

Implications of Changes to the Transportation of Dangerous Goods Regulations Affecting the Definition and Management of Hazardous Wastes in B.C. - April 2008

The classification of dangerous goods in the federal Transportation of Dangerous Goods Regulations (TDGR) is found under Class 9: Miscellaneous Products, Substances or Organisms, including some substances that were regulated as "Environmentally Hazardous Substance NOS, Solid or Liquid" and specifically involve:

1. The removal of "leachate toxic" dangerous goods; and
2. The removal of the list of substances regulated in mixtures at a level of 100 ppm or greater, 50 ppm or greater in the case of PCBs.

As a result of the changes to the TDGR in 2008, the substances previously captured by these paragraphs are no longer defined as "dangerous goods". These changes have implications for the Hazardous Waste Regulation, the Contaminated Sites Regulation and the Spill Reporting Regulation, all of which make reference to these categories of dangerous goods, and hence hazardous wastes, by direct or indirect reference to the subject TDGR sections.

Regarding the B.C. Hazardous Waste Regulation, the first change, eliminating federal "leachate toxics", has no material effect on the B.C. regulation of hazardous wastes. The regulation already contains a stand-alone definition of "leachable toxic wastes" as a sub-category of hazardous wastes that is not connected to the federal regulations. In fact, our leachate schedule contains nine additional contaminants not found on the equivalent federal leachate list. Therefore, it is business as usual in B.C. for this category of hazardous wastes, except it is our understanding that the UN #, Class and Packing Group data need no longer be entered on the manifest. However, the ministry does continue to require that the name "leachable toxic waste", the specific leachate contaminant(s) present in the waste and a general description of the waste be entered in the "shipping name" field on the manifest.

The second change to the TDGR results in this sub-category of wastes no longer being defined as hazardous wastes in British Columbia, except for PCB wastes. Non-PCB wastes containing any of the other specific compounds previously listed in the federal regulations at concentrations greater than or equal to 100 ppm are no longer classified as "dangerous goods" and therefore are not hazardous wastes in B.C. The ministry believes the impact will not be great as wastes classified as hazardous solely by this provision of the TDGR are not numerous nor of significant volume. The principal exception is some contaminated soils captured by virtue of the presence of one or more of these compounds, most notably total ethylbenzene, toluene or xylene concentration. These particular soils will continue to be captured if they leach ethylbenzene, toluene or xylene at unacceptable levels, as these

particular compounds are on the B.C. leachate contaminant list. However, other soils that were formerly hazardous waste due only to this TDGR classification are not hazardous wastes. The PCB wastes are not affected because, as is the case for the leachable toxic wastes, the regulation defines PCB wastes as hazardous wastes at the 50 ppm level.

The ministry has initially identified three regulations under EMA that are affected by these changes to the federal transport regulations, as identified above. Regulated parties should have received details regarding how to respond to the changes in the context of generator and facility registration processes, transport licences, manifesting, etc. under the Hazardous Waste Regulation.