

Hazardous Waste Regulation

Changes affecting Holders of Hazardous Waste Storage Permits

There have been recent changes to legislation and regulations related to managing hazardous waste in British Columbia. The *Environmental Management Act* was enacted October 23, 2003 replacing the *Waste Management Act*, and the Special Waste Regulation was amended to the Hazardous Waste Regulation on July 7, 2004. The regulation can be accessed through the following website:

http://www.qp.gov.bc.ca/statreg/reg/E/EnvMgmt/EnvMgmt63_88/63_88.htm

As a result of these changes, permits are no longer required for the storage of hazardous waste, although existing permits will continue in effect during the transition period unless cancelled sooner by the Director. The transition period ends July 7th, 2006. One notable change from the Special Waste Regulation is the requirement for an approved operational plan as part of Section 4.

The regulation states the following:

4 (1) Before beginning the construction or installation of a hazardous waste facility, the owner shall obtain approval of any of the following that apply:

- (a) plans and specifications of new works;*
- (b) plans for the modification of existing works;*
- (c) a new operational plan;*
- (d) a modified operational plan.*

(2) An operational plan under subsection (1) (c) shall specify all of the following:

- (a) the type and the maximum amount of hazardous waste that will be stored, treated, recycled or disposed of at the facility;*
- (b) details of the monitoring that will be carried out, including its content and frequency;*
- (c) details of the reporting that will be provided to a director, including its content and frequency;*
- (d) details of auditing activities.*

(3) An owner who obtains the approval required under subsection (1) shall carry out the construction, installation and operation of the hazardous waste facility in accordance with the approved plans.

Changes affecting Holders of Special Waste Storage Permits

The Hazardous Waste Regulation requires hazardous waste to be managed according to the regulation, even though a permit is not required. Plans and specifications and operational plans are required to be **submitted for approval** under Section 4 of the regulation.

In addition to Section 4 plans, other plans **required for approval** under the regulation are:

- Spill containment system plans (s. 10),
- Contingency plan (s. 11), and
- Closure plan (s. 14)

Except for the operational plan, the other plans should be prepared by a qualified professional licensed to practice in British Columbia, and the qualified professional should certify that each of the plans fully complies with the Hazardous Waste Regulation. If the Section 4 plans and specifications and Section 10, 11 and 14 plans have already been approved for your facility, it would be a good idea to review them to ensure they are still adequate for your facility. If you are proposing changes to the quantity or type of waste, these plans will likely need to be updated and approved.

Please also note that Section 17 of the Hazardous Waste Regulation contains a provision for the owner of a short-term storage facility to provide **financial security** at the discretion of the Director. This provision will be assessed by the director for your facility. Financial security could be imposed which reflects the cost of disposing of the stored hazardous waste plus the cost of assessment to ensure no residual waste remains at the site. If security was imposed under your permit, it will likely continue under Section 17 of the regulation but the amount and documentation may require changes.

When an acceptable Section 4 operational plan is received, the Director will determine if security is required and the amount. When the security is posted, the Director will approve your Section 4 operational plan and cancel your permit. Proposed changes of the type and maximum amount of hazardous waste authorized for storage in your permit will require reassessment of the amount of security before approval of Section 4 operational plan will be granted.

Please note that much of the information required in the operational plans can be obtained directly from your permit. Information that may not be in your permit, but should be included in the Section 4 operational plan, would be information about treatment, including approved protocols under Section 53 and approved demonstration trials. It would also be useful to have the Section 4 plan outline any approved Section 51 changes in requirements to the regulation that apply to the facility. There is also an opportunity to make changes to the requirements in your permit, and it is suggested that any changes be discussed with the ministry beforehand.

If you consider that your permit adequately reflects the operation at your hazardous waste facility and includes monitoring, reporting and auditing, you may request that the permit be accepted as a draft operational plan under Section 4 of the regulation.