposal sites are not eligible.

2.1 Ontario Regulation 351/12 – Current EASR Registrants

Waste management systems that meet the criteria set out in Ontario Regulation 351/12, under the EPA are required to self-register on EASR. These criteria include:

- The only waste management done by the waste management system is the collection, handling, transportation, and transfer of waste.
- The waste management system must only operate waste transportation vehicles.
- The waste management system must not already be exempt from requiring an approval under S. 27 and Part V of the EPA.
- The waste management system must not transport ineligible waste types listed in s.2(3) paragraph 2, including asbestos waste, biomedical waste, treated biomedical waste, liquid industrial and hazardous waste.

Currently, all waste management systems registered on EASR must have the waste collected from the generator and transported to the receiving facility on the same day.

Waste management system activities that include the in-transit storage of waste are **not** eligible for EASR and require an ECA with tailored operational conditions that allow for in-transit storage.

Ontario Regulation 351/12 outlines requirements that waste management systems registered on EASR must follow, including:

- Each waste transportation vehicle used for transporting the waste shall be insured under an insurance policy under which the minimum coverage is \$2,000,000 and that includes coverage for liability resulting from spills from that vehicle.
- The following documents must be kept in every registered waste transportation vehicle used for transporting the waste:
 - A copy of the confirmation of EASR registration.

- A copy of a certificate or other proof that the waste transportation vehicle used for transporting waste has the insurance coverage required by the regulation.
- A copy of a certificate or other proof that the driver of the waste transportation vehicle has received the training required by the Regulation.
- Records relating to spills and complaints must be retained for a period of five years from the day they are created.

It should be noted that all activities registered on the EASR must also follow the requirements outlined in any other applicable regulation, in addition to Ontario Regulation 351/12.

2.2 Additional Requirements

Under Regulation 347, generators of liquid industrial and hazardous wastes are required to register and report their waste management activities to the Hazardous Waste Program Registry, managed by the Resource Productivity and Recovery Authority (RPR). Waste management systems may also be subject to additional or complementary regulatory oversight such as under the *Ontario Dangerous Goods Transportation Act* and the federal *Transportation of Dangerous Goods Act*.

3 Proposed EASR Eligibility Criteria and Operating Requirements

The ministry is proposing to amend Ontario Regulation 351/12, to expand the current eligibility requirements for waste management systems to include other types of wastes. If all eligibility requirements cannot be met; the activity would still require an ECA.

The sections below outline the proposed eligibility criteria and operating requirements. For the purpose of this proposal, the notable terms are defined as follows:

- A “regulated entity” means any entity that chooses to register on EASR including businesses, municipalities, individuals, and anyone that is engaged in the operation of an eligible waste management system.
- A “waste management system” refers to eligible operations that meet the following criteria stated in Section 2(2) of Ontario Regulation 351/12:
 1. The waste management system is a waste transportation system as defined in Regulation 347.

2. The only waste management done by the waste management system is the collection, handling, transportation, and transfer of waste.

3.1 Proposed Expanded Eligibility Criteria

3.1.1 Waste Type Eligibility Criteria

The ministry is proposing to expand the existing eligibility criteria for waste management systems under Ontario Regulation 351/12 to include the following wastes:

- Asbestos waste as defined in Regulation 347.
- Biomedical waste as defined in the ministry publication “Guideline C-4: The Management of Biomedical Waste in Ontario.”
- Treated biomedical waste as defined in the ministry publication “Guideline C-4: The Management of Biomedical Waste in Ontario.”
- Hazardous waste as defined in Regulation 347.
- Liquid industrial waste as defined in Regulation 347.
- Waste that was a characteristic waste as defined in Regulation 347 but that has been treated so that it is no longer characteristic waste, if the waste may not be disposed of by land disposal pursuant to subsection 79 (1) of Regulation 347.

For reference, Appendix A includes some of the key definitions referred to in this paper.

Discussion Question:

1. Do you have feedback or comments on the proposed EASR candidates listed above?
2. Are there any proposed waste types that should be added or removed from the list?

3.1.2 Waste Activity Eligibility Criteria

The ministry is proposing to expand the existing eligibility criteria under Ontario Regulation 351/12 to include the following waste management systems activities:

- In-transit storage of waste based on waste types and operations.

Please refer to Section 3.2.6: In-Transit Storage of Waste for more details on the operating requirements for the in-transit storage of waste.

Discussion Question:

1. Do you agree with the ministry's approach to include in-transit storage of waste as an activity eligible for self-registration on EASR?
2. Are there other any operational circumstances that should exclude a waste management system from an EASR registration?

3.2 Proposed Operating Requirements

The operating requirements have been proposed in consideration with existing regulatory requirements, practices, and guidelines and are subdivided into the sections below:

- 3.2.1 Proposed General Requirements
- 3.2.2 Asbestos Waste Requirements
- 3.2.3 Liquid Industrial and Hazardous Waste Requirements
 - 3.2.3.1 Polychlorinated Biphenyl (PCB) Waste
 - 3.2.3.2 Naturally Occurring Radioactive Materials (NORM) Waste
- 3.2.4 Biomedical Waste Requirements
- 3.2.5 Treated Biomedical Waste Requirements
- 3.2.6 In-Transit Storage of Waste

3.2.1 Proposed General Requirements

In considering expanding the EASR eligibility under this regulation, the ministry undertook a jurisdictional review and reviewed existing regulations and ECAs to determine how to ensure ongoing environmental protection and bring consistency to operating requirements. As a result, the proposal includes certain operating conditions that are currently included in ECAs, guidelines and waste specific regulations that would apply to **all eligible** waste types including existing EASR registrants.

Currently, Regulation 347 and Ontario Regulation 351/12 set out requirements that apply to waste management systems to manage environmental and health risks posed by waste collection and transportation. The summary below highlights some of the existing requirements:

1. Waste transportation vehicles are to be leakproof, resistant to corrosion and abrasion, and covered where necessary to prevent the emission of offensive odours, the falling or blowing of waste material from the vehicles, or the release of dust or other air-borne materials that may cause air pollution.

2. Valves that are part of a waste transportation vehicle used for transporting liquid industrial waste or hazardous waste shall have a locking mechanism and shall be locked when the vehicle contains the waste, and drivers or operator of waste management system is not in attendance.
3. A waste transportation vehicle used for transporting liquid industrial waste or hazardous waste shall be clearly marked with the name and number appearing on the environmental compliance approval that authorizes the transportation.
4. The driver of a waste transportation vehicle shall be trained in the following areas: major environmental concerns related to the waste handled, occupational health and safety, and emergency management procedures.

In addition to the existing requirements, the ministry is proposing to include requirements that align with current regulations and ECAs, which are meant to ensure that:

- Waste Management Systems are operated in accordance with Part X of the EPA – Spills.
- Any waste spilled from the vehicle is promptly contained and cleaned up to minimize the risk of further spillage or discharge of the waste to the natural environment.
- Only appropriate equipment is used in the transportation of waste.
- The regulated entity maintains an up-to-date list of all vehicles, trailers, and equipment.
- The regulated entity documents and reports changes to the operation of the waste management system in a timely manner.
- All active drivers and operators of waste management systems have up-to-date training and refresher training programs..Details about these additional requirements are provided below.

Vehicle Operation Requirements:

1. All vehicles shall be equipped with emergency spill cleanup equipment appropriate for the type(s) of waste(s) being transported including but not limited to:
 - a shovel, a broom, absorbent materials, protective clothing, appropriate labelling, a supply of bags, bag closures, disinfectant, and personal respiratory equipment.

2. A waste transportation vehicle and any waste containers used for the transportation of waste must be designed appropriately for the waste types that are transported.
3. All fleet vehicles, trailers, equipment, and accessories necessary for the transportation of waste shall be operated and maintained in accordance with the manufacturer's specifications.
4. Any addition, deletion or other changes to fleet vehicles, trailers, or equipment (for example, year, make, model, license number, and ownership of each vehicle) shall be documented by the regulated entity and readily accessible for review by the ministry within fourteen days of such change and may be required to be provided electronically through the ministry's permissions enterprise platform.
5. Wastes that must be transported separately, such as asbestos, may be part of a tractor trailer assembly where there are separate trailers used for the transportation of other types of wastes.
6. When waste is being transferred to or from a waste transportation vehicle, the driver of the vehicle must be present at all times unless the generator or receiver is present.

Driver and Operator Training Requirements:

7. All active drivers and operators of waste management systems must have been trained in the areas listed in paragraph 9 of subsection 16 (1) of Regulation 347 at least once in the previous **36 months**.

Paragraph 9 requires that the driver of a waste transportation vehicle used for the transportation of municipal waste, liquid industrial waste or hazardous waste be trained in,

- i. the operation of the vehicle and waste management equipment,
- ii. relevant waste management legislation, regulations, and guidelines,
- iii. major environmental concerns pertaining to the waste to be handled,
- iv. occupational health and safety concerns pertaining to the waste to be handled, and
- v. emergency management procedures for the wastes to be handled.

Proposed Documentation Requirements:

8. A detailed spill contingency and emergency response plan shall be implemented that includes plans and procedures for various accident and spill scenarios including notification protocols, spill containment, cleanup, and decontamination procedures. The plan must describe all spill containment equipment that will be used to clean-up and repackage spills and identify where the spill containment equipment and the cleaned-up spill materials are to be stored.

Discussion Question:

1. Are there any additional general requirements applicable to all eligible waste types that the ministry should consider including in the amended EASR regulation?
2. Do you agree with the ministry's approach to require that the fleet information be part of the self-registration process and be updated within fourteen days of any fleet changes?

3.2.2 Asbestos Waste Requirements

The ministry is responsible for regulating the transportation and safe disposal of asbestos waste. Section 17 of Regulation 347, Management of Asbestos Waste, outlines requirements for the management of asbestos waste for the generator, carrier, and receiving site. In addition to the current regulatory and ECA requirements, Guideline C-6: "Guideline for Handling, Transportation and Disposal of Asbestos Waste in Bulk" ("Guideline C-6"), provides best management practices when using a lugger box or an industrial vacuum loader to handle asbestos waste.

The ministry is proposing to incorporate existing regulatory requirements, updated Guideline C-6 requirements, standard ECA conditions, and training and record keeping requirements as described below. The proposal will provide the ministry the opportunity to update the Guideline C-6 to better reflect current ministry standards and to ensure better compliance with the regulatory requirements.

Below is a summary of some existing regulatory requirements outlined in Regulation 347 that are specific to waste management systems:

- Asbestos waste can only be brought to a waste disposal site that is currently subject to an Environmental Compliance Approval that specifically authorizes the acceptance of asbestos waste at the site.
- Asbestos waste transported to a waste disposal site shall be in a:

- rigid, impermeable sealed container of sufficient strength to accommodate the weight and nature of the waste; and
- sealed six-mil polyethylene bag when placed in a cardboard box.
- A waste transportation vehicle used to transport asbestos waste must be clearly marked with cautionary signs on both sides of every vehicle as specified in the regulation.
- Asbestos waste shall not be transported with any other cargo in the same vehicle.
- Every person handling asbestos waste must wear protective clothing and personal respiratory equipment.

In addition to current regulatory requirements, the ministry is proposing to include in the amended Ontario Regulation 351/12, the conditions below that are in line with existing ECAs and practices from the Guideline C-6.

Asbestos Waste - Handling, Transportation, and Disposal Requirements

1. All waste shall be transported in a covered vehicle.
2. Any vehicle, trailer, equipment, or accessory in contact with asbestos waste shall be cleaned of any residual asbestos before carrying any other waste.
3. When using a lugger box for the transportation of asbestos waste, the lugger-box container shall be lined with at minimum a six-millimetre polyethylene bag.
4. When managing, collecting, and handling asbestos waste using an industrial vacuum loader:
 - a. All asbestos waste should be wetted either during or prior to collection and during disposal as necessary to minimize the emission of fibres.
 - b. All vacuum systems shall be equipped with particulate removal equipment to minimize asbestos emissions from the blower exhaust. In the event of equipment malfunction, asbestos removal operations should be immediately terminated.
 - c. All non-reusable filter bags, included as part of the particulate removal equipment, shall be disposed of at the site with the asbestos waste to ensure that contaminated bags are not reused for other vacuum services.
 - d. The units shall be clearly marked, on both sides with the regulated entity name and the EASR permission number.

- e. The regulated entity shall ensure that access to the unit is restricted only to authorized personnel by fencing, locked gates, or other security barriers as appropriate.
- f. The regulated entity shall operate and maintain the unit in a manner which ensures the health and safety of all persons and the protection of the environment, through active prevention of any possible environmental adverse effects, including but not limited to dust, litter, and noise.
- g. Any waste resulting from the operation of a unit must remain at the site where it is produced unless it is removed to be directly transported to a waste disposal site approved to accept such waste.
- h. The unit must be equipped with high-efficiency filters to minimize asbestos emissions from the blower exhaust.
- i. During operation, the unit's exhaust should be directed away from enclosed areas.

Proposed Training and Record-Keeping Requirements:

The ministry is proposing to include the following training and record keeping requirements in the amended EASR Regulation:

1. The training program for the management of asbestos waste must include training about:
 - a. Proper care and use of respiratory protective equipment.
 - b. Procedures for loading and unloading asbestos waste at collection and disposal sites.
2. Proposed Record keeping requirements:
 - a. Mask fit test records for all employees handling asbestos waste.
 - b. Operation Logs for Industrial Vacuum Loader.

Discussion Question:

1. Do you agree with the proposed requirements for the transportation of asbestos waste?
2. Are there additional requirements for the transportation of asbestos waste that the ministry should consider including in the amended EASR regulation?
3. Do you agree with the ministry's proposal to include operational practices from the Guideline C-6 as operating requirements in the amended EASR regulation?

3.2.3 Liquid Industrial and Hazardous Waste Requirements

Ontario has a comprehensive legislative framework in place to ensure that liquid industrial waste and hazardous waste is managed in an environmentally safe manner. Hazardous wastes are wastes that, when present in quantities and concentrations that are high enough, pose a potential threat to human health or the environment if they are mismanaged (e.g., improperly stored, transported, treated, or disposed of). Liquid industrial waste refers to waste that is both liquid waste and industrial waste as those terms are defined in Regulation 347 but does not include hazardous waste and other specific wastes listed in the Regulation.

Liquid industrial waste and Hazardous waste are defined in Section 1 of Regulation 347.

The management of liquid industrial and hazardous waste is regulated from the point of initial generation to the point of final disposal – this is known as cradle-to-grave management. The cradle-to-grave management program is comprehensive and is established mainly through Regulation 347 under the authority provided by Part V of the EPA. ECAs also include operational requirements not covered in Regulation 347 to ensure the management and mitigation of the inherent risks to the environment and public health associated with the collection, storage, transportation, treatment, and disposal of waste.

Additionally, generators, carriers, and receivers of liquid industrial waste and hazardous waste must report their waste management activities to the Hazardous Waste Program Registry, managed by the Resource Productivity and Recovery Authority (RPRA). RPRA's Hazardous Waste Program Registry (which replaced the former Hazardous Waste Information Network (HWIN)), is an electronic system that identifies and tracks the movement of liquid industrial waste and hazardous waste from the initial waste generator to their final destination.

Regulation 347 establishes the requirements for transporting liquid industrial and hazardous wastes. Some of the key requirements are listed below. For a full list of requirements, please refer for Regulation 347:

- The mixing, blending, bulking, or other intermingling is done in accordance with an environmental compliance approval issued in respect of a waste transportation system that the waste transportation vehicle is part of.
- A waste transportation vehicle used for transporting subject waste shall be constructed, maintained, operated, and marked or placarded in accordance with the applicable requirements of the *Transportation of Dangerous Goods Act* (Canada).

- A waste transportation vehicle shall transport subject waste in Ontario only if the required registration reports and documentation as per Ontario Regulations have been completed.
- Waste can only be brought to a waste disposal location approved to receive the waste transported.

Proposed Additional Requirements

The ministry is proposing to incorporate the following **new** operating requirements for the transportation of liquid industrial and hazardous waste:

1. The regulated entity shall ensure that any vehicle, trailer, or cargo area used to transport waste is cleaned of all waste, debris, and residue prior to loading any differing waste class or characteristic of the same waste class onto that vehicle, trailer, or cargo area to prevent mixing or cross-contamination between loads.
2. For waste management systems transporting multiple waste types, the following documentation would be required:
 - a. Vessel Cleaning Log
 - b. Vessel Cleaning/Decontamination Procedure
 - c. Location of vehicle Decontamination and Cleaning
 - d. Vehicle inspection log.

Discussion Question:

1. Do you agree with the proposed requirements for the transportation of liquid industrial and hazardous waste?
2. Are there additional requirements for the transportation of liquid industrial and hazardous waste that the ministry should consider including in the amended EASR regulation?

3.2.3.1 Polychlorinated Biphenyl (PCB) Waste

Waste management systems handling Polychlorinated Biphenyl (PCB) Waste have additional operational conditions listed in Ontario Regulation 362: WASTE MANAGEMENT – PCB's and in ECAs. Section 6 of Ontario Regulation 362 states that waste management system handling PCBs must be subject to an environmental compliance approval that contains terms or conditions that specify the manner in which PCB waste may be stored, handled, treated, collected, transported, processed, diluted, or disposed of.

Current Standard ECA conditions ensure that:

- The District Manager of the ministry for the area in which the PCB waste and PCB related waste is located is notified of the regulated entity's intentions and can review, comment on, and if necessary, reject the proposed operation.
- Potential of contamination to the vehicle, equipment, and accessories is minimized.
- Any PCB waste and PCB-related waste spilled onto or into the vehicle is promptly communicated to the ministry, contained, and cleaned up to minimize the risk of further spillage or the discharge of PCB waste and PCB-related waste from the vehicle to the environment.

Proposed Operation Requirements

The ministry is proposing to adopt the existing ECA requirements as operational requirements for the transportation of PCB waste. The list of requirements is as follows:

1. The regulated entity shall provide written notification to the District Manager located in the area where the PCB waste and PCB-related waste was generated of its intent to transport PCB waste at least three working days prior to the proposed commencement of the collection, handling or transportation of PCB waste and PCB-related waste.

This notification shall also be provided to the District Manager located in the area where the PCB waste or PCB-related waste is destined for disposal if this location is within the Province of Ontario. The notifications referred to above shall include:

- a. The amount and characteristics of the PCB waste and PCB-related waste to be transported.
 - b. The site(s) from which the PCB waste and PCB-related waste is to be transported.
 - c. The proposed site or sites in the Province of Ontario to which the PCB waste; and PCB-related waste is to be delivered.
 - d. The proposed time period over which the transportation is to occur; and if applicable confirmation of the acceptance of the waste by the receiver at the site(s).
2. The regulated entity shall provide a written notification of its intent to transport PCB waste and PCB-related waste, to the District Manager located in the area

where the waste is destined, unless destined for a site(s) outside of the Province of Ontario.

3. At no time shall PCB equipment be transported while containing PCB liquids.
4. The vehicle(s) shall not be used to transport any other waste or material at the same time as they contain PCB waste.
5. The regulated entity shall collect, handle and transport PCB and PCB-related waste in accordance with the "CCME (Canadian Council of Ministers of the Environment) Guidelines for the Management of Wastes Containing Polychlorinated Biphenyls (PCBs)" dated September 1989 and with the "Handbook on PCBs in Electrical Equipment Third Edition" dated April 1988 both of which have been prepared by the Environmental Protection Service, Industrial Programs Branch, Environment Canada.
6. Trailers shall be fully lined with plastic sheeting when transporting PCB-contaminated soil to protect the trailer bed from contamination and trailer beds shall be lined with plastic sheeting when the material is in drums or sacks.
7. If a spill of PCB waste and PCB-related waste does occur inside a PCB transportation vehicle, the vehicle shall be decontaminated and the regulated entity shall notify Spills Action Centre within one hour, informing them of the spill and the generation of any hazardous waste resulting from the decontamination of the vehicle.
8. All waste resulting from the decontamination of a PCB waste and PCB related waste transportation vehicle, operating in Ontario, shall only be transported to a waste disposal site or facility which has been issued an Environmental Compliance Approval pursuant to Part V of the Act, or Director's Instructions issued pursuant to Ontario Regulation 362 permitting such waste to be stored or disposed of at the approved site(s).
9. Prior to releasing (i.e., returning, selling) a vehicle used by the regulated entity for transporting PCB liquid waste in any quantities, the regulated entity shall ensure that the cargo area used to transport or store the PCB waste is tested using the "Wipe Test" as found in Appendix B of the ministry's "Protocol for Sampling and Testing at PCB Storage Sites in Ontario - January 2000", as amended, and decontaminated as necessary. The results of each test shall be documented, and readily accessible for a period of at least two years.

Transportation of this waste type has financial assurance requirements which are discussed further in Section 4.1 – Financial Assurance.

Discussion Question:

1. Do you agree with the ministry's proposal for the transportation PCB waste to include the current standard conditions and operating requirements that exist in ECAs, as operating requirements under the amended Waste Management System EASR?
2. Are there additional requirements for the transportation of PCB waste that the ministry should consider including in the amended EASR regulation?

3.2.3.2 Naturally Occurring Radioactive Materials (NORM) Waste

The ministry regulates radioactive waste that contains Naturally Occurring Radioactive Materials (NORM) and Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) that is not federally regulated. In addition to the current regulatory and ECA requirements, guidelines such as the "Canadian Guidelines for the Management of Naturally Occurring Radioactive Materials (NORM)" prepared by the Canadian NORM Working Group of the Federal Provincial Territorial Radiation Protection Committee dated 2011 or as revised (referred to in this section as the "NORM Guideline"), provide practices that ensure adequate control of NORM encountered by industries. Examples of industries where NORM may be present include:

- Mineral Extraction and Processing.
- Oil and Gas Production.
- Metal Recycling.

NORM can collect when radioactive materials combine with minerals or stick to metal surfaces inside equipment, such as tubing, pipes, and tanks. The cleaning of such metal surfaces can generate NORM waste that requires an ECA for transport.

Proposed Operation Requirements

The ministry is proposing to adopt the standard ECA requirements as operational requirements for the transportation of NORM waste:

1. Solid NORM and/or TENORM waste shall be transported in a manner that effectively encloses the waste fully during transport and shall be covered with, at a minimum, a heavy-duty tarpaulin to ensure that all exterior surfaces of the NORM waste are not exposed.
2. The driver or operator shall load the vehicle in a responsible manner or oversee the loading of the vehicle and will ensure that the NORM and/or TENORM waste shipped is wholly contained for transportation.

3. All solid NORM and/or TENORM waste containers shall be labelled “Warning—Naturally Occurring Radioactive Materials (NORM), Avoid Breathing Dust”.
4. NORM and/or TENORM waste that is destined for a waste disposal site outside of the Province of Ontario, but within Canada, shall only be transported to the site(s) reported to the ministry electronically.
5. NORM and/or TENORM waste that is destined for a waste disposal site in the United States shall only be transported in accordance with Federal laws pertaining to the transboundary movement of waste.
6. Vehicles shall not be used to transport any other waste or material at the same time as they contain NORM and/or TENORM waste.
7. Within the Province of Ontario, the regulated entity shall provide a written notification of its intent to transport NORM and/or TENORM waste, to the District Manager located in the area where the NORM and/or TENORM waste was generated, at least three working days prior to the proposed commencement of the collection, handling or transportation of NORM and/or TENORM waste. This notification shall also be provided to the District Manager located in the area where the NORM and/or TENORM waste is destined for disposal within the Province of Ontario.

The notification shall include:

- a. The amount and general description of the NORM and/or TENORM waste to be transported.
- b. Waste analysis procedures undertaken to confirm the appropriate material management options for the NORM and/or TENORM waste based on the procedures detailed in the NORM Guideline, specifically:
 - i) The radioactive content analysis to confirm the activity of the waste for compliance with the NORM Guideline or applicable Federal legislation; and
 - ii) A summary of the analysis to be performed to determine if the NORM and/or TENORM waste meets the relevant Unconditional Derived Release Limits detailed in the NORM Guideline and any additional measures to be taken to ensure the NORM and/or TENORM waste is transported as recommended in the NORM Guideline.
- c. The site or sites from which the NORM and/or TENORM waste is to be transported.
- d. The proposed site or sites to which the NORM and/or TENORM waste is to be delivered.

- e. The proposed time period over which the transportation is to occur.
- f. The description of the measurement materials/equipment used in the radioactive content analysis required and confirmation from trained personnel that the equipment was properly calibrated at the time of measurement.
- g. The confirmation of the acceptance of the waste by the receiver at the site(s).

Discussion Question:

1. Do you agree with the ministry's proposal for the transportation of NORM waste, to include the current standard conditions and operating requirements that exist in ECAs, as operating requirements under the amended Waste Management System EASR?
2. Are there additional requirements for the transportation of NORM waste that the ministry should consider including in the amended EASR regulation?

3.2.4 Biomedical Waste Requirements

Biomedical waste is not defined in Regulation 347 but is defined in Guideline C-4: The Management of Biomedical Waste in Ontario ("Guideline C-4"). Pathological waste, which is included in the definition of biomedical waste, is defined under Regulation 347.

Guideline C-4 outlines the requirements for the management of biomedical waste for the generator, carrier, and receiver, and is made enforceable through its inclusion in all ECAs for waste management systems transporting biomedical waste.

The ministry is proposing to make management systems transporting biomedical waste, including those with Waste Depots², eligible to register in EASR under Ontario Regulation 351/12. Current standard ECA conditions for waste depots would be maintained to ensure minimal disruptions to existing operations when transitioning to EASR.

The ministry is also proposing to incorporate the sections from Guideline C-4 relating to the transportation of biomedical waste off-site as requirements into Ontario Regulation 351/12, as well as adopting operating requirements that are currently included in ECAs.

² Waste depots are temporary waste collection locations where waste such as household hazardous waste is collected from residents.

The ministry is aware that in some cases, ECAs have modified the vehicle requirements outlined in Guideline C-4, specifically the refrigeration requirements, based on the types of biomedical waste transported.

As a result, the ministry is looking to retain current practices and develop a multi-tiered classification for biomedical waste that considers the different operational requirements based on the biomedical waste types being transported:

1. The transportation of sharps waste only
2. The transportation of all other biomedical waste types including sharps waste

Vehicle Storage Requirements

Per the Guideline C-4, vehicles must be appropriately designed and outfitted to accommodate the biomedical waste to be transported in the vehicle, including a storage compartment that:

- i. is enclosed and insulated,
- ii. is kept refrigerated at or below 4 degrees Celsius at all times, when the vehicle contains any waste,
- iii. has an independent refrigeration system which shall be operable at all times when the vehicle is parked or inoperable,
- iv. has walls that are made of a washable material and a floor surfaced with metal for effective cleaning and disinfecting,
- v. has a floor that is sealed and leakproof,
- vi. has a suitable system capable of containing liquids,
- vii. has no windows or ventilation,
- viii. only one lockable door and at least one interior light, and
- ix. is not capable of mechanical compaction.

To remain consistent with what is presently permitted in existing ECAs, for vehicles transporting sharps only, the storage compartment specifications i, ii, iii, and iv, listed above, will be modified.

In addition to the vehicle requirements from Guideline C-4, a summary of proposed operating requirements adopted from existing ECAs is provided below.

Vehicle Specifications Requirements:

1. For waste management systems transporting biomedical waste other than sharps only:
 - A secondary containment system used in the vehicle shall be capable of containing the volume of the largest liquid container.

Vehicle Operation Requirements:

2. Collection, handling, and transportation of Biomedical Waste shall be done in accordance with Guideline C-4.
3. Prior to the collection and loading of waste onto the vehicle, the operator shall ensure that all biomedical waste has been packaged in strict accordance with all containment, labelling, and packaging standards described in Guideline C-4. Biomedical waste that does not meet these standards shall not be collected.
4. At the end of each day of operation, the interior of the storage compartment of the vehicle shall be thoroughly cleaned and disinfected with a disinfecting solution.
5. Biomedical waste may only be transported when the waste transportation vehicle is owned or leased by the regulated entity and the operator of the vehicle is an employee of the regulated entity, or under the direct control of the regulated entity.
6. The vehicle shall not be used for a purpose other than transporting biomedical waste unless it has been completely disinfected.
7. Any material resulting from a clean-up, from contamination of the waste in the vehicle, or from a spill, shall be handled as biomedical waste and shall be packaged and disposed of accordingly and as soon as practicable.
8. The regulated entity shall ensure that no other types of waste are transported in a vehicle containing Biomedical Waste and that any Biomedical Waste collected is not commingled or mixed with any other waste types.

Documentation Requirements:

9. Where waste is being transported only from generators exempt from generator registration under Reg. 347, the regulated entity shall record at minimum:
 - a) The generator's name, full address, and telephone number.
 - b) The quantity (by weight or volume) and type of waste collected including the Ontario Waste Class number for the waste.
 - c) The date and time of collection.

- d) The Generator information, which includes the printed name of the generator, the generator's signature, and the date of pick-up.
 - e) The Carrier information, which includes the signature of the vehicle driver, date, and time of pick-up.
 - f) If transporting biomedical waste, a statement signed by the generator indicating that the generator is aware of the legislative requirements and the *Transportation of Dangerous Goods Act* pertaining to the packaging and disposal of biomedical waste, and that the generator has properly identified the waste class and packaged the waste in accordance with these requirements.
10. The Owner shall report any spill incident to the Spills Action Centre within twenty-four hours of the occurrence, providing details of the occurrence as well as the method of clean-up employed and details of the disposal of any materials or waste resulting from the spill and the resulting clean up activities.

Transportation of this waste type has financial assurance requirements which are discussed further in Section 4.1 – Financial Assurance.

Discussion Question:

1. Do you agree with the approach that the ministry is taking about the transportation of biomedical waste? If not, why?
2. Do you agree with the ministry's proposal to include waste management systems transporting biomedical waste that are also **operating waste depots** be part of the EASR registration?
3. Do you agree with the ministry's proposal to include operational practices from the Guideline C-4 for biomedical waste as operating requirements in the amended EASR regulation?
4. Are there additional requirements for the transportation of biomedical waste that the ministry should consider including in the amended EASR regulation?

3.2.5 Treated Biomedical Waste Requirements

Like biomedical waste, treated biomedical waste is defined in Guideline C-4: The Management of Biomedical Waste in Ontario ("Guideline C-4"). Treated biomedical waste refers to biomedical waste that has been treated utilizing the non-incineration treatment criteria.

The ministry is proposing to remain consistent with the current policies and practices by adopting and incorporating into the amended EASR Regulation existing treated biomedical ECA operating conditions.

The requirements for the collection and transportation of treated biomedical waste include:

1. Collection, handling, and transportation of Treated Biomedical Waste shall be done in accordance with Guideline C-4.
2. The regulated entity shall provide notification to the operator of the waste disposal site where the Treated Biomedical Waste is destined detailing both the quantity of the waste and its approximate time of arrival.
3. The regulated entity shall receive written notification from the facility operator confirming that all waste in the shipment has been adequately treated before accepting the load.
4. The regulated entity shall ensure that no other types of waste are transported in a vehicle containing Treated Biomedical Waste and that any Treated Biomedical Waste collected is not commingled or mixed with any other waste types.
5. The regulated entity shall ensure that all drivers or operators handling Treated Biomedical Waste are trained in the applicable requirements of Guideline C-4 and relevant training requirements.
6. The regulated entity shall ensure that Treated Biomedical Waste is transported as directly as practicable to its final waste disposal site without the use of transfer stations or other intermediary sites.
7. Treated biomedical waste may only be transported when the waste transportation vehicle is owned or leased by the regulated entity and the operator of the vehicle is an employee of the regulated entity.

Discussion Question:

1. Do you agree with the ministry's proposal to include operational practices from Guideline C-4 for treated biomedical waste as operating requirements in the amended EASR regulation?
2. Are there additional requirements for the transportation treated biomedical waste that the ministry should consider including in the amended EASR regulation?

3.2.6 In-Transit Storage of Waste Requirements

The ministry is proposing to expand the operating requirements under Ontario Regulation 351/12 to allow for the in-transit storage of waste based on waste types and operations. Currently, the in-transit storage of waste is not allowed and all waste types including non-hazardous waste, are required to be delivered on the same day.

The proposed amendments to Ontario Regulation 351/12 would introduce exceptions to the in-transit storage of waste requirement for the following waste types, when the waste cannot be delivered on the same day:

- Biomedical, PCB, NORM, Hauled Sewage, and Waste destined for Out-of-Province.

If the distance to the waste disposal site does not allow for same day disposal, then stopping requirements for the waste types listed above will apply, such as:

- Stopping at a waste transfer station or a waste disposal site approved to receive the transported waste for a **maximum of 24 hours** (except for biomedical waste, see below for additional details).
- Stopping overnight when the driver is required by law to take a break for rest.
 - Overnight stopping is allowed only in commercial and industrial zoned areas.
 - Vehicles containing waste shall only be parked where security measures such as fencing, attendants, or 24-hour security surveillance exist to prevent access to the contents of the vehicle.

The ministry is proposing the following additional in-transit storage requirements for hauled sewage, consistent with existing ECA conditions:

- Parking at a storage yard, owned by the regulated entity or where the owner of the storage yard has given authorization, overnight parking **until the next business day** is permitted.

The ministry is proposing the following additional in-transit storage requirements for biomedical waste, consistent with existing ECA conditions:

- Biomedical waste shall not be stored in an approved vehicle for more than **12 hours**.
 - While parked, biomedical waste (except sharps waste) shall be kept refrigerated in the locked storage compartment where the temperature of the storage compartment shall not exceed 4 degrees Celsius.

Discussion Question:

1. Do you agree with the conditions the ministry is proposing for the in-transit storage of waste?
2. Are there additional requirements for the in-transit storage of waste that the ministry should consider including in the amended EASR regulation?

4 Financial Assurance and Insurance Policy Requirements

Under the current regulatory framework, all waste management systems involved with the transportation of waste must carry specific types of insurance to comply with regulations and ECAs. In addition, the transportation of certain types of waste also requires that financial assurance security be provided to the ministry.

The financial assurance program is a program that supports the ministry's overall objective of minimizing government liability and strengthening the polluter pay principle.

The *Environmental Protection Act* gives the ministry the authority to require financial assurance from waste carriers to cover potential future clean-up costs and to ensure compliance with environmental objectives.

Currently, financial assurance is only required for:

- Biomedical Waste in the amount of \$50,000.
- PCB Waste in the amount of \$100,000.

4.1 Financial Assurance

The ministry is considering the removal of existing financial assurance requirements that currently apply only to PCB and Biomedical waste haulers, and whether or not we can instead rely on coverage provided by an insurance policy for the liability resulting from spills.

Although financial assurance is a tool that ensures funds are easily accessible by the ministry, there have been no recorded cases where the ministry has been required to use financial assurance to cover clean-up costs resulting from a waste management system spill because of the unwillingness or inability on the part of the responsible party to do so. In addition, road authorities such as Ministry of Transportation and municipalities, have in some cases, undertaken the clean-up and remediation of a spill on behalf of the responsible party.

The ministry is exploring whether requiring an insurance policy covering spills would be sufficient to address potential environmental risks resulting from unexpected incidents related to the transportation of waste.

Moving to this approach would also bring fairness to the waste management sector by treating all waste types in a consistent manner.

Stakeholder feedback is important as it will inform how the ministry will move forward on this proposal.

Discussion Question:

1. Do you agree that the ministry should consider removing financial assurance requirements for waste management systems transporting biomedical and PCB waste? Please explain your answer.
2. Instead of solely relying on an insurance policy to address potential environmental impacts, should the ministry instead consider expanding financial assurance beyond Biomedical and PCB waste to include liquid industrial and all other hazardous wastes? Please explain your answer.
3. How would the removal of the requirements to provide financial assurance affect road authorities, such as the Ministry of Transportation and municipalities, when tasked to provide clean-up and remediation services for a spill on behalf of a regulated entity?

4.2 Insurance Policy

As per Section 4(1) paragraph 3 of Ontario Regulation 351/12, every waste transportation vehicle used for transporting waste shall be insured under an insurance policy under which the minimum coverage is \$2,000,000 and that includes coverage for liability resulting from spills from that vehicle.

The ministry is proposing making the following changes to the sections of Ontario Regulation 351/12 related to insurance policy:

1. **All** eligible waste management systems will be required to carry an insurance policy of minimum \$2,000,000 including waste management systems that manage liquid industrial, hazardous, and biomedical waste.
2. The language in Ontario Regulation 351/12 related to insurance would include separate conditions for spill clean-up coverage.

The portion of the insurance policy covering liability resulting from spills would be:

- i. at least \$100,000 of coverage arising out of any one incident for haulers of non-hazardous waste; and
- ii. at least \$500,000 of coverage arising out of any one incident for haulers transporting liquid industrial, hazardous, and biomedical waste.

These amounts listed above are **preliminary** and are intended to generate discussion. These values may change based on comments received and as further policy develops around this proposal.

It is important to note that in the event of a spill, Part X of the *Environmental Protection Act* outlines the duties of the regulated entities.

The ministry is looking for the knowledge, experiences, and perspective of stakeholders to inform how the ministry will move forward on this proposal.

Discussion Question:

1. Do you agree with the ministry's proposal to change the language in Ontario Regulation 351/12 discussing insurance to include separate conditions for spill clean-up coverage?
2. Do you agree with the ministry's proposal to require an insurance policy of minimum \$2,000,000 that would apply to all waste types including liquid industrial, hazardous, and biomedical waste? Please explain your answer.
3. Do you agree with the ministry's proposal to set an amount for the portion of the insurance policy covering liability resulting from spills of at least:
 - \$100,000 for non-hazardous waste, and
 - \$500,000 for liquid industrial, hazardous, and biomedical waste.Please explain your answer.
4. How is the current proposal similar to or different from existing insurance policies for your waste management system(s)? Please provide the type of waste(s) being managed, when explaining your answer.
5. What are the implications of adopting the proposed set amount for the portion of the insurance policy covering liability resulting from spills? Please explain your answer.

5 Transition into EASR

5.1 Compliance

EASR registered activities must abide by a specific EASR regulation with requirements that protect the public and the environment. A waste management system not in compliance with the operating requirements of the proposed EASR regulation would be subject to the same compliance actions and/or penalties as the regulated community that are not complying with an ECA.

To help support compliance, the ministry will be developing documentation, such as guidance documents, that will complement the amended Waste Management EASR Regulation and provide in clear plain language, guidance on how the regulation operates.

5.2 Transition Provisions

The ministry recognizes that a period of time is needed for:

- the waste management systems currently registered on EASR to come into compliance with the proposed general requirements; and
- the waste management systems that transport any of the proposed waste types to transition from their ECA to EASR.

The ministry is proposing a one-year transition period for **current EASR registrants** to come into compliance with the new general operating requirements. Current EASR registrants would not need to re-register.

For **new EASR registrants with existing ECAs**, the ministry is proposing a three-year transition period for eligible waste management systems to complete the self-registration process on EASR.

Any other prospective EASR registrant will have to follow the rules as soon as they register.

Discussion Question:

1. Is there a need to extend the transition period to allow enough time for existing eligible waste management system ECA holders to register and comply with the requirements of the EASR regulation? If yes, what is a practical timeframe and why?

We Want to Hear from You

You are invited to submit your comments on this proposal online through the Environmental Registry website: <https://ero.ontario.ca/>.

Search by registry number **019-6963**.

You can also send your comments by email to: permissions.modernization@ontario.ca.

The public comment period for the proposal will close on (60 days from posting).

Prior to making a decision, we will review and consider all comments received on the discussion paper through the: Environmental Registry; via email at permissions.modernization@ontario.ca; and from our meetings with stakeholders and Indigenous partners prior to making a decision on the proposal.

APPENDIX A: DEFINITIONS

Asbestos

means the following solid or liquid waste that contains asbestos in more than a trivial amount:

1. Waste that results from the removal of asbestos-containing construction or insulation materials.
2. Waste that results from the manufacture of asbestos-containing products.
3. Waste that results from the removal of asbestos-containing components from a motor vehicle.
4. Waste that results from the removal or handling of waste or materials described in paragraphs 1, 2 and 3 of Regulation 347, including personal protective equipment, tools that cannot be decontaminated and cleaning materials.

Biomedical Waste

Waste that is generated from the health care sector and activities that may pose potential risks to public health, safety, and the environment. Biomedical waste is defined in Guideline C-4, Management of Biomedical Waste in Ontario, November 2009, as amended from time to time (Guideline C-4).

Treated Biomedical Waste

Treated Biomedical waste is defined in Guideline C-4, Management of Biomedical Waste in Ontario, November 2009, as amended from time to time (Guideline C-4). It means biomedical waste that has been treated utilizing the non-incineration treatment criteria outlined in Section 5.2 of Guideline C-4.

Carrier

The operator of a waste transportation system, including any person who is engaged in the off-site transportation of waste by air, rail, road, highway, or water.

Characteristic Waste

Hazardous waste that is corrosive waste, ignitable waste, leachate toxic waste, or reactive waste as defined in Regulation 347.

Environmental Compliance Approval (ECA)

An approval issued under Part II.1 of the *Environmental Protection Act* (EPA) in respect of activities mentioned in sections 9 (with respect to air emissions) and 27 (with respect to waste management systems and waste disposal sites) of the EPA and section 53

(with respect to sewage works) of the Ontario Water Resources Act (OWRA). A person may not engage in the activities mentioned unless done under and in accordance with the requirements set out in the ECA, which governs how the activity is undertaken. Section 27 of the EPA states that "no person shall use, operate, establish, alter, enlarge or extend a waste management system or a waste disposal site except under and in accordance with an environmental compliance approval". Unless otherwise noted, this manual uses the term ECA to refer to a waste environmental compliance approval issued under the EPA.

Environmental Protection Act (EPA)

Refers to the *Environmental Protection Act*, R.S.O. 1990, c. E. 19.

Environmental Activity and Sector Registry (EASR)

Environmental Activity and Sector Registry (EASR) is an online self-registration system that allows businesses to self-register online instead of applying an Environmental Compliance Approval, a Renewable Energy Approval, or a Permit to Take Water for certain activities.

Generator

The operator of a waste generation facility. This includes the original generator of the waste, as well as all subsequent generators that are involved in the chain of custody of the waste, such as a transfer station that receives waste and then ships it to another receiver. When the waste moves from the transfer station to another receiver, the transfer station is the generator for the subsequent shipment from its facility.

Hazardous Waste

Hazardous waste is defined in Section 1 of Regulation 347. The definition includes wastes that are characteristic waste, listed waste, pathological waste, PCB waste or radioactive waste. Please refer to Regulation 347 for the full definition.

Liquid Industrial Waste (LIW)

LIW is defined in Section 1 of Regulation 347. "Liquid Industrial Waste" means waste that is both liquid waste and industrial waste. The regulatory definition provides specific exclusions. Please refer to Regulation 347 for the full definition.

Manifest

A numbered document called a manifest that was obtained from the ministry and includes a paper or electronic manifest (e.g., that takes the form of a paper or electronic

manifest). Manifests are required to ship subject waste off-site from a generator to a receiver.

Receiver

The operator of any facility to which waste is transferred by a carrier. This includes transfer stations, processing facilities and final disposal sites.

Regulation 347

Refers to Regulation 347 of the Revised Regulations of Ontario, 1990 (General - Waste Management) made under the EPA.

Subject Waste

A term defined in Section 1 of Regulation 347. Subject waste means hazardous waste and LIW, as well as waste that was characteristic waste but that has been treated so that it is no longer characteristic waste if the waste may not be disposed of by land disposal under subsection 79 (1). However, the definition of "subject waste" does not include a number of wastes, including intact waste batteries that are destined for a waste battery recovery facility and waste from the professional office of a member of the Royal College of Dental Surgeons of Ontario. See subsection 1 (3) of Regulation 347 for a complete list. The term is used in a number of sections of Regulation 347, such as the generator registration and manifesting sections.

Waste Management System

Waste management system is defined in the Environmental Protection Act and means any facilities or equipment used in, and any operations carried out for, the management of waste including the collection, handling, transportation, storage, processing, or disposal of waste, and may include one or more waste disposal sites.

For the purpose of this discussion paper, waste management system refers to systems that meet the following criteria set out in Section 2(2) of Ontario Regulation 351/12:

1. The waste management system is a waste transportation system as defined in Regulation 347.
2. The only waste management done by the waste management system is the collection, handling, transportation, and transfer of waste.

Waste Transportation System

Waste transportation system is defined in Section 1 of Regulation 347 and refers to facilities, equipment, and operations that are involved in transporting waste beyond the boundaries of a site or from site to site.