



1. INTRODUCTION

The Ministry of Environment and Climate Change Strategy (the “ministry”) is proposing changes to the Hazardous Waste Regulation (HWR) for the management of household hazardous waste and similar wastes from institutional and commercial sources. These wastes are referred to using the new term “moderate risk wastes”.

The purpose of this Intentions Paper is to seek comments and feedback from Indigenous peoples, and all interested parties, including local governments and other stakeholders.

Instructions on how to provide comments are provided on the last page of this Intentions Paper.

2. REASONS FOR PROPOSED CHANGES

Changes to the HWR are needed to better support the collection and diversion of moderate risk wastes and Extended Producer Responsibility (EPR) in B.C. The requirements for transporters and return collection facilities (RCFs)¹ that receive and store moderate risk date back to 1995 and need to be updated to better reflect practices of today.

Whether due to transport or RCF requirements, the HWR can unintentionally create barriers for collection and diversion of moderate risk waste by imposing requirements that are not always achievable (see Section 4.4). The proposed changes outlined in this Intentions Paper are intended to reduce these barriers while ensuring requirements are protective of human health and the environment.

The ministry previously explored policy options to address these challenges in 2008; however, they were not pursued for a variety of reasons. The policy proposals in this Intentions Paper build upon this previous policy development work and intends to address many concerns highlighted by local governments and EPR agencies, including evaluating requirements for storing and transporting moderate risk wastes that may not be achievable in some cases.

3. SCOPE

The scope of the proposed regulatory changes is limited to:

- Storing moderate risk wastes at RCFs
- Transporting these wastes from RCFs to hazardous waste management facilities (e.g., processing, treatment, or disposal facilities), and storing at in-transit consolidation facilities

Regulatory requirements for any other activities or facilities, including facilities that process, treat, or dispose of hazardous wastes are out of scope.

4. REGULATORY FRAMEWORK

4.1 Hazardous Waste Regulation (HWR)

The HWR applies to facilities that generate, store, transport, treat, recycle or dispose of hazardous waste in B.C. The HWR primarily regulates large institutional, commercial, industrial generators, transporters and receivers of hazardous

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¹ RCFs are facilities where generators of moderate risk waste (including the public) drop off hazardous wastes. These could include bottle depots, transfer stations, or other locations such as retail locations.

waste while households are mostly exempt. However, RCFs that collect moderate risk wastes from households are subject to many requirements in the HWR including storage, transport and administrative requirements.

4.2 Moderate Risk Wastes

Households generate a variety of moderate risk wastes, including oil-based paint, lead-acid batteries, lithium or lithium ion batteries, waste oil, fire extinguishers and propane cylinders. Similar wastes are also generated by institutional and commercial sources.

Moderate risk wastes are considered hazardous since they have toxic, flammable, reactive, corrosive or have other hazardous characteristics.

4.3 Recycling Regulation (RR)

The RR establishes the framework for extended producer responsibility (EPR) in B.C. EPR requires that producers² of regulated products manage these products to the end of their life.

Some moderate risk wastes are regulated under both the HWR and the RR including waste oil, lead-acid batteries, oil-based paint, pesticides and other wastes. The two regulations have different objectives. The HWR outlines *site-specific* and prescriptive requirements for generating and receiving facilities to protect human health and the environment whereas the RR outlines the obligations for EPR at the *provincial level*. Unlike the HWR, the RR does not outline any site-specific requirements intended to protect human health or the environment.

More specifically, the RR requires that producers:

- Develop and implement an EPR plan approved by the ministry for the management of regulated products
- Provide free and reasonable access to collection facilities for products at end of life throughout the province
- Verify and report yearly to the ministry on how products were managed at end of life

4.4 Challenges with Existing HWR

The current HWR requirements unintentionally create barriers for collecting and diverting moderate risk wastes from the municipal waste stream, particularly in remote and northern communities. In other cases, the HWR could benefit from additional clarity where requirements are unclear.

More specifically, the HWR poses the following challenges:

- The HWR unnecessarily limits the types of moderate risk wastes that can be accepted at RCFs by prohibiting wastes that are:
 - not regulated under the RR
 - generated from institutional and commercial sources, such as small businesses
- RCF requirements are intended for fixed, permanent facilities and are not practical for one-day collection events
- Transportation of moderate risk wastes can be impeded by the requirement to use a licensed transporter, particularly in remote or northern communities where access to licensed transporters is limited
- Some HWR requirements are unclear, outdated, or no longer align with best practices
- The HWR does not always clearly indicate at which point in the collection and handling process certain moderate risk wastes becomes regulated under the HWR (e.g., electronic waste)

The proposed changes to the HWR outlined below were intended to address these challenges.

Key Points

- Households generate a variety of moderate risk wastes including car batteries and oil-based paint
- Institutional and commercial sources generate similar wastes
- Moderate risk wastes can pose hazards to human health and the environment, if not handled properly
- The proposed changes are intended to make it easier for RCFs to collect these wastes while remaining protective of human health and the environment

² See under Part 1 Definitions: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/449_2004#section1.

5. PROPOSED CHANGES TO THE HAZARDOUS WASTE REGULATION

5.1 Regulating Wastes Based on Tiers

The ministry is proposing to regulate the storage and transport of moderate risk wastes based on tiers that reflect environmental risk and the need for regulatory oversight under the HWR. These tiers are intended to help provide clarity regarding how different moderate risk wastes would be regulated under the HWR.

The collection and transport of moderate risk wastes would be subject to less stringent requirements than other hazardous wastes since these activities are generally lower risk and these wastes are routinely handled safely by the public as products, prior to disposal.

In particular, the ministry is proposing that Tier 1 wastes would be managed under a modified version of the current Part 6 of the HWR, whereas Tier 2 & Tier 3 wastes would be subject to a conditional exemption from the HWR. Refer to the table and text below for more information on proposed requirements.

Key Points

- The ministry proposes to regulate wastes based on tiers that reflect environmental risk and the need for regulatory oversight under the HWR.
- Collection and transport of moderate risk wastes would be subject to less stringent requirements than other hazardous wastes.

Table 1: Description of Tiers of Moderate Risk Wastes.

Tier 1	Tier 2	Tier 3
Regulated under HWR <p>Wastes regulated under the RR:</p> <ul style="list-style-type: none"> ➤ Paint Products ➤ Pesticide Products ➤ Solvent and Flammable Liquid Products ➤ Lubricating oils, filters and antifreeze (waste oil most likely generated by vehicles) ➤ Lead-Acid Batteries <p>Wastes not regulated under the RR:</p> <ul style="list-style-type: none"> ➤ Pressurized refillable propane cylinders < 30 lbs. ➤ Pressurized, non-refillable cylinders <1 L ➤ Portable fire extinguishers ➤ Diesel fuel 	Conditional Exemption from HWR <ul style="list-style-type: none"> ➤ Electronic and electrical products, including batteries, that contain hazardous materials/components managed under an approved EPR plan <p>Examples of these wastes include: televisions, computer screens, large appliances such as fridges, thermostats and batteries (other than lead-acid batteries) if any of the above materials contains hazardous materials/components (e.g., mercury, lead, etc.).</p>	Conditional Exemption from HWR <ul style="list-style-type: none"> ➤ Pharmaceuticals managed under an approved EPR Plan
Key Notes		
<p>1. Permanent RCFs would need Director approval to accept hazardous wastes that are not listed above (see Section 5.14).</p> <p>2. One-day collection events would be able to accept all types of hazardous waste originating from households (including those not listed above) without Director approval.</p>	<p>3. The collection, storage and transport of this waste would be exempt from HWR under certain conditions (see Section 5.7).</p> <p>4. Only batteries that currently meet the definition of hazardous waste would be considered Tier 2 such as lithium or lithium ion batteries or nickel metal hydride.</p>	<p>5. The collection, storage and transport of this waste would be exempt from HWR under certain conditions (see Section 5.9).</p> <p>6. Pharmacies act as collection sites for pharmaceuticals under an approved EPR plan and are subject to protective requirements for handling this waste under the federal <i>Controlled Drugs and Substances Act</i>.</p>

The ministry will consider updating the Tiers of Moderate Risk Wastes if new product categories are added to the RR.

5.2 Tier 1 Wastes – Proposed Requirements for RCFs

Tier 1 wastes would be subject to the most stringent requirements amongst moderate risk wastes since it includes:

- Wastes with toxic, flammable, reactive, corrosive or leachable toxic hazardous characteristics
- Liquid hazardous waste which can generally result in risks associated with spills (e.g., contaminating soil or water or other adverse impacts)
- Waste that is not subject to the RR or oversight under an approved EPR plan

RCFs that currently collect Tier 1 wastes must comply with the existing HWR. The ministry is proposing changes to these requirements (found in Part 6 of the HWR) including changes to:

- administrative requirements aimed at providing clarity to regulated parties and harmonizing requirements with the RR

- storage requirements to impose more achievable requirements and to better align with current industry best practices

The ministry also intends to clarify that RCFs need to register with the ministry as an RCF, as opposed to a registered site, to simplify and expedite the registration process. Although registration as a generator is currently common practice by the ministry, that requirement is not clearly reflected in the HWR.

The ministry is also proposing to develop special requirements for return to retail RCFs, or one-day collection events³ that are operated by local governments, EPR programs, or agents of either or another entity approved by the Director. The current RCF requirements in the HWR were primarily designed to regulate permanent facilities that accept large quantities of moderate risk waste on a day-to-day basis. These requirements are difficult to achieve for one-day collection events or retail stores. The proposed requirements are intended to be more specific and practical for these types of RCFs.

Appendix 1 provides details of proposed changes for RCFs that collect Tier 1 wastes. For the purposes of this Intentions Paper, the term RCF includes: one-day collection events, return to retail, and other permanent facilities that collect moderate risk wastes.

5.3 Tier 1 Wastes – Special Considerations for Lead-Acid Batteries

Lead-acid batteries are corrosive due to sulfuric acid within the battery, which has the potential to cause adverse impacts to human health or the environment if released or improperly managed. The acid is contained and secured by the battery casing; these hazards can become significant when the battery casing is damaged and acid leaks occur.⁴

The ministry's current policy for used lead-acid batteries is that they are not hazardous waste if managed under an EPR plan and are in the process of being returned *directly* to an original manufacturer or supplier (also referred to as a "producer" under the RR). Additionally, these batteries only become categorized as hazardous waste once a manufacturer or supplier has deemed that the batteries cannot be refurbished or reused.

However, in practice, it is often unclear whether batteries are in the process of being returned *directly* to a manufacturer or supplier, particularly when batteries are collected at RCFs (often not operated by the original manufacturer or supplier).

To provide clarity and protect human health and the environment, the ministry is proposing to:

- Add storage requirements for used lead-acid batteries under the HWR regardless of whether the batteries are in the process of being returned directly to a manufacturer or supplier
- Indicate that lead-acid batteries are only not hazardous waste if batteries have been assessed at a manufacturer/supplier (also referred to as "producer" under RR) and are destined for refurbishment
- Clarify that a Section 53 delisting will not be required to manage lead-acid batteries as non-hazardous waste if destined for refurbishment
- Require that batteries that are to be refurbished or reused are segregated and labelled accordingly

To better facilitate collecting lead-acid batteries in remote communities, the ministry is also proposing special requirements for storing small quantities of lead-acid batteries (less than 150 kg) as outlined in Appendix 1.

Refer to Appendix 1 for a complete description of proposed requirements for RCFs, including manufacturers and suppliers that also operate RCFs.

5.4 Tier 1 Wastes - License to Transport

In many cases, the HWR requires a License to Transport (LT) to transport Tier 1 or other hazardous wastes from RCFs to downstream management facilities. The purpose of an LT is to ensure that the transport company has staff that are

³ Return to retail RCFs refers to retail stores that accept wastes from customers similar to products they sell while one-day collection events are typically offered once or twice a year by local governments to collect a variety of moderate risk wastes.

⁴ Risks from damaged lead-acid batteries need to be addressed through proper handling procedures. Under the approved EPR plan for lead-acid batteries, such procedures have been developed, in part, to meet requirements under the federal Transport of Dangerous Goods Regulation.

knowledgeable about the HWR requirements and that a contingency plan, insurance and financial security are in place to address emergency situations such as spills and accidents.

However, many remote communities, including some Indigenous communities, have difficulties finding a transporter with an LT. LTs are often concentrated in populated areas of the province such as the Lower Mainland, Southern Vancouver Island and larger urban communities in the Interior. As a result, access to haulers with LTs can be challenging in remote areas and transportation from one RCF to another RCF for load consolidation is often impeded.

The ministry is proposing that:

- Generators of Tier 1 waste or other hazardous wastes (e.g., households) and operators of RCFs would be able to transport quantities below [column II of Schedule 6](#) of the HWR without an LT if they transport the wastes themselves.
- An LT would also not be required for transporting Tier 1 wastes if all the following apply:
 1. The waste is a dangerous good under the federal Transport of Dangerous Goods Regulation (which imposes training and other requirements including the use of a shipping document equivalent to a manifest)⁵
 2. The transporter has \$ 5 million in third party liability or another amount deemed to be acceptable by a Director, and a contingency plan
 3. For lead-acid batteries, the wastes are being transported from an RCF or consolidation site⁶ to a manufacturer/supplier of lead-acid batteries (also referred to as a “producer” of lead-acid batteries under the RR)
 4. For all Tier 1 wastes except lead-acid batteries, the waste is being transported from an RCF or consolidation site to an authorized hazardous waste management facility
 5. The waste is managed under an approved EPR plan (which provides additional oversight)

The ministry is also considering an alternative to the above proposal, whereby the 5th criteria would not be a condition for LT exemption (i.e., wastes do not need to be under an approved EPR plan).

5.5 Tier 1 Wastes - Manifests

The HWR requires the use of a provincial manifest for shipments of Tier 1 wastes or other hazardous wastes. The manifest tracks hazardous waste from ‘cradle to grave’ to help verify that wastes are being managed appropriately. However, this duplicates some of the requirements in the RR that also relate to tracking (e.g., third-party, nonfinancial audits).

To harmonize with the RR and reduce red tape, the ministry is proposing that manifests would not be required for Tier 1 moderate risk wastes if all the following conditions apply:

- The transport of waste is exempt from the requirement for an LT, as described above and,
- RCFs, transporters and hazardous waste management facilities or manufacturers/suppliers of lead-acid batteries (also referred to as “producers” under the RR) use a uniquely-numbered shipping document compliant with the Transport of Dangerous Good Regulation and keep records of this shipping document, for two years and make these records available to the ministry when requested⁷

Households and farmers are currently exempt from the need for a manifest, if they transport waste themselves to a facility operated by a local government or their agent per Section 46(2)(c) of the HWR. The ministry is not proposing to change this exemption.

5.6 Generators of Tier 1 Wastes That Operate RCFs

The ministry is proposing a minor change to requirements for generators that also operate as an RCF. An example of such a generator could be a vehicle dismantler that generates waste lead-acid batteries or waste oil on-site and also

⁵ The federal Transport of Dangerous Goods Regulation imposes packaging, labelling, training and many other requirements on transporters of dangerous goods to protect human health and the environment.

⁶ Refer to Appendix for proposed requirements for consolidation sites.

⁷ Unlike manifests, the ministry is not proposing that these shipping documents be sent to the ministry.

receives moderate risk wastes generated at other sites (e.g., stand-alone lead-acid batteries that have already been removed from a vehicle).

Under the current HWR, generators that also operate an RCF need:

- Ministry approval of operational and other plans if their primary business is waste management (as per 16 (2) of the HWR) and to comply with Sections 3- 17 of the HWR; and,
- To register with the ministry as an RCF and comply with RCF requirements

To improve regulatory effectiveness, the ministry is proposing that these sites will be exempt from the need to obtain ministry approval of plans and exempt from Sections 3- 17 of the HWR. Instead, these sites would only need to follow the RCF-related requirements as outlined in Appendix 1.

5.7 Tier 2 Wastes – Electronic Waste

Tier 2 wastes are restricted to the Electronic and Electrical Product Category as defined in the RR and are commonly referred to as “e-waste”. These wastes include batteries and legacy hazardous materials, such as lead and mercury, which were once commonly used in the manufacturing of TVs, thermostats, and light bulbs.

The ministry’s current policy is that intact “e-waste” is not subject to the HWR if managed under an EPR plan, and appropriate protocols are in place for handling “e-wastes” that are inadvertently or accidentally damaged or broken. In practice however, it’s not always clear if certain wastes are intact (e.g., electronics that are damaged, or have had batteries removed).

To provide clarity, the ministry is proposing to amend the HWR and exempt “e-wastes” from the HWR if all the following circumstances apply:

- The wastes are managed under an approved EPR plan
- The wastes are stored and handled in a manner that protects the waste from weather and physical damage during collection and transportation to processing facilities
- Protocols⁸ are developed and implemented to manage lithium or lithium ion batteries, mercury-containing lights or switches, and lead-containing glass (commonly found in old TVs) to limit instances of inadvertent breakage during collection and transport and to also outline handling procedures in the event that inadvertent damage or breakage occurs
- RCFs keep records (e.g., legal, uniquely numbered bills of lading) for all shipments leaving their facility for two years
- The hazardous waste generation point has not yet occurred (see below).

The hazardous waste ‘generation point’ and the point at which the HWR applies will be at the first instance that any of the following activities occur at a facility:

- Electronics or electrical equipment are disassembled or crushed (e.g., at a primary processing facility) or,
- Batteries contained in equipment are removed
- Batteries are processed, including sorting according to chemistry, or
- Any activity other than storage occurs (e.g., processing at a smelter)

After the hazardous waste generation point, Tier 2 wastes would become regulated under the HWR. For clarity, only wastes that meet the characteristics of hazardous waste would be regulated under the HWR.

5.8 Tier 2 Wastes – Special Considerations for Refrigerants

Tier 2 includes major appliances that fit within the definition of the Electronic and Electrical Product Category in the RR, such as refrigerators that contain hazardous waste refrigerant. Refrigerants are hazardous waste since they are

⁸ The ministry is proposing that these protocols must be kept on record and available for inspection and that the Director could request changes to protocols to address concerns related to the environment or human health; EPR programs could develop protocols, which could then be adopted by RCFs. Existing guidance already provided by EPR programs to RCFs could be leveraged.

dangerous goods under the Federal Transport of Dangerous Goods Regulation and are no longer used for their intended purpose.

The ministry is proposing to clarify that appliances that contain refrigerants are not hazardous waste, up until the point that refrigerant is removed from the appliance. In other words, the ministry is proposing that the hazardous waste generation occurs the moment hazardous waste refrigerant is removed from an appliance.

The ministry is not proposing changes to current requirements under the HWR to manage hazardous waste refrigerants (once removed from an appliance) with the following exceptions:

- The ministry is proposing to clarify that technicians who remove refrigerant need to register as a generator with the ministry if, over a 30-day period, they accumulate more than registration quantities in Schedule 6 of the HWR (500 L for class 2.1, 1000 L for Class 2.2, or 50 L for Class 2.3); registration would also be needed if more than those quantities are stored at any one time
- Transporting refrigerant would be subject to the proposed exemptions from License to Transport and Manifests as described under Tier 1 wastes

All centralized sites that receive refrigerants generated by technicians and that are not owned or operated by those technicians will need to register as a registered site under the HWR if they store, treat, recycle or dispose of more than Schedule 6 quantities in any one day (500 L for class 2.1, 1000 L for Class 2.2, or 50 L for Class 2.3). These are current requirements in the HWR that the ministry is not proposing to change.

5.9 Tier 3 Wastes - Pharmaceuticals

The ministry is proposing to not regulate the storage or transportation of waste pharmaceuticals under the HWR if they are managed under an approved EPR plan. This is consistent with the ministry's current policy.

The ministry is not proposing to change current policy since:

- It has been successful in facilitating proper handling and disposal
- Pharmacies act as collection sites for pharmaceuticals under an approved EPR plan and are subject to legislated protective requirements for handling this waste under the federal *Controlled Drugs and Substances Act*

The ministry intends to amend the HWR to clearly indicate that storing and transporting pharmaceutical waste under an approved EPR plan is exempt from the HWR. The current policy or proposal does not apply to any form of treatment, disposal, recycling or any discharges of this waste. These activities would require either authorization under the HWR (if the waste meets hazardous waste characteristics), or a separate authorization under the *Environmental Management Act* (e.g., a permit or approval).

5.10 Institutional and Commercial Waste

The ministry intends to clarify the types of wastes that can be collected and managed at RCFs. Currently moderate risk wastes generated by institutional and commercial sources cannot be accepted at RCFs, even though:

- They are the same type of moderate risk wastes generated by households
- Combining waste streams improves environmental outcomes by promoting the collection and the diversion of these wastes (e.g., from landfills)
- It is not always feasible for RCFs to determine if moderate risk wastes are from institutional and commercial generators (e.g., small and medium size businesses)

The ministry intends to enable the practice of accepting moderate risk waste from institutional and commercial sources at RCFs to continue to facilitate and encourage diverting these wastes from the municipal waste stream.

5.11 PCB Ballasts

For PCB ballasts, which can be found in old fluorescent lighting fixtures, the ministry is proposing to eliminate the need for households to register as a generator. The proposed changes will reduce red tape for households and will encourage environmentally sound management.

PCB ballasts will not be accepted at RCFs or other collection sites and will continue to be treated as hazardous waste (and not as moderate risk wastes). Currently, these wastes are managed under an approved EPR plan and are picked up

directly from households and commercial generators via a courier and then transported to hazardous waste management facilities.

5.12 Mercury-Containing Light Bulbs

Although mercury-containing light bulbs are considered Tier 2 wastes, this section provides clarity regarding specific proposals for mercury containing light bulbs.

Currently, mercury-containing light bulbs may be hazardous waste if laboratory testing indicates that mercury content of the leachate generated by the Toxicity Characteristic Leachate Procedure (TCLP) exceeds the limit specified in Schedule 4 of the HWR. The ministry recognizes that it can be difficult to obtain a representative sample of these light bulbs for TCLP analysis and TCLP analysis of wastes containing volatile components can be challenging. The ministry is proposing that intact or inadvertently broken light bulbs are Tier 2 wastes (and accordingly subject to conditional exemption from the HWR), whereas intentionally crushed light bulbs (e.g., bulbs crushed using a drum top crusher) would be a hazardous waste. More specifically, the ministry is proposing that operations that actively crush light bulbs would need to follow the treatment requirements in the HWR, including registration as per section 43(2).

The ministry is also proposing the following outcome-based requirements for operating crushing equipment:

- A vacuum pump to create negative internal pressure inside the equipment where crushing occurs
- ventilation of emissions through effective particulate and activated carbon filters to remove fine particulate and mercury vapours
- Discharge of crushed bulbs directly into a sealed container designed and operated to hold and contain the waste in all physical states, whether it is solid, liquid, gaseous or a combination of these
- Air-tight seals at all connection points

The ministry intends to phase-in the proposed requirements for facilities that crush mercury-containing light bulbs such that these proposed requirements would come into effect six months after the amendments come into force. This will allow time for regulated parties to apply for registration.

5.13 Director Discretion

The ministry intends to continue to allow the Director, as defined under the *Environmental Management Act*, to approve substitutions and changes in requirements as currently enabled in the HWR under Section 2(9) and Section 51. These provisions are intended to allow for site-specific variations from the regulation as needed, where certain conditions are met including that human health or the environment will not be adversely impacted.

In addition, the ministry is proposing to retain the ability for a Director to require that an individual RCF comply with other Sections of the Hazardous Waste Regulation (as per section 39.1 of the HWR), including the approval of plans, if the Director believes that it is necessary for the protection of human health or the environment. The ministry is proposing to add the authority for a Director to require changes to plans, after approval, if deemed necessary to protect human health or the environment.

5.14 Accepting Wastes Other than Tier 1 through Tier 3

The ministry is proposing that one-day collection events will be allowed to accept all types of hazardous wastes that originate from households (beyond the moderate risk wastes listed in Tiers 1 through 3), if operated by a local government or EPR program or an agent of either.

For permanent RCFs, the ministry is proposing that Director approval be required to accept hazardous wastes beyond moderate risk wastes (Tiers 1 through 3) on a regular basis. Although originating from households, wastes beyond Tier 1 through 3 can include highly hazardous wastes (e.g., liquid mercury) and can be difficult to classify and handle properly, particularly since wastes may be missing labels or may be labelled improperly.

The ministry is proposing that these facilities obtain approval of an operational plan and contingency plan to demonstrate that those operating the facility have adequate training, proper classification procedures and adequate contingency plans in place (e.g., in the even of a spill, fire or other similar event). The ministry proposes to phase-in the

requirement such that the need to submit an application for approval of plans would only come into effect six months after the proposed amendments come into force. This will allow time for regulated parties to apply.

5.15 Facilities that Currently are Registered Sites

RCFs that currently have registered site (RS) numbers with the ministry will have the choice to retain their RS number or re-register as an RCF under the proposed requirements.

5.16 Other Considerations

The ministry will also consider the option of developing a separate, stand-alone regulation to implement the proposed requirements and policy described in this Intentions Paper. This may be a favourable alternative to incorporating all the proposed changes into the HWR, as the HWR is complex, and the ministry is proposing that moderate risk wastes be exempt from much of the HWR. Developing a stand-alone regulation may also make it easier to understand regulatory obligations and may better facilitate voluntary compliance.

More specifically, the ministry will consider the following:

- Collecting Tier 1 wastes at RCFs and subsequent transport to downstream facilities would be under a stand-alone regulation; however, once received at a downstream facility, the HWR would then apply to managing Tier 1 wastes that meet the definition of hazardous waste
- The HWR would be amended to include conditional exemption for Tier 2 & Tier 3 wastes. These wastes would not be subject to the stand-alone regulation but would be subject to the conditions of the exemption (see Tier 2 & Tier 3 sections for more information) or would be fully subject to the HWR if the conditions are not met

6. GUIDANCE

The ministry will provide guidance and outreach to assist RCFs, transporters, stewardship agencies and other involved parties to comply with the new regulatory requirements. This will include guidance documents on new requirements for RCFs and transporters, including administrative and/or infrastructure-related requirements.

7. ASSURING COMPLIANCE

The ministry will develop a strategy to promote voluntary compliance with the requirements of the new regulation, in cooperation with stakeholders. Compliance promotion may entail information and education materials and sessions for regulated parties.

The ministry is committed to using compliance verification data to guide the ongoing management of waste at RCFs, or while in-transit, to ensure that the goals for environmental protection are being met.

The ministry's approach to assuring compliance with the new regulation will be consistent with other regulations and will include scheduled and unscheduled compliance reviews and inspections, as well as reviews and inspections in response to identified or potential issues or concerns regarding protection of human health and the environment.

The ministry response to non-compliance may include tools such as: written advisories, warnings, directives, orders, tickets, administrative penalties and prosecutions. The choice of response will be based on standard ministry-wide policy (as outlined in the [Compliance Framework](#)⁹) which considers the compliance history for the regulated party and the significance of the impact from the non-compliance occurrence.

8. IMPLEMENTATION

After a thorough review of consultation comments and feedback submitted and further policy development, the ministry intends to draft the new regulation and necessary amendments as described in the Regulatory Framework section above.

⁹ https://www2.gov.bc.ca/assets/gov/environment/research-monitoring-and-reporting/reporting/reporting-documents/environmental-enforcement-docs/compliance_mgmt_framework.pdf

9. PROVIDING FEEDBACK

The ministry welcomes comments on the information and proposals outlined in this Intentions Paper. Please submit comments using the comment form or by e-mail or mail at the address below.

All Responses received by July 30, 2021, will be considered by the ministry in preparing the proposed changes to the regulation.

Please use the form available at the website below:

https://www2.gov.bc.ca/assets/gov/environment/waste-management/hazardous-waste/hazardous-waste/legsregs/hwr-ip_comment_form.pdf

Please submit the comment form:

- By emailing a copy of a completed form to this email address:
moderateriskwastes@gov.bc.ca
- Or by mail to:
Ministry of Environment and Climate Change Strategy – Hazardous Waste Regulation Amendments
525 Superior Street, 3rd Floor
PO Box 9341 Stn Prov Govt
Victoria, BC V8W 9M1

All submissions will be treated confidentially by ministry staff and contractors when preparing consultation reports. Please note, however, that comments you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

APPENDIX 1- PROPOSED REQUIREMENTS FOR TIER 1 WASTES

This appendix outlines *proposed* requirements for RCFs and consolidation sites that handle Tier 1 wastes. Table 2 summarizes the requirements that are proposed to apply to each type of facility.

The proposed requirements outlined in this appendix would not apply to collection facilities that collect Tier 2 or Tier 3 as these are proposed to be conditionally exempt from the HWR.

Table 2: Summary of Proposed Requirements for specific facilities.

Type of Facility	Requirements listed below
Return to Retail RCF	Items 1-28
One-Day Collection Event RCF	Items 1-25 & 33-36
All other RCFs ¹ * Large Generators that also operate RCFs would likely fall under this category and would need to comply with these requirements.	Items 1-25 & 29-32
Consolidation Sites that are not RCFs	Items 2-11, 13-15, 18-24, 31, 32, & Section 8 of HWR (for access security and signage)
Additional requirements for RCFs that collect lead-acid batteries (not manufacturers/suppliers or “producers” of lead-acid batteries under RR)	Items 37-40
Additional requirements for manufacturers / suppliers of lead-acid batteries (or “producers” of lead-acid batteries under the RR) *A manufacturer /supplier would be considered return to retail RCF if retail sales occur on site and if used lead-acid batteries are accepted back from consumers. In this case, the requirements that would apply would be Return to Retail RCF and the additional requirements in items 46-49.	Items 37-44

The wording below is intended only to capture policy intent and to reflect proposed requirements for the purpose of obtaining feedback from interested parties.

Items highlighted in grey correspond to existing requirements under the HWR.

COMMON REQUIREMENTS FOR ALL RCFs ACCEPTING TIER 1 WASTES

1. Only passive storage¹⁰ and pouring from one means of containment to another will be allowed
2. A Director will have the authority to require compliance with additional parts of the HWR, including the requirements to develop and obtain Ministry approval of plans (as per HWR in 39.1(2))
3. Waste must be handled in a manner that prevents a spill or release to the environment and must always be kept contained

¹⁰ Passive storage is defined in the HWR as storage of hazardous waste in a facility where the only activity that takes place is placement, retrieval or inspection of the hazardous waste. Pouring from one means of containment to another is not passive storage.

4. All means of containment¹¹ including tanks and containers must:
 - a. Be maintained in good condition with no apparent structural defects
 - b. Have no signs of visible leakage
 - c. Be compatible with the wastes stored
 - d. Have legible labels and markings (i.e., Transport of Dangerous Goods Regulation labelling requirements where applicable)
5. All tanks and containers must remain closed, unless being actively filled
6. Waste must be handled in a manner that:
 - a. Prevents exposure of hazardous substances to the public
 - b. Results in their delivery to an authorized facility
7. All waste must be stored and handled in a manner that protects the waste from weather and physical damage
8. Waste must be stored on an impermeable surface or in an impermeable, leak proof secondary container
9. A Spill kit¹² capable of dealing with spills of all types of wastes collected and stored at the site must be on site and available at all times
10. Incompatible wastes must not come into contact with each other
11. RCF facilities must be equipped with an access security system to prevent unauthorized access by persons or by animals, except for one-day collection events or RCFs, operating under an approved EPR plan and storing:
 - a. lead-acid batteries in quantities not exceeding 150 kg at any one time
 - b. waste oil or antifreeze in quantities not exceeding 5000 L at any one time, if the RCF is operated by a local government and the facilities' containers are secure (e.g., locked)
12. An RCF must service households (i.e., it can't solely service the institutional and commercial sector)
13. An RCF must not discharge, into the environment, a storm sewer or a municipal or industrial effluent treatment works, effluent produced by the handling of moderate risk wastes at RCFs unless the discharge meets the effluent standards prescribed in Schedule 1.2 of the HWR.
14. An RCF must not deposit or discharge or allow or cause hazardous waste to be deposited or discharged into any system of waste disposal unless the deposition or discharge is expressly authorized by a permit, approval, order, regulation or a waste management plan approved by the Minister.
15. An RCF that stores ignitable or reactive waste must take precautions to prevent reactions which may do any of the following:
 - a. generate extreme heat or pressure, fire or explosions;
 - b. produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health or the environment;
 - c. produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosion;
 - d. damage the structural integrity of the facility.
16. Only "like" wastes (e.g., same product categories within the RR, compatible, etc.) can be poured into a single means of containment
17. Liquid waste transfer or pouring from one means of containment to another must be done over an impermeable surface
18. If liquid wastes are stored in a container that does not serve as a secondary means of containment, the RCF's storage area must be located within an impervious spill containment system sufficient to hold 110% of the largest volume of liquid moderate risk waste in any given container or tank
19. The RCF must ensure that:
 - each person employed at the return collection facility is adequately trained in the handling of each moderate risk wastes accepted at the return collection facility, and handled by that person
 - at least one person employed at the RCF is adequately trained in the handling of all moderate risk wastes accepted at the return collection facility.

¹¹ Containment includes pallets and shrink wrap for lead-acid batteries.

¹² Powdered neutralizer put proactively at the bottom of a battery box is intended to fulfill this requirement

20. The RCF must keep up to date records, available for inspection by an officer, with the following information:
- a description of each moderate risk waste including the name and, if applicable, the product identification number, classification and packing group number as described in the federal dangerous goods regulations;
 - a statement whether the moderate risk waste is a solid, liquid or gas or a combination of two or more of these states;
 - If applicable, a record, updated at least weekly, of the quantity, in kilograms or litres, of the total capacity of in-use containers on site¹³

The records required above must be kept for a minimum of two years after the moderate risk waste has been removed from the RCF and be made available for inspection by an officer.

21. The RCF must ensure that there is adequate clearance between containers stored at the facility to permit a visual inspection of the containers for leaks and spills.

Note: The Ministry intends to clarify that this requirement does not apply to primary product containers (e.g., paint cans) if they are within a secondary means of containment (such as within a tub skid, drum or labpack).

22. An RCF will be required to make a weekly inspection of the RCF for any irregularities including, without limitation, malfunctions, container damage, leaks and spills that may lead to the escape of the moderate risk waste from the RCF or that may pose a threat to human health or the environment;

23. An RCF will be required to maintain, for inspection by an officer, a record of inspections conducted including:

- any irregularities at the RCF and the date the irregularities were discovered, and
- the corrective action taken and the date the action was taken.

24. An RCF will be required to:

- prepare and maintain a current contingency plan that documents procedures to be followed during emergencies
- train all employees at the RCF on the contingency plan, and
- test the contingency plan if directed by a director, in writing, to conduct such a test

Note: the ministry is proposing that items 23, 25, 26 do not apply to the collection and storage of lead-acid batteries in quantities not exceeding 150 kg at any time if the batteries are managed under an approved EPR plan.

In addition, the following Sections of the HWR are proposed to continue to apply: Section 36- 39, Section 50 (outlining requirements for containers for transport) and 45.1 (1) & (2) (outlining requirements for labelling).

25. RCFs will be able to accept wastes that were first received at other RCFs for the purposes of consolidation.

Additional Requirements for Return to Retail RCFs

In addition to items 1 through 27 above:

26. The maximum amount that can be stored at any one time is 5,000 kg or 5,000 L
27. Only wastes that correspond to products being sold at a return to retail RCF can be accepted. Otherwise, the facility would be required to follow requirements under section titled “Additional Requirements for Other Permanent RCFs for Tier 1 Only”.
28. Registration as an RCF will be required 30 days prior to beginning operation (as per Section 42.3 in HWR)

Additional Requirements for Other Permanent RCFs (i.e., not one-day collection events and not return to retail)

29. The maximum amount that can be stored at an RCF, at any one time is 25 000 kg or 25 000 L
30. The RCF must have a sign at each entrance to the return collection facility which identifies it as a return collection facility and specifies
 - the hours of operation of the return collection facility,

¹³ The current HWR requires a detailed inventory (quantities) that is stored on-site which isn't always practical for RCFs. Therefore, to meet desired intent for record keeping, the ministry is proposing that only the total capacity of in-use containers needs to be recorded which can help demonstrate that the facility is not exceeding the storage limits (25 000 kg or L at any one time).

- the categories of moderate risk wastes, as described in Schedule 6, accepted at the return collection facility and, if applicable, any appropriate safety warnings,
 - the name and telephone number of the owner of the return collection facility,
 - a 24-hour emergency contact number, and
 - a prohibition against the depositing of materials outside the RCF
31. The RCF must register as an RCF 30 days prior to beginning operation (as per Section 42.3 in HWR)
32. The RCF must
- notify a director at least 90 days in advance of an impending closure of the RCF
 - prepare a written closure plan and submit to a director 60 days prior to closure, and
 - complete the closure of the RCF in accordance with the approved closure plan

Additional Requirements for One-Day Collection Events

33. The event must be run by local governments, producers or EPR agencies or either one of their agents.
34. Wastes collected must not be stored for more than 48 hours.
35. The event must have signs that specify
- the hours of operation of the return collection facility,
 - the categories of moderate risk wastes, as described in Schedule 6, accepted and, if applicable, any appropriate safety warnings,
 - If wastes are stored overnight:
 - the name and telephone number of the owner of the return collection facility
 - a 24-hour emergency contact number, and
 - a prohibition against the depositing of materials outside the return collection facility
36. All waste generated by households will be allowed to be accepted at one-day collection events

ADDITIONAL REQUIREMENTS FOR LEAD-ACID BATTERIES

The proposed requirements are in addition to the requirements outlined in items 1-38 above and would apply regardless to a one-day collection event, return to retail, or other permanent RCF.

It is proposed that all RCFs that collect or handle lead-acid batteries at end of life comply with the following:

37. Leaking batteries must be stored and shipped in a leak-proof means of containment
38. A written protocol¹⁴ to safely handle leaking or damaged batteries must be developed and implemented at each site
39. If stored upright in stacks, batteries cannot be stacked more than five batteries high
40. Batteries must be stored, stacked or otherwise handled in such a manner that terminals cannot contact one another in order to prevent a short circuit or damage to the battery case

It is proposed that facilities that operate as an RCF and refurbish used lead-acid batteries, such as facilities operated by manufacturers or suppliers of lead-acid batteries (“producers” under the RR) comply with the following requirements (in addition to the requirements directly above):

41. Batteries that can no longer be reused as a battery, must be managed as HW and must be sent to a management facility authorized under the HWR or, if exported from B.C., to a facility authorized by that jurisdiction
42. Batteries that have been tested must be segregated and labelled as waste or suitable for reuse/refurbishing.

¹⁴ Wherever protocols are referenced anywhere in this document (including for lead-acid batteries), the Director will have the ability to inspect and review plans and request changes to address concerns related to human health or the environment. EPR programs could develop protocols, which could then be adopted by RCFs. Existing guidelines already provided by EPR program could be leveraged.

43. The RCF must be operated by a producer under an approved EPR plan. Otherwise the site would need to be a registered site under the HWR.
44. The only activity other than passive storage that is authorized is testing/recharging and refurbishing of lead-acid batteries

CONSOLIDATION SITES

The ministry is proposing that in-transit consolidation sites, that are not RCFs, be subject to very similar requirements as RCFs, if operated by a local government or operated under an approved EPR plan.

Consolidation sites that temporarily store Tier 1 wastes while in transit to the first downstream hazardous waste management facility would be subject to the following requirements:

- Items 2-11, 13-15, 18-24, 31-33, & Section 8 of HWR
- Only passive storage will be allowed and pouring from one means of containment to another will be prohibited (as such, items 1 & 19 are not applicable).
- Section 8 of the HWR for signage and access security