

DECOUPLING THE HWR & THE CSR

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BACKGROUND

- ***Environmental Management Act (EMA) and the Hazardous Waste Regulation (HWR)***
 - **cradle to grave management framework for hazardous waste, including highly contaminated environmental media (HCM)**
 - **historical hazardous waste contaminated sites and in situ management facilities**
- ***Environmental Management Act (EMA) and the Contaminated Sites Regulation (HWR)***
 - **comprehensive remediation framework for all contaminated sites**
 - **regulatory checks & balances for on-site management of all levels of contaminated media**

KEY EMA & HWR PROVISIONS RELATING TO CONTAMINATED SITES

Definitions

EMA:

- 'works'

HWR:

- 'hazardous waste' and 'facility'
- 'historical hazardous waste contaminated site' (pre 1988)
- 'in situ management facility'

Limited Exemptions in HWR

- Section 2(8) – mine tailings and waste rock
- Section 2 (11) & (12) – historical haz waste contaminated sites

Siting (Part 2)

- Section 3: Siting standards

KEY HW REGULATORY PROVISIONS

Part 3

Operational Requirements

All Facilities

- Plans, waste information and records
- Weather protection
- Access security
- Prevention (fire, explosion, accidental reactions)
- Spill protection
- Emergency systems testing
- Training
- Closure

Part 4

Additional Requirements

- Div. 2: Storage Facilities
- Div. 3: Treatment Facilities
- Div. 4: Incinerators and Thermal Facilities
- Div. 5: Mobile Facilities
- Div. 6: Secure Landfills
- Div. 7: Waste Piles/Surface Impoundments/Land Treatment

KEY HWR REGULATORY PROVISIONS (CONT'D)

Special Provisions for Specific Waste Types (Part 6)

- Section 41.1 – Hydrocarbon contaminated soil

Registration

- Section 43(1): Generator Registration (hazardous wastes)
- Section 43(2): Registered Site (management facility)

“Change in requirements” under Section 51

CHALLENGE OF HWR-CSR OVERLAPS

GENERAL

- **Poor Fit: Provisions of the HWR vs. CSR**
- **Off-site management of HCM not always practical**
- **HW Stigma – contrary to principles of remediation**

- **For Clients:**
 - **Cumbersome, inconsistent & costly**

- **For Ministry staff:**
 - **Compliance with both the CSR and HWR (duplication of effort)**

CHALLENGE OF HWR-CSR OVERLAPS

DETAILS

- **Confusion re: HCM vis-à-vis 'hazardous waste'**
- **Siting issues for contaminated sites - post-April 1, 1988**
- **Lack of appropriate testing of soils to identify hazardous waste**
- **Lack of alignment re timing of approvals**
- **Confusion around whether, how and what 'facility' applies?**
- **For in-situ facilities, lack of clarity around pre-approval requirements under S. 2(11)(c)**

OBJECTIVES OF DECOUPLING

- **HCM managed on the site of origin under the requirements of the CSR are not hazardous wastes**
- **To establish the CSR as the principal regulatory framework for managing HCM on a contaminated site of origin**
- **Streamlining regulatory requirements – red tape reduction**
- **To clarify the requirements that apply to the existence and management of HCM at a contaminated site**
- **To bring the HWR in line with its original intent**
- **To remove the ‘hazardous waste’ label from HCM appropriately managed on-site**

SPECIFICS OF THE AMENDMENTS

-HWR-

1. Amend Section 1 Interpretation

- Add new def'ns of 'on site media', 'contaminated site', 'contamination' and 'ex situ'
- Amend existing definitions of 'facility' and 'hazardous waste'
- Delete def'n of and references to 'historical hazardous waste contaminated site'
- Delete def'n of and references to 'in situ management facility'

2. Delete Sections 2(11) & 2(12)

3. Amend Section 41.1(1)(a) and (b)

- Apply only to soil treated/stored off the contaminated site of origin

SPECIFICS OF THE AMENDMENTS

-HWR-

'on site media':

means contaminated soil, sediment, surface water or groundwater that would be hazardous waste only because it meets any of the criteria described in paragraphs (a) to (i) of the definition of "hazardous waste", but which remains at the contaminated site where the contaminated soil, sediment, surface water or groundwater originated

SPECIFICS OF THE AMENDMENTS

-HWR-

S. 1 (3) On site media is not hazardous waste under paragraph (i.2) of the definition of "hazardous waste" if the on site media is stored ex situ for one of the following purposes:

(a) transport from the contaminated site within 60 days, or a different period approved by the director, from the date when the on site media was physically removed or excavated from where it originated;

(b) remediation activities that involve the handling, management or treatment of contamination in accordance with the Contaminated Sites Regulation, B.C. Reg. 375/96;

(c) another approved purpose.

IMPLICATIONS OF THE AMENDMENTS

-HWR-

- **HCM managed on a contaminated site of origin is not 'hazardous waste'**
- **No need for provisions addressing 'historical hazardous waste contaminated site' and 'in situ management facility'**
- **HCM removed from the contaminated site of origin is 'hazardous waste' and subject to provisions of the HWR**
- **HCM does not include any waste resulting from the management of HCM on the contaminated site of origin**
- **Hazardous materials/wastes that are not 'media' continue to be managed as waste under EMA & the HWR**

SPECIFICS OF THE AMENDMENTS

-CSR-

1. **Repeal section 41(3)(e)**
 - **Remove exemption from EMA S. 55(1) for contaminated soil relocation to haz waste facility**
2. **Amend section 47 (7)**
 - **Remove exception re application of PNR**
3. **Amend section 58(1), 58(5), 59(2) and 59(3)**
 - **Remove references to “... standards in the HWR”**

SPECIFICS OF THE AMENDMENTS

-EMA-

Re: Bill 13 - 2004:

- Bring into force section 3(b) of Bill 13 -2004, the *Environmental Management Amendment Act, 2004*, to introduce definitions of 'contaminated site' and 'contamination' that do not include a reference to 'hazardous waste'.

IMPLEMENTATION EXAMPLE 1

MANAGING LEAD WASTE AT A SHOOTING RANGE

- Assessment as HW depends on extent to which lead pellets considered 'media'
- Screening (2mm) could be used to remove waste (i.e. spent shot/slugs)
- Characterize and manage pellets according to HWR
- Characterize screened soil according to CSR and manage as 'on site media'
- If soil is not screened, both HWR and CSR will apply to site

IMPLEMENTATION EXAMPLE 2

MANAGING HYDROCARBON CONTAMINATED SOIL

- Old mine site - pockets of HC soil scattered across site
- Soil previously been characterized under HWR and CSR – some HW levels
- All contaminated soil can now be managed under CSR
- Soil consolidated and stored using storage provisions in HWR for ex situ contaminated media (new provisions)
- On site treatment following CSR Protocol 15
- Soil being remediated to CSR Urban Park land use standards and re-deposited on site

IMPLEMENTATION EXAMPLE 3

MANAGING ASBESTOS WASTE AT AN INDUSTRIAL SITE

- Industrial site – building products manufacture
- Working towards risk-based CoC under CSR
- Layers of roofing shingles mixed with soil – not ‘on site media’
- Leave material in situ – manage as a secure landfill
- Requires a HWR S. 51 change in requirements as facility is non-conforming
- PVP will set requirements for environmental protection
- CoC for other contaminants – after HWR requirements met

IMPLEMENTATION EXAMPLE 4

TREATING ON SITE MEDIA AT AN INDUSTRIAL SITE

- Industrial site – soil contaminated with leachable metals
- Treating the subject soil to non-hazardous levels using a S/S process
- Managing treated soil at an off-site permitted landfill
- Any discharges to the environment resulting from the on-site treatment the soil will require a separate authorization under the *Environmental Management Act* (EMA)
- Requirements of Protocol 3: Blending, Mixing or Dilution as a Remediation Approach also apply
- Additional details re the treatment process can be requested to ensure that the remediation strategy is in compliance with the regulations pursuant to the EMA section 54(3)(a)

Thank you!

Questions?