

HAZARDOUS WASTE REGULATION REVIEW PROCESS – INTENTIONS PAPER #2 MAY-JULY 2008

SUMMARY OF PUBLIC COMMENT

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Hazardous Waste Regulation Review Process Intentions Paper #2

Summary of Public Comment

1. Introduction

1.1 Background to the consultation process

This report provides a summary of stakeholder comments received as part of the consultation process for review and revision of the Hazardous Waste Regulation under British Columbia's *Environmental Management Act*.

An intentions paper ("Intentions Paper #2") was posted for public review and comment on the ministry's website from May through July of 2008. The intentions paper provided a summary of ministry and government goals, background information regarding hazardous waste and its regulation in B.C., and a discussion of the ministry's proposed revisions to the regulation. A separate response form for providing comments or suggestions to the ministry was also posted on the website. Note that an earlier intentions paper with proposed "housekeeping and other minor revisions to the regulation" was posted in early 2008. The intentions paper and the summary of public comment received regarding the paper are also posted on the ministry's website (see: www.env.gov.bc.ca/epd/hazwaste/regs/review.htm).

1.2 Purpose and format of the *Summary of Public Comment* document

This document has been prepared for the Ministry of Environment by C. Rankin & Associates, contracted by the ministry to independently receive, compile and review comments on the proposed revisions to the Hazardous Waste Regulation. The summary does not reflect the ministry's position on any issue. It provides a synopsis of the responses that are being considered by the ministry in revising the regulation – without specific attribution, except to the extent required to provide context for the comments. This summary of public comment does not include all detailed comments, rather it attempts to capture the tenor and content of comments through summarization and specific excerpts from representative submissions.

The complete set of responses received through the consultation process has been compiled and passed on to the ministry for detailed review and consideration. All comments and references submitted through this process, through independent submissions and through direct consultations with stakeholders, will be reviewed and carefully considered by the ministry in revising the regulation.

The summary of responses is arranged by topic as presented in the intentions paper. Direct excerpts from submissions are included in quotation marks (""). Square brackets ([]) indicate inferred or contextual terms. Note also that ministry staff has provided points of clarification or "notes" regarding a number of points raised by respondents. These have been included in this summary document enclosed in "text boxes" with solid line borders.

1.3 Description of responses received

Close to thirty responses to the intentions paper were received (by e-mail, fax and attached file), and have been reviewed for this summary of stakeholder comments. Over half of the respondents identified themselves as representatives of an association or business. Other respondents included representatives of government agencies, First Nations and environmental and community groups. Many of the responses included substantive comments or submissions to supplement responses to discussion topics set out in the intentions paper.

Ministry Intentions

2. Principles Guiding the Proposed Revisions

The ministry has developed a set of principles to guide consideration of revisions to the regulation that include: accountability; clarity and simplicity; effective oversight and enforcement; reduce and streamline regulatory burden; and harmonization (consistency) (see intentions paper section 3.4).

Response Form Question 1.1: Do you have any comments or suggestions regarding these principles and how the ministry uses them to guide revisions to the regulation?

Almost all respondents who commented on this topic “supported” or “agreed with” the principles or concepts behind the principles. A number of respondents felt that “simplicity and clarity” are particularly important principles (given the complexity of the current regulation and the need to minimize misinterpretation). Several respondents commented that “consistency” is an important principle, for example, “accountability must apply to both [the] ministry and generators – the ministry must consistently apply...regulations and enforcement of regulations to all hazardous waste companies.” The respondent recommended “introducing a central body for plan approvals and regulatory requirements” [to ensure consistency throughout the province].

One respondent commented that the regulation should be “clear, understandable, enforceable and defensible” and added a concern that “additional registration, administration, paperwork and ‘dating of storage’ [provisions could]... increase the bureaucracy... without significant benefit to the environment or the regulated community.”

Additional comments included:

- “We question why these regulations are not being passed through the B.C. legislature [where] they could be debated in a public forum – the process leading to the enacting of Codes of Practice does not allow for the same level of public scrutiny;”

Ministry Clarification: only Acts/Bills are debated in the legislature; regulations such as the Hazardous Waste Regulation are reviewed and approved by cabinet, Codes of Practice (minister’s regulations) are reviewed and approved by the minister.

- “One of the issues companies face within this industry is an unlevel playing field – reasonable companies that hold themselves accountable to properly manage waste and comply with regulations are frequently undercut by companies that undervalue regulatory compliance because they feel the ministry will not be looking over their shoulder and they rarely suffer any negative consequences;” and
- “We agree with harmonizing regulations provincially, federally and with other North American jurisdictions, on the condition that such harmonization is reasonable, practical and helps protect the environment in British Columbia.”

3. Organization of the Regulation, Definitions & Classifications

3.1 Revising the structure and organization of the regulation

The ministry is considering removing detailed technical requirements from the regulation, establishing them in a separate set of “Director’s Requirements” (enforceable under the regulation); and re-organizing the regulation to group provisions applicable to generators, carriers and hazardous waste management facility operators in distinct sections with consistent headings where appropriate (see intentions paper section 4.1.A.).

Response Form Question 2.1: Do you have any comments regarding the ministry’s proposal to separate technical requirements from the regulation, establishing instead a set of “Director’s Requirements?”

All respondents who commented on this question supported the ministry’s proposal. Several respondents added cautions or caveats to their statement of support, for example:

- “There will likely be submissions that do not meet all of the ‘Director’s Requirements’, so there must be a process … to allow for variances – the level of signing authority should also be reviewed so that the Directors may delegate to various MOE Section Heads;”
- “Caution must be taken to ensure updates to the documents are properly communicated to stakeholders with an appropriate implementation period;”
- “…provided that there is adequate consultation with stakeholders;” and
- “As long as the director’s requirements are based on science and fact...can be substantiated by MOE and [are] not subject to political interference caused by special interest groups.”

Response Form Question 2.2: Do you have any comments regarding the ministry’s proposed outline for structuring the regulation?”

All respondents who commented on this question agreed with or supported the proposed structuring for the regulation. One respondent suggested that “more clarity” was needed for the heading ‘prohibited management practices’ believing that the heading should apply to all regulated parties (generators, carrier/transporters, brokers and receiver/waste management facilities).

Ministry Clarification: the intent was that the heading ‘prohibited management practices’ would apply to all parties.

Response Form Question 2.3: Do you have any other comments or suggestions regarding the structure and organization of the regulation?"

The only specific unique comment with respect to this question was that “the reference from the regulations to the ‘Director’s Requirements’ must be very clear so there is no misunderstanding that the requirements are an extension of the regulatory requirements and are enforceable.”

3.2 Revising the approach to characterizing and defining a “hazardous waste”

The intentions paper describes the ministry’s proposed approach to characterizing hazardous wastes in a manner that is intended to be consistent with classifications and definitions in British Columbia’s neighbouring jurisdictions – and to clarify and simplify the regulation (see intentions paper section 4.1.B.).

Response Form Question 2.4: Do you have any comments or recommendations regarding the ministry’s intention to establish a clear definition of a “hazardous waste” in the regulation?

Respondents commonly supported the ministry’s effort to simplify or clarify the definition of a hazardous waste noting, for example, that ‘the current definitions are complex and ambiguous.’ Often, respondents expressed concern about the difficulties involved in defining hazardous wastes and many provided specific examples or recommendations for consideration by the ministry. For example, “the mirroring of three (or more) other jurisdictions’ definitions will have to be carefully dealt with.” One respondent “disagree[d] strongly with the priority ranking as described [in the intentions paper],” recommending that “a waste’s characteristics that make it ‘hazardous’ should be the first priority.” Another commented that “when defining and naming a hazardous waste for shipment, the ministry must clarify the naming hierarchy and the relationship with the Transport of Dangerous Goods (TDG) regulations.”

Ministry Clarifications: 1) “Priority ranking”: the list provided in the intentions paper describing what would fall under the category of hazardous waste was not meant to have a priority ranking attached to the order in which the subcategories were described. Industrial wastes and waste chemical products in the lists referred to in the intentions paper have already been determined to exhibit one or more of the “core” hazard characteristics. 2) “Naming of hazardous waste for shipment”: No changes are proposed to the naming of hazardous waste for shipping purposes. Hazardous wastes that are also dangerous goods must follow the federal TDG regulations regarding proper shipping name. Hazardous wastes that are not dangerous goods must also be manifested. Their shipping name is that described in the definition of hazardous waste. The [Hazardous Waste Legislation Guide](#) provides guidance on waste naming for shipment.

Several respondents recommended that a “distinction [be] made for hazardous waste that is managed under an approved industry stewardship program.” A number of respondents also commented on consideration of compact fluorescent light bulbs as a “hazardous waste” – for example, “[we] support retaining the option of the generator conducting the necessary testing to show that the waste may in fact not be hazardous and an exemption established” and “MOE

should provide some exemption to encourage both purchase...[and] recycling or proper disposal of the bulbs."

A number of respondents suggested specific waste streams or wastes that should be exempt from being defined as a "hazardous waste" including:

- "Dangerous goods/waste returned to an agent of the manufacturer [such as] a stewardship agency [as well as the manufacturer or supplier];"
- "Waste wood products treated with wood preservatives;"
- "Hazardous wastes that [are] treated with the residue being non-hazardous" and
- "There should be specific consideration for wastes considered to be 'derived from' to be tested and, if appropriate, exempted."

Respondents also made recommendations or comments regarding consideration of waste oil as a hazardous waste. A number of respondents suggested that only liquid waste oil should be considered to be a "hazardous waste." Several others recommended that used oil which is generated and used for energy recovery on-site should not be considered a hazardous waste.

Response Form Question 2.5: Do you have any comments or suggestions regarding appropriate and practical approaches to characterizing hazardous waste under the regulation?"

The delisting process was the aspect of the ministry's intentions that was most commonly commented on in response to this question. Several respondents felt that the current delisting process "works" although, as one respondent noted, "it is more onerous than any other process in Canada." The respondent recommended that "if a hazardous waste is treated, and it no longer retains any hazardous characteristics (corrosivity, flammability, etc.), then it should be classified as non-hazardous - if the treatment process does not eliminate the characteristics, then the waste should be required to be managed via the regulatory framework." Another respondent "[did] not believe that the 'derived from' approach is appropriate - if a material is treated, the facility treating the material has the responsibility to properly characterize and handle its residuals."

Several respondents reiterated comments that "waste oil which is recycled on-site" or products that are managed as part of an industry stewardship system "should not be considered a hazardous waste." A number of respondents commented that antifreeze falls under this category and should be regulated under the provincial Recycling Regulation. One respondent noted that "currently, e-waste is not considered a hazardous waste until the product is either broken or broken down to components" and that "to be consistent, mercury light bulbs should not be considered a hazardous waste unless [they are] broken."

A detailed comment was received proposing a change in the definition of biomedical waste to be more consistent with current Canadian Standards Association (CSA) standards, as well as those in other jurisdictions (such the Saskatchewan Biomedical Waste Management Guidelines). The respondent stated that "it is not considered practical or necessary to treat all items having contact with a body fluid as biomedical waste" and that "we need to move forward to a more practical solution and viewpoint in proper waste disposal."

One respondent expressed support for preparation of “a guidance document on the process of characterizing and naming the waste stream...[to] help make the transition for generators and waste managers significantly easier... [also] hosting a centralized Q&A web page, by [MOE] Victoria, on how to properly categorize and name waste ...[to] provide much needed examples of classifications.” Another respondent felt that “the director should retain the discretion to add to what is considered hazardous – as local conditions, sensitivities, degradation, community norms and expectations [or] any other matters considered relevant by the director, require.”

3.3 Adopting a “Harmonized Uniform Waste Code”

See intentions paper section 4.1 C.

Response Form Question 2.6: Do you have any comments or recommendations regarding the utility and effectiveness of adopting the “Harmonized Uniform Waste Code” for the Hazardous Waste Regulation?

Respondents most commonly expressed concern or advised caution with respect to this intention. For example, one respondent felt that though the “concept of a ‘Harmonized Uniform Waste Code’...is good in theory, there are obvious pitfalls...discussions with colleagues in Alberta and Ontario indicate [that there] would likely be little benefit seen by introducing this concept [in B.C.].” Several respondents felt that they did not have sufficient information to be able to comment on the concept and that if the ministry intends to proceed, more detailed consultations should be undertaken with affected stakeholders, and prior to any implementation, a “simple and clear waste code guidebook [should] be developed and made available to generators.”

3.4 Clarifying provisions addressing “empty containers” of hazardous wastes

See intentions paper section 4.1 D.

Response Form Question 2.7: Do you have any comments or recommendations regarding definition and management of “empty containers”?

Respondents who commented on this subject generally supported the ministry’s intentions. One respondent commented that “the ministry needs to define ‘authorized landfill, hazardous landfill and sanitary landfill’ and another cautioned that “the ministry should ensure that transformer hulks are not classified as [an] ‘empty container’ of hazardous waste...[and also] containers should not include articles or manufactured products containing hazardous substances.”

Response Form Question 2.8: Do you have any comments or suggestions regarding the ministry’s intentions for updating and clarifying provisions relevant to “empty pesticide containers” in the regulation?

Respondents who commented on this subject supported the ministry’s intentions.

3.5 Additional terms requiring clarification or definition

Section 4.1.E. of the intentions paper outlines ministry intentions to refine the definition of manage and introduce the following definitions: director-approved recycling facility; generator; hazardous waste generation facility; hazardous waste management facility; receiver; shipment; and transport.

Response Form Question 2.9: Do you have any comments or recommendations regarding the list of terms and proposed definitions that should be included in the revised regulation?

The most common responses to this question concerned recycling and waste oil. Several respondents commented that the generation of waste oil at a site and recycling of it for energy recovery should not be considered as a hazardous waste generation or management facility. One respondent recommended expanding the definition of “director-approved recycling facility” to include “use of processed used oil from a BCUOMA program for a fuel in pulp mills, cement plants and asphalt plants” ... as this would “provide consistency with the way [in which] Washington State presently deals with the use of processed used oil as a fuel.”

A number of additional specific comments and recommendations were received, including:

- “[We] wish to see the ministry define ‘broker’ in addition [to the proposed terms];”
- “Oil and oil filters recovered as part of the BCUOMA program should not be required to manifest the shipments;”
- “The ‘director-approved recycling facility’ [should] be further defined and include specific requirements on becoming listed...[with] a list or letter that specifies why the facility is listed...as well as the limitations of their exemptions;” and
- “Facilities used for the sole purpose of temporary passive storage in order to build full trailer loads of product for economical efficiencies to be shipped onward be included as a hazardous waste generation facility and not a hazardous waste management facility and not a receiver, as long as it is part of a ministry approved product stewardship program.”

4. Registration Requirements

The ministry is proposing a number of regulatory and administrative changes addressing registration requirements (see intentions paper section 4.2).

Response Form Question 3.1: Do you have any comments or suggestions regarding the proposed regulatory changes to registration requirements in the Hazardous Waste Regulation?

Respondents generally expressed support for use of an on-line registration system. Support was also common for making a clear distinction in registration requirements between generators of hazardous waste and hazardous waste management facilities. One respondent, however, noted that as “both a management facility and a generator, it will be unproductive to spend resources on generating two separate reports and all that entails – wording of the new regulations should allow for combined annual reports.”

Several respondents expressed concern that the proposed registration process could be confusing and/or for some smaller operations (i.e., generators) and for generators with a large number of facilities (such as BC Hydro).

A number of respondents also commented that an annual registration may be overly onerous and without sufficient regulatory enforcement benefit to warrant the additional regulatory burden involved. One respondent suggested that the ministry “consider whether registration frequency could be changed to every 2 years for a generation facility – [as] this may be acceptable unless quantities have changed by more than (say 25%) – [and] management facilities could register annually.” Another respondent suggested that the ministry undertake “a one time update so that [ministry] records can be corrected, and the process be streamlined so that administrative updates (such as name changes...or closures [of] a site) are simplified and available on line.”

One respondent also expressed concern that triggers for manifesting quantities may be changed and that this “would create confusion for staff” having to deal with differing federal and provincial manifesting requirements and systems.

Response Form Question 3.2: Do you have any comments or suggestions regarding administrative changes that the ministry could or should make to support objectives for hazardous waste management and compliance with registration requirements?

Respondents commonly supported proposed administrative changes as long as the changes would “reduce the regulatory burden.” Several respondents recommended allowing one generator registration number for a single company that is operating multiple generations sites...providing that required information for each site...is updated [for example, as part of the generator’s annual registration, or with some form of secondary identification].

One respondent recommended that “the ministry ensure [that any on-line system is developed in a manner that is] useful to all parties,” noting that “the Ontario system, developed without much industry input, is regarded by most in the waste industry to be a failure.”

Respondents also suggested that “the ministry centralize approval of the required plans and regulatory interpretations in Victoria to ensure clear and consistent standards are maintained”.

5. Strengthened Accountability

The ministry is proposing a number of regulatory and administrative changes intended to strengthen accountability of parties involved with the generation, transport or management of hazardous wastes (see intentions paper section 4.3).

Response Form Question 4.1: Do you have any comments or suggestions regarding the concept of “joint and several liability” and its effectiveness in supporting strengthened accountability for handling and management of hazardous wastes?

Respondents most frequently disagreed with or did not support inclusion of the concept in the regulation – noting that it “can take the onus off the responsible person who should be rectifying the problem...” or that “a joint liability confuses the issue in the case of a spill” – and commenting that “each party in the waste management system should be held responsible for the activities that are under their control.” Those who did express a degree of support for the concept often included significant caveats in their comments, for example, “[only] provided [that] it is done in a fair and cost-effective manner accompanied by an effective inspection, compliance and enforcement strategy...the ministry has...a data tracking system that has been seriously out of date... [and] very few resources have been directed to using the manifest tracking system to effectively deal with the ‘bad actors’.” Respondents who expressed support felt that “all those in contact with a specific waste should be held accountable” or “the liability should not simply rest with one entity, especially if there can be a system of cross checks established.”

A number of respondents also commented that concept of “accountability” should include the ministry. For example, “the regulation...should include a statement requiring that ministry officials must be fully accountable, fair and responsive...the ministry should be subject to annual audits of its regulatory compliance performance...validation of the regulator’s professionalism in enforcement will engender a greater respect for both the regulation and the actions of the regulator, in line with the ‘policy of continuous improvement’ expressed in the intentions paper.”

5.1 Accountability of generators

See intentions paper section 4.3.A.

Response Form Question 4.2: Do you have any comments or suggestions regarding the ministry's proposed regulatory revisions and administrative changes intended to promote generator accountability?

Most respondents who commented on this topic supported the ministry's intentions. Respondents also made a number of specific comments and recommendations, including:

- “The ministry must take strong action to provide a presence at generator sites to promote compliance;”
- “The ministry [should] mandate reviews and audits done by Qualified Professionals for generators once every five years and the audit results [should be] provided to the ministry and available to neighbours on request;”
- “We would like to retain the current exemption which allows a generator to transport their own waste without having to use a licensed carrier – this is quite vital for some of our remote operations;”
- “Information [for generators to obtain and retain copies of transporter and receiver documentation] will have to be readily available...not like the current system where the LT number and company name are on the website;”
- “Requiring out of province generators who ship waste to B.C. to register...seems to be contrary to past policy, and would be an additional regulatory burden that is of limited value when the generator's jurisdiction would already require a registration process;”

- “Requiring generators to obtain and retain copies of transporter and receiver documentation...would create a new paper trail that would be an immense administrative burden for all parties...there should however be a requirement for the generator to ensure that the transporter has an LT number and that the number is authorized;”
- “Have generators acknowledge on their BCG applications, and/or subsequent updates that they have reviewed and confirmed that their waste is being managed by appropriately authorized transporters and receivers;”
- “This is a good change [we] suggest that a reasonable introduction and implementation period be provided to enable generators to prepare for and comply with these requirements...[and] that guidance documents be available to generators;”
- “An online system should be developed to make all of the required records easily obtainable [with] an update mechanism...the document check should be done before the first shipment and then annually thereafter;”
- “[We] recommend continuing the practice of having a site expert that works with generators to authorize and coordinate the waste classification, record keeping, auditing and reporting for institutions that are classified as single site multiple generators;” and
- “Exemptions should be provided to product stewardship programs using permitted or licensed carriers (provided the program meets specified ministry requirements).”

5.2 Accountability and responsibilities of generators, carriers and receivers when “storing” hazardous waste

See intentions paper section 4.3.B.

Response Form Question 4.3: Do you have any comments or recommendations regarding the ministry’s proposal to clarify the definition and responsibilities associated with the storage of hazardous waste?

Respondents generally supported the ministry’s intentions in this area. Comments included “[we] agree with the ministry’s objective...to support timely and safe shipping of waste from generators to receivers;” and “we support removal of the provisions for temporary storage and encourage further clarification for storage requirements that apply to generators, carriers and receivers.” Several respondents expressed concern that removing the ability of collectors for the temporary storage of hazardous waste could be counter to the ministry’s objectives – for example, drop-off/pickup of small quantities of waste for consolidation at another site, recycling and return in rural areas, or the amassing of smaller quantities of oil from equipment being serviced until the quantity warrants transport, may become more difficult. Some respondents suggested maintaining an option in the regulation for exclusion of such situations. One respondent commented that “also, the record keeping requirement for waste information on site beyond marking containers is rather onerous for facilities that generate very small quantities of hazardous waste and ship it off site regularly.” Another respondent commented that “[our association] does not support the classification of all storage as ‘short term storage’ – collection sites serving approved product stewardship program that temporarily store collected products should not be subject to ‘short term storage’ provisions.”

One respondent voiced “serious concerns about the ‘Mom and Pop’ bottle collection facilities that also provide collection for Product Care....[on visits to these sites our members] have often found spilled paint, flammable liquids and...an environmental disaster waiting to happen – a review of the storage requirements [as well as other requirements for these facilities]... should be a high priority for the ministry.”

Response Form Question 4.4: Do you have any suggestions regarding appropriate safeguards/requirements for a generator who may be storing hazardous waste for an extended period of time without an acceptable reason?

While several respondents expressed cautious support for the intent of this proposal, many also asked for clarification regarding the ministry’s definition of “an extended period of time” and what would be considered “an acceptable reason.” One respondent suggested that there be “a 3 to 6 month time limit for generators storing containers on site.” Several respondents suggested that “safeguards [would be] better covered in tanking and storage regulations,” for example, one respondent commented that “facilities storing waste typically will have all the details with the waste records regarding the storage and anticipated disposal location...it is not the regulator’s responsibility to set the prescriptive requirement – let us know the rules and we will determine how best to manage that ourselves.”

One respondent noted that “[our organization] does not support the requirement for carriers under an approved product stewardship program to be subject to the same requirements as a hazardous waste management facility. In most, if not all, stewardship programs transports is overseen by the stewardship programs with the main objective of moving the collected material to processing and final recycling or disposal as soon as possible and not to store the material, therefore an exemption should be made for carriers under a stewardship program.”

Ministry clarification: Carriers and hazardous waste storage/management operators are separate entities and must comply with respective requirements in the regulation. The “licence” to transport hazardous authorizes carriers to transport the hazardous waste for which they are licensed after a rigorous licensing process. On the other hand, anyone, carrier inclusive, that stores hazardous waste must meet requirements of a hazardous waste storage facility and must be so authorized.

5.3 Accountability of carriers/transporters

See intentions paper section 4.3.C.

Response Form Question 4.5: Do you have any comments or suggestions regarding appropriate regulatory provisions to ensure accountability of carriers who transport hazardous waste?

Most respondents who commented on this topic supported the ministry’s intentions, however, some noted concerns, such as “consideration [is needed]...on how to enforce this requirement by the ministry.” One respondent felt that “this is difficult to do when you assign multiple parties as responsible...there are several interface points that are difficult to manage.” Another suggested that “the requirement to characterize and ensure the receiver is authorized should be

placed on the generator and receiver [rather than the transporter]... if the intent of this change is to use carriers as an additional resource to ensure compliance, it is unrealistic to make them accountable for this." Other respondents expressed support for the proposal, one noted, for example, that "[our organization] has had a similar policy in place since...2003, whereby BCUOMA will not pay a Return Incentive to a registered BCUOMA Collector (carrier) unless they provide documentation to show that the used oil has been delivered to an approved BCUOMA Processor."

Response Form Question 4.6: Do you have any comments or suggestions regarding institution of an effective and practical training program for drivers who transport hazardous waste?

All respondents who commented on this topic supported the ministry's intentions, noting, for example, that "training of drivers who handle and/or transport hazardous waste is an important aspect of protecting human health and the environment" and that "established minimum training requirements and assistance in development of a training program for hazardous waste transporters is a large improvement from [our organization's] perspective." Concerns that were expressed included: "in the short term this may be a hardship on licensed transporters;" "provision for those who transport hazardous wastes as an ancillary part of their work, such as trades people, should only be required to have a reduced, applicable training;" and "clarification is required on the scope of training requirements and to whom the regulations will apply." Respondents also offered suggestions for content of a training program and support of development of a suitable training module.

5.4 Accountability of receivers/hazardous waste management facility operators

See intentions paper section 4.3.D.

Response Form Question 4.7: Do you have any comments or suggestions regarding effective and practical actions for ensuring accountability of receivers under the Hazardous Waste Regulation?

Most respondents who commented on this question expressed support for the ministry's objective of ensuring accountability of receivers. Several respondents, however, noted their concern about the concept of "joint and several liability." Respondents also made a number of specific comments and suggestions in response to this question, including:

- "[Our organization] supports the ministry clarifying the definition of when 'ownership' of hazardous waste transfers from the generator to the receiver – so that 'ownership' would not be considered as transferred from the generator to the receiver until (or unless) the 'waste has been treated, rendered safe, or disposed of properly'...[however] there still needs to be some protection for the generator if the receiver/processor misrepresents the capability to manage the hazardous waste;"
- "BCEIA would also consider posting the non-compliance list on [the] www.hazwastebc.com website;"

- “We are concerned about having to report non-compliance with 30 days – not all non-compliance events are equal – we suggest that MOE limit this requirement to non-compliance with specific sections of the Regulations so the reporting requirement is linked to ‘significant’ non-compliance events;”
- “[Our organization] supports the proposals on administrative actions to support receiver accountability, however...[we have] concerns about the ‘joint and several liability’ framework in the absence of an effective hazardous waste data tracking, inspection, compliance and enforcement system;”
- “The concept of the generator of the waste being responsible for the waste from cradle to grave seems to be the better way to manage accountability – if the generator knows they are directly responsible until the waste is properly disposed, the generator would more than likely take the time to ensure the waste is properly managed – waste management facilities are already heavily regulated in the Hazardous Waste Industry...addition legal recourse, such as joint and several liability, would be redundant – the ministry could still pull the Operational Plan, use the posted bond or fines under the requirements of the Operational Plan and regulations;” and
- “The definition of ‘accepted’ is not acceptable – if the material sent to a receiver has been properly characterized, then the receiver should then be responsible and accountable for all further aspects of the materials treatment and disposal – it is unfair to generators to hold them accountable while they have very little control.”

Ministry clarification: In the context of defining “accept” in Section 132 of the *Environmental Management Act*, the ministry expects that the generator ultimately:

- Chooses who will transport his/her waste;
- Chooses where to send his/her waste for treatment or disposal;
- Chooses which treatment/disposal method s/he thinks is most appropriate and cost effective for the waste, from a range of choices the various receivers offer;
- Is responsible for checking that all parties s/he has business with have the appropriate and applicable authorizations; and
- Should obtain proof that the waste shipped out has been managed according to their business contract, as part of his/her due diligence and good business practices, for example, by means of the returned manifest (copy 6) and/or a certificate of treatment/disposal/destruction/recycling/etc.

5.5 Accountability of “Qualified Professionals”

See intentions paper section 4.3.E.

Response Form Question 4.8: Do you have any comments regarding the ministry’s intention to amend the Hazardous Waste Regulation to make it an offence for anyone, including a Qualified Professional, to make a false statement while fulfilling requirements of the regulation?

While most respondents who commented on this topic supported the ministry’s intentions, concerns were expressed by a few respondents. One respondent felt that “qualified private professionals put another layer and cost into the system and further isolate the MOE from the public.”

Another noted that all installers [of used oil heating systems] are factory trained...as per installation regulations" doubting that a separate "'Qualified Professional' would have sufficient training or understanding to oversee this work." One respondent also suggested that "this [should] also apply to MOE employees and management."

6. Requirements for "Plans"

The ministry is proposing amendments to the regulation that will: 1) clarify the distinction between hazardous waste management facility plan requirements and generator plan requirements; 2) clearly specify that plan holders are responsible for ensuring that all plans are current and implemented; and 3) provide the director with the authority to require a review and update of plans at an appropriate frequency, and on reasonable notice. The ministry is also proposing to introduce provisions for the submission and approval of a closure report as a means of ensuring that hazardous waste management facilities are closed in an environmentally-responsible manner (see intentions paper section 4.4)

Response Form Question 5.1: Do you have any comments or suggestions regarding requirements for plans under the Hazardous Waste Regulation?

Most respondents who commented on this topic supported the ministry's intentions, however, several also asked for further clarification from the ministry regarding the proposed content of different plans and the timeframe for implementation of the proposed requirements, noting that plan requirements could "become an administrative burden" or "could complicate the revision process if changes are required." Some respondents also expressed concern that "with the slow approval of Operational Plans [currently]...moving these requirements to Director Requirements...could create an unlevel playing field [because of the ability to frequently change Director's Requirements]."

Other suggestions included:

- "Centralizing development and approval of these plans under one group within the ministry (in Victoria) to ensure consistency between the regions;"
- That facilities under stewardship programs should either be exempt from the requirements or [the] requirements should be less strenuous [for such facilities] as the programs typically deal with lower hazard, lower volume household waste;" and
- "The ministry [should] implement a process where the independent Third Party Qualified Professional submits the plans without an approval process from the ministry staff."

7. Financial Security

The ministry intends to amend the regulation and to develop guidelines that clarify the purpose and potential use of financial security for receivers of hazardous waste (i.e., hazardous waste management facilities) (see intentions paper section 4.5). The ministry is also seeking comment on potential options for determining the amount of financial security that is required for a hazardous waste facility.

Response Form Question 6.1: Do you have any comments or suggestions for the ministry regarding regulatory provisions and guidance documents addressing financial security requirements for hazardous waste management facilities?

Respondents generally supported or “recognized the need for” financial security provisions for all facilities that manage or receive hazardous waste – with an express need to “standardize requirements throughout the province.” Several respondents also noted that they do not support ‘the use of security from an innocent party to rectify a problem created by some other party involved with that hazardous waste.’

Response Form Question 6.2: Do you have any comments or recommendations regarding [an assessment-based approach, a formula-based approach or a combination of the two approaches] (or other) options [for determining the amount of financial security]?

Respondents differed in their comments – some recommending a formula-based approach (adjusted, for example, “to [recognize] facilities that have a long term compliance record”); others an assessment-based approach (e.g., “relying on a regular (every 2 year) site assessment and associated recommendations prepared by a Qualified Professional”) for large complicated facilities and a formula-based approach “for smaller, simpler [situations];” and others a combination of the two approaches. Several respondents also offered specific suggestions on criteria for determining financial security requirements, as well as support for development of a guide on the topic.

8. Use of a “Qualified Professional”

The intentions paper (see section 4.6) outlines the ministry’s intentions with respect to defining a “qualified professional” and clarifying the role and responsibilities of two different types of qualified professionals (i.e., “facility” or “independent”) under the regulation.

Response Form Question 7.1: Do you have any comments or suggestions regarding appropriate provisions for use of a qualified professional with respect to regulatory provisions for hazardous waste management?

Respondents generally supported the definition and role for qualified professionals proposed in the intentions paper, with a number also providing suggestions for clarifying the scope or role of qualified professionals with respect to the regulation. Suggestions or comments from respondents included:

- “The ministry should continue to monitor the B.C. legislation that regulates technologists to ensure that registered technologists that have appropriate experience may also be considered for registration as a Qualified Professional;”
- “MOE should consider limiting the performance of some activities to professional engineers who are practicing under a regulatory body and therefore are limited to practice within their area of expertise;”

- “It is recommended that the Independent Qualified Professional be the one to develop, approve and submit the Operational Plan, Design of Environmental Monitoring Program, Closure Plan and Determination of Financial Security, similar to what is presently in the *Municipal Sewage Regulation* – the IQP should be required to submit the information to the ministry with the option for the Director to override any requirements, if deemed necessary – it is recommended that the ministry’s limited resources rather be placed on the data tracking, inspection compliance and enforcement;”

Ministry clarification: Under the Municipal Sewage Regulation (MSR), the Qualified Professional(s) must prepare and make available to the Director upon request, information such as an Environmental Impact Study, including a receiving environment and discharge monitoring program, and an Operating Plan including the facility design and specifications, as-built drawings and other related information. Each qualified professional is responsible for and certifies that the information prepared by him/her is correct, adequate and meets or exceeds the requirements of the regulation. The professional does not have the authority to “approve” any of these documents. A director does not approve any of the information submitted but the director may require additional information or impose additional requirements if deemed necessary. Nevertheless, the form of security and assurance plans must be approved by the Director under the MSR.

- “[Individuals responsible for] installation and service of used oil heating systems...need to be factory trained for the specific brand according to the CSA B139 Installation Code;”
- “The table presented in the intentions paper makes the requirements for approval of the various plans easy to understand and we recommend using this as part of the guidance in the Directors Requirements;”
- “A Certified Environmental Auditor should be added to the list of qualified professionals, especially for the facility audits;” and
- “The proposed definition states the QP is to be registered in British Columbia...I am a Certified Environmental Auditor (CEA) certified by the Canadian Environmental Auditing Association (now called the Auditing Association of Canada) – this organization has a code of ethics and disciplinary procedures – however, it is a Canadian body and there is no registration in B.C...wording of the proposed definition for Qualified Professional be amended to say ‘registered in British Columbia and/or Canada’ or other wording that clearly includes Certified Environmental Auditors.”

9. Currency and Consistency with Scope and Intent of other Legislation

9.1 Resolving overlaps with the Contaminated Sites Regulation

The ministry plans to amend the Hazardous Waste Regulation to clarify that soil and groundwater with the characteristics of hazardous waste at a contaminated site would be classified as “hazardous waste” (and be subject to the provisions of the Hazardous Waste Regulation) only when they are collected and moved off the site to an authorized hazardous waste management facility. On-site management of the material would be subject only to the provisions of the Contaminated Sites Regulation (see intentions paper section 4.7.A).

Response Form Question 8.1: Do you have any comments or suggestions regarding the ministry's intention to remove regulatory responsibility for "on site" management of hazardous waste on contaminated sites from the Hazardous Waste Regulation?

Almost all respondents who commented on this topic expressed support for the ministry's intention, commenting, for example, that "this amendment retains operator responsibilities and site controls while reducing the regulatory burden from an approvals perspective," or that "it will eliminate a lot of confusion." One respondent, however, expressed strong concerns that the proposed changes would constitute "a vast departure from existing practices...[being] the first time hazardous waste is defined in the Contaminated Site Regulation, and...in direct conflict with the definition of 'hazardous waste generation facility' described in the intentions paper." This respondent felt that the changes "could in essence create two classes of hazardous wastes, for which the management options and requirements are not equal...[with] a potential impact not only for on site remediation but the off site management also." The respondent outlined examples of potential "interpretive and operational debates" and commented that "it is difficult to predict loopholes and interpretive questions without reviewing the actual text [of the intended changes to the regulation(s) involved]."

9.2 Updating standards in the regulation

The ministry proposes to review and update effluent and air emission standards referenced in the regulation (see intentions paper section 4.7.B).

Response Form Question 8.2: Do you have any advice or suggestions for the ministry with respect to updating effluent and air emission standards?

While almost all respondents who commented on this topic supported regular updating of standards associated with the regulation, many also recommended close attention to consultation with industry sectors and the public when changes are being considered. Comments and suggestions from respondents included:

- "Clarify the ministry's intention that 'contaminants not listed [in the standards] still would require the approval of the director if any environmental impact is anticipated'...[as] this is a broad and encompassing statement that will be open to a wide range of interpretation [with potentially significant implications to businesses practicing in the sector];"
- "These updated standards should be consistent with Federal requirements and consideration given to local regulatory bodies such as the GVRD – we would suggest starting with a gap analysis between the ministry, Environment Canada and the GVRD requirements;"
- "The ministry should again review the technologies of recycling to ensure that the most up to date recycling technologies are known to the ministry;"
- "We would be very concerned if MOE is considering adopting ambient water quality criteria or guidelines as discharge standards...in the absence of other more appropriate industry specific objectives;" and
- "Standards should not be based on Best Available Technology but on determining the impact of contaminants on health and the environment and setting appropriate performance objectives that protect against these impacts."

10. Waste Oil Provisions and Recycling of “Hazardous Materials”

10.1 Clarifying provisions addressing waste oil

The ministry is proposing to revise the existing definition of waste oil, establishing three separate definitions – *liquid waste oil*, *waste materials contaminated with oil* and *hydrocarbon contaminated soil* – and to establish regulatory provisions that are reflective of handling and management requirements (see intentions paper section 4.8.A).

Response Form Question 9.1: Do you have any comments or suggestions regarding proposed definitions and provisions addressing waste oil under the Hazardous Waste Regulation?

Respondents differed in their degree of support for the ministry's proposed definitions and provisions addressing waste oil under the regulation. Several expressed support for the definitions and proposed categories. However, many respondents noted concerns or recommended changes to the proposed provisions. Most common, was the comment that “the proposed limit of 0.6% for ash content is too low” – with several respondents noting that the limit is much higher (1 or 2%) in other jurisdictions such as Alberta and Ontario, or that “the analysis for ash content can be an additional expense and common additives would be indicated by reviewing things like the halogen content which must be done anyway...ash content can not be controlled by the generator or person using the oil as a fuel and other methods should be employed to protect against mixing.”

Specific comments included:

- “It is recommended that transmission fluid, power steering fluid, compressor oil and air conditioning oil be added since these oils are currently part of BCUOMA’s industry stewardship program [and]...that brake fluid be excluded from the definition due to the fact that it is currently not part of the *Recycling Regulation*;”
- “The designation of waste oil as a hazardous waste should be restricted to liquid waste oil and used oil filters – other waste materials contaminated with oil and hydrocarbon contaminated soil should not be included as the 3% extractable petroleum hydrocarbon concentration used for inclusion is arbitrary and does not address the type of hydrocarbon contaminant present;”
- “If the definitions of Waste Oil remain as proposed, [our organization] fully supports the replacement of the special waste oil and grease (SWOG) test with the EPH analytical procedure – this change will provide better consistency in testing and providing accurate data;”
- “Hydrocarbon contaminated soil – British Columbia is unique in defining this waste stream as a hazardous waste, and is inconsistent with other jurisdictions...waste materials contaminated with hydrocarbon and hydrocarbon contaminated soil should be forced to be recycled if there is any potential to extract value form the material (oil recovery, etc.) – if there is not, the provisions of every other jurisdiction in North America should apply – this should not be classified as hazardous waste if there are no other parameters that make it hazardous: flammability, leachable benzene, toluene, ethyl benzene or xylenes;” and
- “[We] support the ministry’s proposal to conditionally exclude used oil filters from being regulated under the regulation if they have been crushed and drained such that the oil con-

tent is less than 6% by weight, and if the crushed filters are shipped to scrap metal dealer or directly to secondary metal smelter."

10.2 Encouraging appropriate recycling and recovery of "hazardous materials"

The ministry supports a tiered "5Rs – reduce, reuse, recycle, recover and residue management" approach to managing wastes and is intending to amend the regulation to encourage and increase appropriate recycling and recovery of materials in a manner that maintains human health and protection of the environment. The intentions paper (see section 4.8.B) describes several proposed measures for encouraging appropriate recycling and recovery of hazardous materials.

Response Form Question 9.2: Do you have any comments regarding the proposed revisions to the regulation to encourage recycling and recovery, or other suggested incentives for recycling or reuse of hazardous materials for the ministry to consider?

Respondents were in general favour of efforts to encourage recycling and recovery and supportive of the ministry's intent in this regard. A number of respondents expressed support for the proposal to provide an exemption for specific recycling facilities and also suggested that the exemption be extended to "pulp mills, cement kilns and asphalt plants that use processed [treated on site] oil as a fuel...consistent with other neighbouring jurisdictions such as Washington State." Several respondents suggested that "used oil heating systems should be encouraged with similar return incentives [to those] in Alberta." One respondent recommended "regulation changes [to allow] mixing of fuels with waste oil for burner fuel...if the specifications for waste oil as a fuel are met." A number of respondents also recommended extending the exemption for recycling facilities to also include "facilities used by product stewardship programs."

Several respondents requested clarification of the ministry's intentions – for example, "what is meant by 'wholly utilized' with no element of pre-treatment or discard[?]" and "we recommend clearly defining each of the 5Rs [reduce, reuse, recycle, recover and residual management] to better understand the ministry's approach to material and environmental compliance as outlined in the intentions paper."

Response Form Question 9.3: Do you have any suggestions regarding appropriate regulatory or administrative provisions that might provide reasonable safeguards from abuse of regulatory provisions intended to support recycling and recovery of hazardous materials?

Respondents who commented on this topic almost all recommended a maximum storage period of one year (for hazardous wastes being treated at a recycling facility). With respect to preventing "sham recycling operations," one respondent suggested that "the ministry will have to significantly improve the quality and timeliness of the data tracking system, inspections, compliance and enforcement." Another commented "that registered BCUOMA Collectors (carriers) can provide the ministry with a comparable 'generator to final destination' documentation system that equals or exceeds that found on the manifest system [and] should not be required to use the manifest system." One respondent also noted that "since stewardship programs are subject to accountability to an industry board and are overseen by the ministry's stewardship group, 'sham recycling' should not be an issue with stewardship programs."

11. Additional Regulatory Provisions

11.1 Allowing acceptance of incorrectly manifested hazardous waste

See intentions paper section 4.9.A.

Response Form Question 10.1: Do you have any comments regarding the ministry's intention to include provisions to enable acceptance and reporting of incorrectly manifested hazardous waste in the regulation?

Respondents who commented on this topic supported the ministry's intention. One respondent recommended incorporating "a two level approach: 1) administrative errors such as missing signatures or ID# could be corrected on the documentation and reported on a manifest deficiency report annually (as outlined in the Section 4 Operational Plan); and 2) significant manifesting errors such as misclassified waste and large volume inconsistencies, require immediate e-mail addition to the administrative errors reporting procedure."

11.2 Using orders to prevent abandonment of hazardous waste

See intentions paper section 4.9.B.

Response Form Question 10.2: Do you have any comments regarding appropriate provisions for and use of orders to prevent abandonment of hazardous waste?

Respondents who commented on this topic supported or "welcomed" the proposal, noting, for example, that it "would allow a quicker response by the ministry to react to problem facilities."

11.3 Exempting "field operations" from carrier requirements

See intentions paper section 4.9.C.

Response Form Question 10.3: Do you have any comments regarding the ministry's intention to exempt "field operations" from carrier requirements under the regulation?

While some respondents expressed support for the proposal, several requested clarification regarding the ministry's intent and potential interpretation, for example, one respondent queried "would this exemption apply to a tradesman with a pickup truck who safely loads and secures a couple of labeled barrels of hazardous waste on the back of his truck from a remote worksite and transports the material to a more central location for consolidation with other wastes from similar sites?" Another respondent commented that "exemptions from carrier requirements should fit within the quantity exemptions within the Hazardous Waste Regulations and the Transport of Dangerous Goods Regulations to ensure consistency of managing hazardous waste and protecting the public and environment" noting that "even though they are smaller quantities, they still pose a risk and this risk must be properly managed."

11.4 Clarifying requirements for lead-acid and other types of batteries

See intentions paper section 4.9.D.

Response Form Question 10.4: Do you have any comments regarding appropriate provisions under the regulation for handling and management of lead-acid and other types of batteries?

Respondents who commented on this topic supported the ministry's intentions.

11.5 Harmonizing regulatory requirements for storage of PCB waste

See intentions paper section 4.9.E.

Response Form Question 10.5: Do you have any comments regarding the ministry's intention to harmonize legislation for storage of PCB waste with federal legislation?

Respondents who commented on this topic generally supported the ministry's intentions, with one respondent suggesting that "to clarify that PCB waste in B.C. is to be managed as per the Federal PCB regulations, it could simply be stated and reference [made to] the appropriate Federal regulation, as amended from time to time." Another respondent requested clarification of "how harmonization of the regulation would affect PCB delisting protocol."

11.6 Exempting hazardous waste management facilities that deal solely with neutralization of corrosive hazardous waste

See intentions paper section 4.9.F.

Response Form Question 10.6: Do you have any comments regarding the ministry's intention to exempt hazardous waste management facilities that deal solely with neutralization of corrosive hazardous waste?

Respondents differed in their recommendations with regard to this intention. While some respondents expressed support for the intention, others provided cautionary comments. One, for example, commented that "members [of our organization] who neutralize wastes are concerned that neutralization is one of the most dangerous operations they manage." Another noted that "this exemption could be abused and/or provide a distinct advantage over other processing facilities that maintain the corrosive nature of the product but recycle it for re-use, such as washer aqueous fluid."

12. Consultation with First Nations

See intentions paper section 5.

Response Form Question 11.1: Do you have any comments or recommendations for the ministry regarding consultation with First Nations in relation to the Hazardous Waste Regulation?

Limited substantive comment was received on this topic. One respondent, for example, noted that "it is an important area of consideration." Another recommended that "the ministry should

work in cooperation with the federal government to ensure that hazardous waste facilities operating on First Nations lands are properly regulated to prevent damage to the environment.”

13. Guidelines, Director's Requirements and Best Management Practices

See intentions paper section 6.

Response Form Question 12.1: What advice or suggestions do you have for the ministry regarding development and use of guidelines, Director's Requirements and/or Best Management Practices documents?

All respondents who commented on this topic supported the intention of the ministry, noting, for example, that such documents are “very useful to clarify regulatory requirements.” Several respondents highlighted the importance of consultation and involvement of stakeholders, including industry groups, in the process for developing guidelines and other documents. One respondent also commented that “the ministry [must also ensure that] the necessary resources are available to monitor and enforce these requirements.” Another respondent cautioned that “consideration...be given to...the frequency of change of these requirements...[as they] could turn into a moving target for industry” resulting in increased costs, problems in communication and difficulties in enforcement. A number of respondents also commented that “the ministry should maintain the ability to set guidelines... [such as] on site burning for energy recovery...[and not delegate them to a third party organization]”.

14. Assuring Compliance

See intentions paper section 7.

Response Form Question 13.1: Do you have any comments or suggestions for the ministry regarding “compliance promotion”?

As well as generally expressing support for development of a strategy for voluntary compliance, respondents had a number of specific comments or suggestions for the ministry, including:

- “It is recommended that the internet be used as the primary way of disseminating information and reporting on compliance;”
- “Targeted workshops and guidance documents assist with compliance promotion – another strong compliance promotion tool is providing the resources to answer specific situations on an ongoing basis;”
- “We continue to be concerned about inconsistency in the regulations and in regional interpretation of the current regulations...we recommend training, guidance and other methods for educating generators, carriers, receivers, processors and the public be provided through one centre in Victoria – regular updates (we suggest weekly) to the hazardous waste web site including a Q&A on interpretation and use of the regulations;” and

- “We are not sure how these approaches would necessarily lead to compliance – there needs to be meaningful consequences for being out of compliance with minimum standards...[for example] large fines, other economic penalties, having to cease operations until the issue in question is resolved.”

Response Form Question 13.2: Do you have any comments or suggestions for the ministry regarding “compliance verification”?

Respondents who commented on this topic suggested that “significant improvements to the [ministry’s] data tracking system” and “increase[ing] necessary resources and field presence for...inspection...of generators and waste management facilities” - in addition to “a systematic response to hazardous waste generators, carriers and facilities operating at variance to the Hazardous Waste Regulation” – are essential elements for assuring compliance.

Response Form Question 13.3: Do you have any additional comments or suggestions for the ministry regarding effective enforcement of the regulation?

Respondents who commented on this topic generally supported the ministry’s proposed response to non-compliance using a variety of enforcement tools, with one respondent noting that the “choice of response should be based on: ministry-wide policy; the compliance history for the party or parties involved (generator, broker, carrier or receiving facility); and the significance of the impact from the non-compliance occurrence.” One respondent reiterated their recommendation of an increased “ministry presence in the industry” feeling that “the presence alone would more than likely encourage people to comply with the regulations voluntarily.” Another respondent felt that “there need[s] to be meaningful consequences for being out of compliance...[such as] large fines, other economic penalties, [or] having to cease operations until the issue in question is resolved.”

15. Protection of Human Health and the Environment

Response Form Question 14.1: Are there any aspects of the regulation and management of hazardous waste management that could significantly affect human health or the environment that are not, in your view, sufficiently addressed in the proposed revisions to the regulation? If yes, what are they? What suggestions do you have for the ministry to improve the manner in which these concerns are addressed?

Most respondents who commented on this question felt that the proposed revisions to the regulation have sufficiently addressed protection of human health and the environment. Of the three respondents who identified additional concerns, two commented on transportation spills – encouraging the ministry to support “where ever possible, on site recycling...[and] prevent the transfer of valuable recyclable resources out of the province and country.” One respondent commented that “our organization is looking for additional protections in degraded/sensitive airshed[s] – we are not sure these codes of practice standing alone provide adequate protection of our air quality.”

Response Form Question 14.2: Do you have any other comments or suggestions for the ministry?

Many of the respondents commented that they supported the consultation process involved in review of the Hazardous Waste Regulation and “look forward to continued involvement” in any future consultations. Several respondents suggested that the ministry involve stakeholders in a review of any changes that result from comments received on this intentions paper. Additional comments and suggestions included:

- “In keeping with [our] recommendation for the ministry to define “broker” in the revised Hazardous Waste Regulation, accountability of brokers must also be addressed in the revised legislation – brokers should be registered with the ministry, and required to carry liability insurance – consideration of requiring brokers to be “qualified professionals” should also be reviewed by the ministry;”
- “I would like to call special attention to the section regarding moving Section 41.1 from the Hazardous Waste Regulation to the Contaminated Sites Regulation – I think that this would be a difficult section to interpret, manage and enforce – it also may lead to questions regarding the difference between on site treatment and diluting to evade a regulation;”
- “[Our ministry] generally supports the policy directions set out in the policy intentions paper – in particular, it agrees with the proposal in section 4.7A of the paper for resolving the potential overlap between the HWR and the Contaminated Sites Regulation;”
- “The comment period for these types of sweeping changes to the regulations is much too short;”

Ministry note: A minimum of 45 days for consultation period is allowed for the [EMA Codes of Practice Development and Regulatory Review Process](#), other steps can/will be taken depending on each case and nature of the intentions paper comments. Our intentions paper was posted on April 22, 2008; the submission due date was June 5, 2008. Late comments were still being received until the end of July, 2008. The ministry accepts comments on regulations at any time. However, comments received outside the official comment period may have to be considered during the future revisions of the regulation.

- “[Our institution] both generates, manages, recycles and coordinates the transport of hazardous wastes from our numerous locations...as the revisions to the regulations are being drafted, please take into account the issues facing multiple-site multiple-function institutions particularly related to reporting and storage issues;”
- “The true risk associated with the current ‘biomedical waste’ definition is more based on perceptions than fact...it is time this definition was changed to reflect true risk;”
- “The First Nations Leadership Council does not consult on behalf of First Nations communities, and unfortunately, we do not have the capacity to engage in an analysis of this Intentions Paper at this time – as ever, we encourage you to consult directly with First Nations communities on this and other initiative;”
- One respondent included a detailed review of air quality concerns associated with air emissions from the burning of waste oil at asphalt plants in the Prince George airshed, commenting that “the burning of waste oil (hazardous waste) is a dangerous practice in the Prince George airshed and other similar airsheds in British Columbia – the Hazardous Waste Regu-

lation review proposes to update effluent and air emission standards and we hope that updated air emission standards with regard to waste oil will improve the air shed – we note that the ministry is revising the existing definition of waste oil and establishing regulatory provisions for handling and management – we would like the asphalt plants in this sensitive air shed to be required to burn Natural Gas or some other clean fuel to minimize pollution – we hope that the Ministry of Environment establishes a Director's Requirement – enforceable under the regulation and that they establish a clear definition of permitted content in regard to waste oil (hazardous waste generation facility – waste oil from one consistent, tested source) use for burning in asphalt production...we are pleased to see that the Hazardous Waste intentions paper incorporates many plans that will create a more accountable and safer situation...we hope to see that a director can review and [request] update [of] plans with more frequency;"

- "There is continuing need for regulation of industry – it has not worked in the past nor do we anticipate it will work very well in the future for industries to self-regulate;"
- "In relation to product stewardship programs, the general issues and concerns mentioned do not apply because EPR Products are already being effectively and closely managed in accordance with the comprehensive requirements of director approved Stewardship Plans – it is our submission that the better policy result is to keep such products wholly within the current system