

Summary of Amendments to the Hazardous Waste Regulation – Fall 2006

A number of amendments to the Hazardous Waste Regulation (HWR) under the *Environmental Management Act* were proposed last spring to correct errors and omissions, and to clarify minor policy issues that have arisen since the HWR was last amended in 2004. Notification of these proposed amendments was posted on the ministry's web site in May 2006.

Amendments to the HWR were recently approved by Cabinet; a more detailed summary of the key changes is presented below. A copy of the actual amendment package (OIC 671; September 21, 2006) is available at the following web site:

http://www.env.gov.bc.ca/epdiv/env_mgt_act/ema_reg_amend.html

Copies of the consolidated Hazardous Waste Regulation, including these most recent amendments, are available from Crown Publications (see web site below)

<http://www.crownpub.bc.ca/>

PART 1 – INTERPRETATION AND APPLICATION

• Section 1: Interpretation

- Amendments to the definition of hazardous waste are made to address changes to referenced federal dangerous goods classifications and ensure that the same substances continue to be captured under the regulation (e.g.: corrosive wastes with pH less than 2.0 or greater than 12.5).
- Wood ash, and pulp mill dregs and grit are exempted from the definition of “hazardous waste” if they are hazardous waste only because they are classified as corrosive (i.e.: as Class 8 under the federal dangerous goods regulations).
- The federal dangerous goods regulations pH criterion for Class 8 (corrosive wastes) would capture alkaline wastes with a pH greater than or equal to 11.5. This is inconsistent with the historical B.C. pH criterion of 12.5 for alkaline wastes. Accordingly, wastes with pH greater than or equal to 11.5 and less than or equal to 12.5 and that are hazardous waste only because they are classified as corrosive (i.e.: as Class 8 under the federal dangerous goods regulations) are exempted from the definition of “hazardous waste”.
- The definition of “household hazardous waste” is clarified by making reference to products under the Recycling Regulation and by clarifying that the waste must be the result of a personal or domestic use.
- The definition of “waste asbestos” is amended to replace an obsolete test method (WCB) with current methods (EPA and NIOSH), as specified in the revised Section 40(1) of the regulation.
- Requirements in relation to various kinds of hazardous waste are clarified by redrafting and removing references to “types” of waste, which mean different things in different sections of the regulation.

PART 3 – OPERATIONAL REQUIREMENTS FOR ALL HAZARDOUS WASTE FACILITIES

- **Section 4: Plans**
 - Amendments in July 2004 imposed new obligations on facilities to obtain approval of operational plans. However, it was determined post-implementation that this obligation could not be applied to existing facilities immediately. The regulation has been amended to address that issue, and now requires that all existing facilities obtain approval of operational plans by January 31, 2007.
 - In addition, the wording of the July 2004 amendments required all facilities to obtain approval of operational plans and plans and specifications for new or modified works. Facilities that produce hazardous waste as a by-product of operations and who then passively store the waste until it is transported elsewhere for management were inadvertently captured under this section with changes made to the regulation in 2004. Consistent with original policy intent, the requirement is removed while still enabling the director to require plans and specifications from any facility where warranted (see also s. 16 discussion below).
 - It is also clarified that the plans and specifications required for new or modified works include plans and specifications for spill containment systems.

PART 4 – ADDITIONAL REQUIREMENTS

Divisions 1 and 2: Recycle Facilities and Short Term Storage Facilities (respectively)

- **Sections 15 and 16: Operational Requirements**
 - The use of equally effective containment systems for liquid hazardous waste is authorized in place of dripless hose connections.

Division 7: Waste Piles, Surface Impoundments and Land Treatment Facilities

- **Section 32: Performance Standards for Land Treatment**
 - The owner of a contaminated soil treatment facility may leave treated soil on-site with the approval of the director (s. 32.7). Previously, the owner was required to undertake a comprehensive application process (s. 51).

PART 6 – MANAGEMENT OF SPECIFIC HAZARDOUS WASTES

- **Section 41: Waste Oil**
 - A person using waste oil as fuel will be required to keep a written record demonstrating that the oil meets the specifications for its use (s. 41(5)).
- **Section 41.1: Hydrocarbon Contaminated Soil**
 - If approved by the director, and subject to the use of methods of aeration acceptable to the director, contaminated soil may be treated or stored in heights of more than 0.3 m, the previous maximum height limit (s. 41.1(2)(c)).
 - In a new sub-section, “total oil” is clarified in the context of a prescribed method of analysis (s. 41.1 (2.1))

PART 7 – ADMINISTRATIVE REQUIREMENTS

- **Section 43: Registration of hazardous waste**
 - A new section 43 clarifies registration requirements for those who generate, store, treat, recycle or dispose of hazardous waste, including a new and clearer registration form.
- **Section 46: Manifest requirements**
 - The latest federal “movement document”, as it changes over time, is designated as the provincial manifest (s. 46(3)(b); Schedule 8 (the former manifest document) is repealed).
- **Section 49: Analytical methods**
 - A new section 49 authorizes a person to use a sampling method set out in the ministry’s “BC Environmental Laboratory Manual” if the method is not otherwise established in the regulation. The director’s authority to alter those methods under specific circumstances and to approve new methods is continued.

PART 8 – CONTAINERS FOR HAZARDOUS WASTE

- **Section 50: Storage and transportation**
 - A person who stores hazardous waste will be required to clearly label that hazardous waste with its shipping name (S. 50(3)(c)).

SCHEDULE 6: TABLE 1 – REGISTRATION QUANTITIES

- Table 1 of Schedule 6 is amended to rectify previous errors/omissions in “registration quantities” (Column II) resulting from the last amendments to the HWR in July 2004. For example, the registration quantities for PCB waste (5 kg or L) and biomedical waste (100 kg or L) are introduced.

SCHEDULE 8

- Schedule 8, which specified the manifest to be used, is repealed