

Hazardous Waste Regulation Intentions Paper

Summary of Feedback Report

Final Report

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Hazardous Waste Regulation Intentions Paper – Summary of Feedback

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Abbreviations

EPR	Extended Producer Responsibility
HWR	Hazardous Waste Regulation
IP	Intentions paper
LT	License to Transport
RCFs	Return collection facilities
RR	Recycling Regulation
TDG	Transportation of Dangerous Goods

Introduction

In the summer of 2021, the British Columbia (B.C.) Ministry of Environment and Climate Change Strategy (the ministry) published a [Hazardous Waste Regulation Intentions Paper](#) to engage with key partners, stakeholders and the public on proposed 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”.

Changes to the HWR are needed to better support the collection, diversion and recycling of moderate risk wastes that are stewarded by Extended Producer Responsibility (EPR) programs in B.C. The requirements for transporters and return collection facilities (RCFs)¹ that receive and store moderate risk wastes have not been updated since first established in 1995 and are being updated to better reflect practices of today.

There is an opportunity to amend the HWR to allow for more efficient collection and diversion of moderate risk wastes by creating new standards that are more practical and financially viable, while still ensuring the requirements are protective of human health and the environment (see Section 4.4 of the Intentions Paper).

The ministry previously explored policy options to modernize the HWR requirements for moderate risk wastes in 2008. The policy proposals in the Intentions Paper (IP) released in 2021 build upon this previous policy development and intend to address the feedback highlighted by local governments and EPR agencies.

The scope of the proposed regulatory changes is limited to:

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

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

Purpose of This Report

The purpose of this report is to summarize and publicly report the input received in response to the questions posed in the Intentions Paper. Summaries of input received do not represent the viewpoint of the ministry or the author (Pinna Sustainability Inc.), rather the report aims to represent the breadth and depth of input as submitted by respondents.

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.

Process Overview and Summary of Respondents

Background to the Intentions Paper and Consultation Process

The HWR IP was published online on June 10th with feedback solicited until July 30th, 2021. Comments on the information and proposals outlined in the IP were submitted by completing the Intentions Paper Response Form (fillable PDF), or through written response letters to the IP. The Response Form included 22 questions on specific proposals listed in the IP, categorized by relevant topic headings. The Response Form also requested optional contact information, including identification by means of self-selected role(s), if the respondent wished to receive updates on this matter. All comments were emailed to moderateriskwastes@gov.bc.ca.

Summary of Response Formats and Respondent Background

In total, the ministry received 19 submissions from a variety of individuals, stakeholders, and key partners, of which, 16 responded by completing the Response Form and three submitted written response letters. Where submissions were received from the same organization, they were combined in the tables below to count as one submission.

Respondents that completed the response form self-identified by selecting from a list of ten options under the “Background (please check all that apply)” question in the Contact Information section. In response, respondents self-identified by the following roles (note that respondents were allowed to select multiple options):

- 7 Local governments
- 1 Other public sector organization
- 3 Operators of an RCF
- 1 Hazardous Waste Management Facility
- 2 Retailers or Producers under the Recycling Regulation
- 2 First Nation
- 1 Interested individual with no affiliations
- 5 Others

Analysis Approach and Format of this Report

The input summarized in this report is organized in the same manner as the headings and the questions listed in the response form. For ease of review, comments that pertained to more than one question or a different question were moved and analyzed under the applicable subject heading. Comments from responses received in letter format that were not organized using Response Form format were reviewed and incorporated into the applicable topic areas. Comments related directly to the EPR were not addressed in this report; however, they were forwarded to the ministry's EPR division.

Quotes from respondents are in "quotation marks". Note that respondent quotes have not been edited and may include grammar or spelling errors.

Summary of Input Received and the Ministry's Responses

This section contains a summary of the responses received during the consultation period, organized using the same section headings and questions as presented in the IP. The headings are as follows:

- Regulating Wastes Based on Tiers (IP 5.1)
- Proposed Requirements for Return Collection Facilities (IP 5.2)
- Special Considerations for Lead-Acid Batteries (IP 5.3)
- License to Transport (IP 5.4)
- Manifests (IP 5.5)
- Generators of Tier 1 Wastes Operating as Return Collection Facilities (IP 5.6)
- Electronic Wastes (IP 5.7)
- Special Considerations for Refrigerants (IP 5.8)
- Tier 3 Wastes – Pharmaceuticals (IP 5.9)
- Institutional and Commercial Waste (IP 5.10)
- PCB Ballasts (IP 5.11)
- Mercury-Containing Light Bulbs (IP 5.12)
- Facilities That are Currently Registered Sites (IP 5.15)
- General Questions

Summary of Observed Overall Trends in Responses

Respondents generally agreed with the intent of the IP and welcomed changes to the current HWR; however, there was varied feedback on the details for some of the proposed amendments. In most topic areas, such as special considerations for lead-acid batteries (IP 5.3), special considerations for refrigerants (IP 5.8), and Tier 3 wastes – pharmaceuticals (IP 5.9), respondents expressed their overall support for associated proposed changes to the HWR identified in the IP. Some topics received mixed responses to the proposed changes, such as license to transport (IP 5.4), manifests (IP 5.5), and institutional and commercial waste (IP 5.10).

Other observed overarching trends include:

- Desire for simple and clear rules that are easy to understand for operators of RCFs.
- Recognition that several barriers will be reduced (e.g., simplified registration for Registered Sites), but concerns that some changes may result in additional administrative burden or costs (e.g., Director approval for RCFs).
- Suggestions to align and harmonize the HWR with other related provincial and federal regulations (e.g., Transportation of dangerous goods regulations, BC Fire Code, and WorkSafeBC).
- Indication of insufficient on-site staff training at RCFs for the safe collection and handling of HHW.
- Differences in focus between local governments in more urban areas (seeking alignment with other regulations and highlighting health, safety and environmental risks of concern) compared to smaller more rural areas (highlighting importance of reducing barriers to increase collection and diversion).

Regulating Wastes Based on Tiers (IP 5.1)

Q1: Do you have any feedback on the general approach of regulating moderate risk waste based on Tiers? [11 responses]

Almost all respondents were supportive of the proposed general approach of regulating moderate risk waste based on tiers with additional comments and suggestions given. Two respondents stated concern that the proposed three-tier system adds complexity.

General support:

- One respondent stated that the proposed changes “reflect health and environmental risks and clarify requirements for waste management.”
- One respondent commented that the proposed changes contribute to making requirements achievable and reducing barriers for increased collection and diversion.

Do not support:

- One respondent indicated that the proposed tier system adds unnecessary complexity. Two respondents voiced that there may not be a need to separate Tiers 2 and 3 as they are identical in their exemption from the HWR via EPR.

Comments and suggestions:

- Two respondents suggested that clear standards indicating what constitutes all the tiers needs to be developed. Another respondent also stated that “...clear language education needs to be provided proactively to sites and collection event hosts.”
- One respondent indicated that the proposed Tier 2 conditional exemption from the HWR pose risks to human health and the environment and the ministry should reconsider exempting “e-waste” from Part 6 of the HWR.
- One respondent recommended that “the tier system is set up where it is easy to add new items as new product categories are added under the Recycling Regulation.”
- One respondent stated that though the proposed tier system is a good idea, it cannot ensure proper collection of all moderate risk wastes, especially at one-day collection events in remote communities.

The ministry response to Q1

The ministry intends to proceed with regulating moderate risk waste based on tiers, and to provide clear definitions in the revised regulation on which wastes are regulated by each of the proposed tiers. The ministry also intends to provide guidance materials to help implement the revised regulation, and support the education of partners and stakeholders.

The proposed requirements for “e-wastes” (Tier 2) are intended to better address the risks they pose to the environment and human health by supporting increased diversion and recycling of these wastes.

Q2: Do you have any comments on the specific types of waste listed under each Tier and how they are proposed to be regulated? Should any wastes be added or removed from the Tiers (Table 1)? [14 responses]

Two respondents expressed general support for the specific types of waste listed under each tier and how they are proposed to be regulated. Most respondents offered comments and suggestions to this question with additional clarification requested in some responses.

Comments and suggestions:

- Some respondents recommended to include additional wastes in the tiers. Suggested wastes include:
 - Bear spray, mace, road/marine flares and automotive paint.
 - Pressure vessels for other gases such as oxygen, acetylene, and nitrogen.
 - Crushed lamps to Tier 1.
 - Pool chemicals, expired household cleaners.
- Several respondents stated that “unknown” and “not labeled” items should be included in the tiers. One respondent specified that “Orphaned/worn-out labels of compressed gas cylinders must also be included in Tier 1.”
- A number of respondents suggested tier changes for certain types of wastes. These include:
 - Change Lithium-ion batteries (LiON), Nickel Metal Hydride (NiMH) from households and hybrid and electric vehicles to Tier 1.
 - Change mercury containing light bulbs to Tier 1.
 - Change sealed non-spillable lead-acid batteries to Tier 2.
 - Change lead-acid batteries to Tier 2.
- One respondent suggested that “An explicit and comprehensive list of batteries should be provided and consulted on to ensure future compliance with the amended regulation.”
- Two respondents proposed that Tier 1 should incorporate Transportation of Dangerous Goods (TDG) Regulation classifications and “for items that are not considered Dangerous Goods, the original purpose of the material should be used to identify them.”
- One respondent believed that Tier 1 should be simplified to include all household hazardous waste placed under the Recycling Regulation and this would support materials that may be captured through future EPR programs.

Clarify:

- Whether all forms of pesticide and herbicides will be included in Tier 1.
- Which tier lead-acid batteries belong to, as Tier 2 includes anything containing hazardous components such as mercury and lead, and if lead-acid batteries include valve regulated lead-acid batteries.
- Whether Tier 2 will include batteries from hybrid and electric vehicles.

The ministry response to Q2

Based on feedback and to better align with the policy intent (i.e., better facilitate the collection and diversion of moderate risk wastes), the ministry intends to explore adding animal deterrents containing capsaicin, aerosols and household cleaners to Tier 1. The ministry is also reviewing the sizes of portable fire extinguishers and pressurized refillable propane cylinders that are to be included in Tier 1.

The other suggested additions to Tier 1 are outside of the scope of the policy intent, since they are either federally regulated, not considered household wastes, or very challenging to handle properly to address hazards.

For clarification, with the exception of wet-cell lead-acid batteries, the ministry intends to include smaller standalone batteries (including sealed lead-acid batteries) (≤ 5 kg) in Tier 2 but will not be including larger batteries (e.g., EV batteries) in the Tiers.

Proposed Requirements for Return Collection Facilities (IP 5.2)

Q3: Do you have any comments regarding the proposal that an RCF would need Director approval to collect hazardous waste that is not listed in Table 1? [11 responses]

Responses to this question were mixed and included statements of support and non-support, in addition to requests to clarify whether the proposed requirement will create an additional administrative burden on the RCFs.

General support:

- Of those who expressed general support to the proposed changes, one respondent stated that “This is appropriate given the risk associated with those hazardous wastes not classed as moderate. Operator's due diligence would then be addressed by operational and contingency plans.”

Do not support:

- Of those who are opposed to the proposed changes, four respondents stated that Director approval will be time consuming and cause barriers for collection at RCFs.
- One respondent commented that “the RCF should not require Director approval if a customer returns that product to the RCF where it was purchased.”

- One respondent raised concern that recycling facilities cannot control what customers hide in their loads, despite best efforts, and must pay to dispose of these. They also believed that the proposed changes do not benefit current registered generators.

Comments and suggestions:

- One respondent strongly recommended that any administrative requirements for RCFs be clear and easy to follow to reduce service barriers in remote and rural areas.

Clarify:

- Whether the Director approval process will create barriers for collection process at RCFs, such as longer processing timeframe and additional administrative burden on the RCFs.
- Whether Director approval for collection is needed if the hazardous waste quantity is below what is prescribed in schedule 6.

The ministry response to Q3

The ministry no longer intends to require director approval for an RCF to collect wastes that were not listed in Table 1 of the IP, if the wastes originate from a household.

Instead, the ministry intends to require RCFs to develop and follow operational and contingency plans for handling wastes, which must outline how wastes will be handled and contingencies in the event of an emergency. These plans would need to be submitted to the ministry at the time of registration, and the director would have the ability to require changes to address risks to human health or the environment. The ministry also intends to require that these wastes be inspected by personnel that work at a registered site and the registered site must have plans(s) in place for managing these wastes.

If a facility chooses to accept unlabeled or unknown wastes, similar requirements will likely apply. The waste must be classified by personnel that work at a registered site, and the registered site must have plan(s) for characterizing and managing unlabeled or unknown wastes. The RCF must also develop operational and contingency plans for handling these unknown or unlabeled wastes.

Q4: A one-day collection event would be able to collect all types of hazardous waste from households, including those not listed in Table 1 (without needing Director Approval). Do you have any comments regarding that proposal? [10 responses]

Commenters expressed general support for the proposed changes with additional suggestions provided and clarification requested in some responses.

General support:

- Supportive respondents commented that the proposed changes will allow opportunities and remove barriers for collection, especially at rural and remote communities with limited access to RCFs, and increase volumes of hazardous material being handled.

Comments and suggestions:

- Two respondents suggested that collection and disposal facilities, such as landfills, Eco-depots and transfer stations, that meet certain criteria, such as footprint, WorkSafeBC and BC Fire Code requirements, should also be allowed to conduct one-day collection events.
- One respondent stated that one-day collection events should be properly advertised within First Nation communities.
- One respondent indicated that an inventory of wastes collected and their final destination should be properly documented.
- One respondent indicated support if a number of conditions are met, including staff and volunteer training, availability of emergency response equipment, contingency plans and others.

Clarify:

- Whether the proposed changes are intended to apply to non-profit/community organizations other than local governments, EPRs and agents.
- Whether the service of collecting all types of hazardous waste from households can be available all year long.
- Whether submission of operational and contingency plans for one-day collectors would be required.
- How the transportation of collected wastes complies with the TDG regulations.

The ministry response to Q4

- The proposed changes are intended to apply to persons that operate RCFs (regardless of whether they are not for profit, or for profit).
- The ministry intends to require that one-day collection events are operated by local governments, First Nations, producers, EPR agencies or their agents.
- The ministry does not intend to restrict the one-day collection events to certain times of the year.
- The ministry intends for contingency plans to be required, but not operational plans, for one-day collection events.
- The ministry intends to allow institutional and commercial entities to use one-day collection events.

Q5: Do you have any comments on proposed requirements for RCFs that accept Tier 1 wastes, including the proposed storage requirements outlined in Appendix 1? [10 responses]

Two respondents were supportive of the proposed changes and one raised some concerns. Most respondents provided comments or suggestions. A few questions were also raised.

Comments and suggestions:

- Two respondents who were supportive of the proposed changes suggested that the proposed changes should be harmonized with WorkSafeBC regulations.
- One respondent commented that RCFs will be forced to introduce fees for commercial users due to significant expenses at RCFs. They further added that if prescriptive and onerous requirements are made by the ministry to RCFs will probably lead to the closure of RCFs.
- One respondent suggested that “An operational plan from an EPR program for all RCFs in the Province should be encouraged.”
- One respondent stated that “...a few examples of acceptable surface materials would be appreciated.”
- Some respondents provided comments on specific appendix line items, including:
 - Line “17. Liquid waste transfer or pouring from one means of containment to another must be done over an impermeable surface” conflicts with “1. Only passive storage and pouring from one means of containment to another will be allowed.”
 - Line 26. The respondent noted concern that volume requirements may create disincentives for retailers to collect.
 - Line 27. The respondent noted the wording may be overly restrictive, for example, only accepting the brand names sold at the store, or a retailer that sells paint may not be able to collect spray paint.

Clarify:

- How the proposed requirements can benefit current facilities that have these requirements currently in place.
- What the 5,000 L limit applies to and how it differs for EPR and non-EPR wastes.
- Size specifications of secondary container in line 8.
- Procedures to track and ensure compliance in cases where multiple RCFs handle waste for purposes of consolidation in line 25.

The ministry response to Q5

- The ministry intends to collaborate with WorkSafeBC to explore if there are opportunities to co-ordinate worker training.
- The ministry intends to increase quantity limits for retail RFCs to 10,000 kg or 10,000 L for all wastes, including EPR and non-EPR wastes.
- The ministry intends to limit consolidation sites to storing a maximum of 30,000 kg or 30,000 L for all wastes, including EPR and non-EPR wastes.
- The ministry is exploring limits for the maximum volume of waste oil that can be stored at an RFC.
- The ministry intends to allow return-to-retail RFCs to collect wastes regulated by the RR that they do not sell, if the retailer is a member of an EPR program with an approved plan under the RR.

Special Considerations for Lead-Acid Batteries (IP 5.3)

Q6: Do you have any comments on the proposed requirements for storing and transporting lead-acid batteries, including the circumstances in which these activities are proposed to be regulated under the Hazardous Waste Regulation? [9 responses]

Most responses were generally supportive of the proposed requirements for storing and transporting lead-acid batteries, while others offered comments and suggestions.

General support:

- Among the five respondents who expressed their support, one respondent emphasized that the proposed changes will benefit the transportation of lead-acid batteries in smaller communities.

Comments and suggestions:

- One respondent reiterated that lead-acid batteries should be classified as Tier 2 or Tier 3. They also noted that the Canadian Battery Association (CBA) has advocated for lead-acid batteries to not be considered hazardous waste due to their low risk. The respondent raised that several US states classify these batteries as a non-hazardous recyclable commodity.
- One respondent suggested the ministry should provide guidance and training to site staff on material handling and examples of Operational Plan and Contingency Plan documents. The respondent also indicated that it would more feasible for site staff to provide weekly volumes rather than tracking individual item.
- One respondent stated that theft may be a consideration for RCF weekly inspection requirements.
- One respondent commented that storage requirements should be safe but also practical and flexible from a cost perspective to minimize cost to taxpayers where local governments are the RCFs.

The ministry response to Q6

The ministry intends to publish guidance documents to support the proposed amendments.

The ministry can clarify that RCFs are not expected to track each individual item stored at an RCF, as outlined in Section 20 of Appendix 1 of the IP.

The ministry recognizes that storage requirements need to be practical and will strive to strike a balance to help local governments manage the costs of operation.

License to Transport (IP 5.4)

Q7: Do you have any comments on the proposed conditional exemption for a license to transport (LT), including the conditions for exemption (e.g., the waste is regulated under the Transport of Dangerous Goods Regulation)? [8 responses]

Of the eight respondents, three expressed general support to the proposed changes, two provided suggestions, one raised some questions, and two are opposed to the proposal.

General support:

- Two respondents supported the proposed alternative to the above proposal, whereby the 5th criteria would not be a condition for LT exemption. One of these respondents specified that a TDG certificate to handle moderate risk waste that meets the first four criteria must be mandatory for drivers and RCFs' staff.

Do not support:

- Two respondents were concerned that the complete elimination of the LT requirement pose a risk to the environment and public safety as LT numbers are used for hauler identification, RCF number registration process, and manifest documentation.

Comments and suggestions:

- Two respondents indicated that the proposal did not include contractors in the proposed conditional exemption which may “hinder institutional and commercial access to EPR, or move the cost and burden of transporting the material from the business, on to EPR.”

Clarify

- Conditions for exemption when transferring Tier 1 materials to an RCF or registered site with small local contractors or members of the public from illegal dump sites.
- Rationale behind the ministry's consideration on the alternative to the above proposal.

The ministry response to Q7

The ministry intends to proceed with the proposed exemptions of the use of an LT to facilitate the appropriate disposal of wastes, and understands that these exemptions will be especially helpful to small and remote communities. The ministry can also clarify the following:

- The ministry does not intend to require waste be managed under an approved EPR plan to qualify for LT exemption.
- LT exemptions are intended to apply to all transporters of moderate risk wastes when transporting wastes from an RFC to a processing facility. It is expected that contractors will need to comply with the LT requirements of the HWR until the waste is delivered to an RFC.
- The ministry intends to retain the exemptions to the LT requirements for generators that currently exist under the HWR.
- The rationale behind not requiring waste be managed under an approved EPR plan for the exemption of LT requirements was to facilitate the removal and proper disposal of moderate risk wastes, regardless of whether they are regulated by the RR.

Q8: Should the ministry consider other exemptions from needing an LT? [6 responses]

Among limited responses to this question, two reiterated that they do not support the proposed conditional exemption for an LT, while four suggested the ministry should consider the following exemptions scenarios:

- Consolidation hubs.
- If an RCF is transporting Tier 2 materials.
- If the carrier and driver have TDG certificates and/or completed a hazardous waste/dangerous goods certificates.

The ministry response to Q8

The ministry intends to capture consolidation hubs in the proposed LT exemptions. The intent is for the transportation of Tier 2 wastes to not require an LT until the wastes reach the hazardous waste 'generation point' for these wastes (see the IP for more details).

The proposed exemption for the use of an LT includes the requirement that the waste be a dangerous good under the TDGR. If the waste is regulated under the TDGR, the TDGR imposes training and other requirements.

Manifests (IP 5.5)

Q9: Do you have any comments on the proposed exemption for manifests, including the conditions for exemption? [11 responses]

Almost half of the respondents were supportive of proposed changes. A few comments and suggestions were given.

General support:

- Of the four respondents who expressed support, one respondent believed that the proposed change will simplify the process. Another respondent commented that the proposed changes will reduce the duplication of information collected.

Do not support:

- Two respondents stated that “The Ministry’s proposal to eliminate manifests and rely on Bill of Lading does not provide clear legal and liability boundaries between the Shipper/Consignor, the transporter and the final receiver.”
- One respondent voiced that “manifests must be kept as they show a chain of custody for environmental and legal implications to government and others.”

Comments and suggestions:

- One respondent suggested that the ministry use digital manifests or shipping documents.
- One respondent stated that manifests should be required for industrial and commercial sector generators to encourage characterization and classification of the wastes at the source.
- One respondent commented that manifests should not be required for lead-acid batteries, used oil, used anti-freeze and other materials under an EPR and that a bill of lading and ancillary documentation should suffice.

Clarify:

- Whether any elements of tracking and oversight in the provincial shipment manifests will be lost in the transition to shipping documentation compliant with the TDG Regulation.
- Whether the proposed exemption will apply to EPR managed materials, such as Tier 1 materials or materials under the RR but not being managed by an EPR program.
- What consideration has been given to the reporting requirements for non-regulated materials included in Tier 1.

The ministry response to Q9

Based on feedback and the need to continue to track waste from cradle to grave, the ministry is reviewing options to facilitate tracking, including requiring additional mandatory fields be included in the bill of lading to track waste from the RCF to its final destination.

Any current existing exemption issued in relation to manifest would remain unchanged. In addition, lead-acid batteries would be subject to the proposed exemption in (Section 5.3 of the IP).

Generators of Tier 1 Wastes Operating as Return Collection Facilities (IP 5.6)

Q10: Do you agree with or have any comments regarding the proposal that generators of Tier 1 wastes who also operate RCFs would have to comply with RCF storage requirements for all Tier 1 waste handled on-site? [7 responses]

Four respondents provided general support the proposed changes, while three respondents did not support and made the following comments:

Do not support:

- One respondent stated that there was a lack of clarity how the exemptions would be applied to metal scrap yards. They also commented that the proposed changes could create grey areas for enforcement.
- One respondent believed that the proposed changes are onerous and unnecessary.
- One respondent did not support the proposed changes due to safety concerns. They suggested that the ministry could modify approval plans instead of requiring generators of Tier 1 wastes that operate RCFs to comply with Appendix 1, which is “too vague and general.”

The ministry response to Q10

The requirement to comply with storage requirements for all Tier 1 waste is intended to apply to RCFs, and is not intended to capture generators that do not operate RCFs, such as metal recyclers.

Electronic Wastes (IP 5.7)

Q11: Do you have any comments regarding the proposed conditional exemption for electronic wastes from the Hazardous Waste Regulation? [8 responses]

While half of the respondents expressed general support to the proposed conditional exemption for electronic wastes from the HWR, one respondent requested an additional condition for exemption. Others offered comments and suggestions or requested clarifications on the matter.

Comments and suggestions:

- One respondent proposed an additional condition that RCFs be required to develop and record staff training and procedures on handling, storing and inspecting “e-waste.”
- One respondent indicated that protecting the electronic waste from weather during collection may be challenging due to lack of funding for outdoor collection at Landfills and Transfer Stations and storage at Product Stewards.
- One respondent commented that they don’t believe end of life major appliances need to be stored in a manner that protects them from weather as they are made of steel.
- One respondent stated that “stand-alone and replacement batteries” should qualify for the proposed conditional exemption and that only lithium ion or lithium batteries were referenced in the IP, which leaves room for interpretation. They also suggested the relevant EPR program operator can keep the required records for two years instead of the RFC.

Clarify:

- Whether EV Lithium batteries fall within the HWR.
- Under the Recycling Regulation, could an industry association develop protocols to meet the exemptions.
- Whether e-waste products must be under EPR program for an exemption to apply.

The ministry response to Q11

The ministry understands that EPR agencies already have training and/or protocols in place for the collection and transportation of “e-wastes.”

In response to the feedback regarding “e-wastes” managed under an approved EPR plan:

- The ministry intends to reconsider the requirements for large appliances to be protected from weather.
- The ministry intends to include “stand-alone and replacement batteries” up to 5 kg in Tier 2 if the batteries are hazardous waste, and for these wastes to qualify for conditional exemptions.
- Each RCF will be required to produce records if requested (e.g., during a compliance inspection).
- EV batteries are currently considered hazardous waste. The ministry does not intend to capture EV batteries in the proposed amendments.

Q12: Is the proposed hazardous waste ‘generation point’ (the point at which the Hazardous Waste Regulation would apply) clear? [12 responses]

Responses to this question were mixed. Half of the respondents believed that the proposed hazardous waste ‘generation point’ was clear. Others offered comments and suggestions on the areas they thought were unclear.

- Three respondents stated that “Batteries contained in equipment are removed” requires clarification and a more detailed description.
- One respondent indicated that the generation point should not include an RFC and only apply to “an entity that received batteries or devices containing batteries for sorting or for processing”.
- One respondent believed that the generation point should not be the point where the wastes are “removed, stored until hauled and transported by a permitted waste vendor to a permitted facility” and that metal recycling facilities should be exempt as “generators”.
- One respondent suggested that the phrase “Batteries are processed, including sorting according to chemistry, or” should be rephrased to “Batteries are processed, including sorting according to chemistry at processors and with contracted primary sorters, or”.

The ministry response to Q12

The ministry intends to produce guidance materials to support these regulatory changes, which will clearly identify that the generation point is triggered when a battery is removed.

Special Considerations for Refrigerants (IP 5.8)

Q13: Do you have any comments on the proposed requirements for refrigerants and the point at which the HWR would start to apply (i.e., once refrigerant is removed from an appliance)? [8 responses]

There is general support to the proposed changes. Some offered comments and suggestions or requested clarifications.

General support:

- Of the five respondents who support the changes, one respondent suggested that the proposed changes should refer to Ozone-depleting Substances and other Halocarbons Regulations; another respondent recommended that the ministry “define requirements for companies that offer on-site services to remove refrigerants so that logistics cost is reduced and recycling of major appliances can be enhanced.”

Comments and suggestions:

- One respondent emphasized that the ministry should ensure the proposed changes do not encourage intentional release of refrigerant.

Clarify:

- Whether the proposed changes to the current requirement of the registration quantities in Schedule 6 of the HWR is referring to the quantity per technician rather than per organization.
- Where the proposed changes will apply to a leaking/damaged unit.

The ministry response to Q13

The ministry intends to reference the Ozone Depleting Substances and Other Halocarbons Regulation regarding refrigerants, and to clearly define the requirements for technicians removing refrigerants from appliances. In response to the feedback received, the ministry can also clarify the following:

- Proposed changes to the registration requirements are intended to apply on a per technician basis, rather than a per organization basis.
- The proposed changes are intended to apply to a leaking/damaged unit.
- Following removal of refrigerant by a qualified technician, the intention is for the appliance to not be considered hazardous waste.

Tier 3 Wastes – Pharmaceuticals (IP 5.9)

Q14: Do you have any comments on the conditional exemption from the Hazardous Waste Regulation for the collection and storage of pharmaceuticals? [7 responses]

Most respondents were supportive of the proposed changes while others requested clarifications.

General support:

- One respondent suggested that the ministry consider adding drug samples and veterinary pharmaceuticals to the HWR and the Recycling Regulation.

Clarify:

- Rationale behind the proposed changes, with one respondent noting the negative impact pharmaceuticals have upon the environment.

The ministry response to Q14

Veterinary pharmaceuticals are not currently captured by the Recycling Regulation and the ministry does not intend to include them in Tier 3 at this time. The intention is for all pharmaceuticals captured by the Recycling Regulation to be included in Tier 3.

Pharmaceutical products captured under EPR have appropriate protocols and controls in place to properly manage this waste. Therefore, the exemptions are meant to improve efficiencies for the collection and suitable disposal of these products.

Institutional and Commercial Waste (IP 5.10)

Q15: Do you have any comments on the proposed requirements for institutional and commercial waste, including the proposal to explicitly allow these wastes to be accepted at RCFs? [11 responses]

Seven respondents were supportive of the proposed changes with additional comments and suggestions offered while four respondents did not support the proposed changes.

General support:

- Three respondents stated that the proposed changes will aid small businesses, non-urban areas and remote community in economies of scale and provide them with environmentally sound solutions.
- One respondent emphasized the proposed changes should align with the conditional exemption for a LT.

Do not support:

- Three respondents believed that transporters and the RCFs do not have necessary qualifications, equipment, capacity or knowledge to service the commercial and institutional sector.
- One respondent commented that “IC generators” should be regulated with more awareness and enforcement under the Environmental Management Act and pay directly for the cost of disposal.
- One respondent noted that RCFs often have limited storage capacity and there may be storage and services issues as a result.

The ministry response to Q15

In response to the feedback regarding the proposal to allow commercial and institutional wastes to be accepted at RCFs, the ministry can clarify the following:

- The institutional and commercial wastes captured under these amendments are wastes that are typically also produced from households.
- The ministry does not intend to require RCFs to accept wastes from commercial and institutional sources. Instead, the ministry intends to allow for the collection of wastes to help facilitate increased diversion, especially in small and remote communities.

PCB Ballasts (IP 5.11)

Q16: Do you have any comments on the proposal to exempt homeowners from the requirement to obtain a BC Generator number from the ministry? [8 responses]

All respondents were supportive of the proposed changes and believed that exempting homeowners from the requirement to obtain a BC Generator number from the ministry will remove potential barriers and simplify the recycling process for households. One respondent recommended including PCB containing capacitors in the proposed exemptions.

The ministry response to Q16

PCB containing capacitors are typically contained with PCB ballasts and the ministry intends to include PCB containing capacitors in the proposed exemptions.

Mercury-Containing Light Bulbs (IP 5.12)

Q17: Do you have any comments on the proposed outcome-based requirements for mercury-containing light bulbs, and/or the following specific proposals:

Defining crushed light bulbs as hazardous waste, and

Considering the crushing of light bulbs as treatment of hazardous waste, which requires a registration with the ministry and compliance with treatment requirements in the Hazardous Waste Regulation

[8 responses]

More than half of the respondents supported the proposed changes while some respondents had suggestions or questions.

General support:

- Six respondent voiced general support to the proposed changes, of which one respondent indicated that the compliance strategy should move from voluntary to mandatory over time.

Comments and suggestions:

- One respondent suggested that the ministry should request RCFs to develop and implement procedures to preserve the integrity of the mercury-containing light bulbs and maintain proof of staff training. They also recommended that the ministry to harmonize the proposed changes with the Federal Government Code of practice.

Clarify:

- How the proposed changes will be enforced besides voluntary compliance and scheduled compliance checks.
- What associated penalties would be.

The ministry response to Q17

The ministry intends to include safe handling training requirements in the regulatory amendments. The ministry will also include recommendations within guidance documents that RCFs develop and implement procedures to prevent accidental breakage of mercury-containing lightbulbs.

The proposed changes would be enforced using a risk managed-based approach. More information on environmental compliance can be found on the [ministry's website](#). Examples of penalties for non-compliance can be found in the [Administrative Penalties Regulation](#).

Facilities That are Currently Registered Sites (IP 5.15)

Q18: Do you have any comments on the proposal to allow RCFs to maintain their registration as a Registered Site, if already in place, as opposed to re-registering as an RCF? [8 responses]

There is general support of the proposed changes. One respondent requested clarification on the benefit between a Registered Site and RCF.

General support:

- Seven respondents expressed support and believed the proposed changes simplifies the registration process and reduce administrative burdens.

Clarify:

- What the benefit is between a Registered Site and RCF, given the proposed conditions in Appendix 1.

The ministry response to Q18

The ability for a facility to maintain registration as a registered site instead of registering again as an RFC is intended to reduce the administrative burden for the facility.

General Questions

Q19: Should the ministry consider other changes to the Hazardous Waste Regulation to better support the collection and transport of moderate risk wastes? [7 responses]

While one respondent expressed general support to the changes proposed in the IP, others provided the following comments and suggestions:

- Two respondents advised that the ministry should harmonize the HWR with BC Fire Code and WorkSafeBC regulations as various requirements in WorkSafeBC regulation, such as safety data sheets, may create challenges for RCF operations. They suggested that “the ministry can mandate that producers, manufacturers, suppliers and sellers of the MRWs [moderate risk wastes] to have a depot in place for customers and create a product stewardship program to alleviate the costs to government and taxpayers.”
- One respondent recommended the ministry add more items to the Tier 1 category.
- One respondent suggested that the HWR should include details indicating stewards are responsible for the costs associated with the collection and transport of wastes covered by EPR.
- One respondent stated that “There should be blanket provision that EPR programs take 100% liability of risks of their products including collection, receipt, storage, transportation, refurbishment and disposal. The Ministry or WorkSafeBc can then set safety and health standards that need to be complied with rather than be prescriptive. This will allow the private sector to take on the risk of RCFs and RS dealing with their products.”

The ministry response to Q19

In response to the feedback provided regarding other changes to support the collection and transport of moderate risk wastes, the ministry would like to provide the following clarifications:

- Indoor facilities are required to comply with the BC Fire Code, the BC Building Code and any other applicable regional or provincial requirements. The ministry is exploring whether specific reference to the BC Fire Code and the BC Building Code in the HWR is required.
- EPR programs already exist for many of the wastes included in the proposed amendments, and several new wastes are proposed to be included as part of [EPR's five year action plan](#). The product stewardship programs under EPR help alleviate costs to government and taxpayers.
- The ministry intends to add additional wastes not presented in the IP to Tier 1, and the proposed wastes are presented in our response to Question 2 of this report.

The RR already outlines requirements for producers and product stewardship agencies. Feedback relating to the RR and EPR programs has been shared with the relevant ministry branch.

Q20: Should any other changes be made to specifically address the collection and transport of moderate risk wastes in remote areas? [8 responses]

Respondents offered the following comments and suggestions:

- Two respondents proposed that EPR stewards should be responsible for collecting and transporting moderate risk waste in remote areas without access to RCFs.
- Two respondents suggested the ministry work with Transport Canada to reduce regulatory red tape surrounding abandoned hazardous waste material. They stated that local governments often face challenges when removing abandoned hazardous waste material as Transport Canada requires local governments to complete proper testing of the material before removal.
- One respondent commented that one day collection events need to occur in remote areas and more funding is needed.
- One respondent stated that education and easy to access information on how and where to dispose hazardous wastes will be helpful for the collection and transport of moderate risk waste in remote areas.
- One respondent recommended the ministry to provide safety protocols templates for product handling and transportation.
- One respondent commented that the record keeping requirements may be onerous for remote communities. They suggested that program operators should have the option of creating and maintaining transport and processing records instead of individual RCFs in remote communities.

The ministry response to Q20

- Federal requirements around abandoned hazardous material are currently out of scope
- The ministry intends to provide guidance document(s) to support the proposed amendments to assist RCFs developing plans for product handling and transportation.
- Each RCF will be required to produce records if requested (e.g., during a compliance inspection).

Q21: Do you have any comments on the proposed alternative to develop a stand-alone regulation as opposed to keeping the proposed requirements (outlined in the Intentions Paper) within the Hazardous Waste Regulation? [9 responses]

Five respondents were supportive of the proposed alternative for a stand-alone regulation to implement the proposed requirements and policy described in the IP, as opposed to incorporating all the proposed changes into the HWR. Three respondents preferred to keep the proposed requirements under the HWR. Two respondents made suggestions.

General support:

- Of the respondents that expressed support for a stand-alone regulation, one respondent recommended the ministry create a flowchart system to assist collection facilities in the decision-making process and provide clear guidance on applicable regulations in situations.
- One respondent suggested a stand-alone regulation for consumer generators, separating the consumer from the IC generators.

Do not support:

- Two respondents believed that the proposed changes or requirements should be kept within the HWR.
- One respondent stated that a single comprehensive and more stringent regulation reduces false assumptions and misunderstanding of the requirements in the regulation.

Comments and suggestions:

- One respondent recommended placing all of the risk of EPR products under the Recycling Regulation and applying the HWR to non-Recycling Regulation materials.

The ministry response to Q21

The ministry intends to amend the HWR and not develop a stand-alone regulation. The ministry intends to provide guidance document(s) to support the proposed amendments to assist collection facilities in the decision-making process and to provide clear guidance.

Amendment to the RR is not currently in scope.

Q22: Do you have any other feedback to provide on the proposed changes? [5 responses]

Some respondents offered comments and suggestions while others raised questions about the proposed changes in the IP.

Comments and suggestions:

- One respondent was supportive of the “recognition of the positive effect of clear and simple regulations for compliance and the environment.”
- One respondent commented that “Having this discussion in advance of the potential changes to the Recycling Regulation is incredibly important.”
- One respondent suggested that the effectiveness of waste collection and policy changes should also be monitored and reported.

Clarify:

- Whether pre-existing RFCs need to develop operational plans, or will this only apply to new applicants that wish to establish an RFC.
- Means of informing the public on implementation of the proposed changes to HWR.

The ministry response to Q22

- The ministry is exploring potential requirements for permanent RCFs and return-to-retail RCFs located in floodplains.
- The ministry’s primary tool to track the collection of wastes are the hazardous waste manifests. Currently, manifests are only available in hard copy.
- For clarification on operational plan requirements, please see the ministry’s response to Q3.
- A notice will be posted on the ministry’s website when the changes are implemented. Ministry staff will also reach out to stakeholders and partners directly when the proposed changes are implemented.

Closing

The ministry would like to thank all respondents for their feedback. All comments will be considered before amending the regulation, or pursuing other policy approaches. The ministry intends to move forward with amendments as planned, with a target for spring 2023. Implementation will include updated guidance documents for regulated entities.