



GUIDANCE
REGIONAL OPERATIONS BRANCH | April 2020

Registered Sites Approvals and Application Process Overview
for Hazardous Waste Management Facilities
Hazardous Waste Regulation

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## Purpose of this document

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This document (overview) provides a summary of the approvals required and the application process utilized to become a fully authorized registered site under the Hazardous Waste Regulation (HWR). It also provides information on how to make changes to existing approvals and how to apply for additional approvals for sites that are currently registered.

## How to use this document

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Review this document as a reference guide to familiarize yourself with the activities that require an HWR registered site number, the types of approvals required for registered sites, and the application process.

### 1.0 HWR Registration Types

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Registration under the Hazardous Waste Regulation (HWR) is required for any facility managing hazardous waste in excess of the quantities prescribed in HWR Schedule 6. Within the HWR, ‘facility’ means any works that are designed to or do handle, store, treat, destroy or dispose of hazardous waste, including recycle facilities, storage facilities, treatment facilities, incinerators, thermal treatment facilities, mobile facilities, secure landfills, piles, surface impoundments, land treatment facilities and secure buildings.

There are two types of registration under the HWR: 1) for generators and 2) for registered sites. This document deals only with registered site registrations. Information on generator registration can be found on the [ministry’s website](#).

HWR section 43(2) sets the requirements for registration as a registered site, and states, in part:

A person who,

- a) **At any time, stores** at a site a quantity of a category of hazardous waste greater than the quantity set out in Column II of Schedule 6 opposite that category that **was generated at a different site**, or
- b) **In any one-day period, treats, recycles or disposes** of a quantity of a category of hazardous waste greater than the quantity set out in Column II of Schedule 6 opposite that category must register the hazardous waste and apply for a **registered site number**...

Registered sites include:

- Third party hazardous waste management facilities that receive waste from off-site generators (e.g. storage and transfer stations, bulk liquid hazardous waste treatment facilities, invert treatment facilities, oil and gas waste treatment facilities).
- Hazardous waste disposal facilities (e.g. secure landfills, permanent disposal in a building).
- Facilities that are not primarily engaged in waste management but generate hazardous waste as part of their business and treat, recycle or discharge the waste at the facility (e.g. manufacturers).

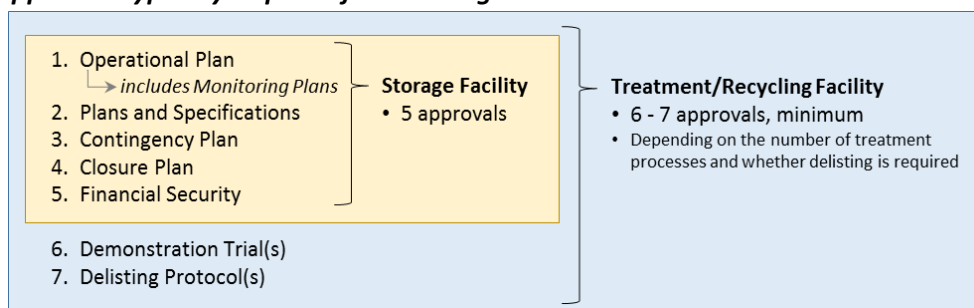
The purpose of registration is to log information about the hazardous waste management facility (referred to in this document as “facility” or “facilities”) into the ministry database and to assign a unique identifier to each facility in the province.

Obtaining a registered site number does not provide authorization for the construction, installation or operation of the facility. Approvals issued by a director, or statutory decision maker, designated under the *Environmental Management Act* (EMA) are required for that purpose. In some cases, additional approvals may also be required from other agencies for the facility to be fully authorized, such as local governments and/or the province’s Environmental Assessment Office.

## 2.0 Required Approvals for a Registered Site

Multiple approvals are required for hazardous waste management facilities. Approvals are required to be provided by a director, as stated above. The number and type of approvals required depend on the activities occurring at the facility. Figure 1 shows the approvals required for hazardous waste storage, recycling and treatment facilities. Generally, all facilities require approvals of items 1 to 5 shown in Figure 1, and treatment and recycling facilities require more. An overview of the various approvals is provided below. Additionally, detailed guidance and templates for each type of approval are provided on the [ministry’s website](#).

**Figure 1: Approvals typically required for HWR registered sites**



*Hazardous waste disposal facilities require items 1 through 5 and demonstration trials if hazardous waste is treated prior to disposal. Discharge permits are also required for secure landfills.*

## 2.1 Plans Required for All Registered Sites

The HWR states that before beginning construction or installation of a facility, the owner must obtain approval of **plans and specifications** and an **operational plan** (and modifications to existing plans) (HWR section 4). In addition, the owner of a facility must not operate without an approved **closure plan** (HWR section 14) and must have an approved **contingency plan** (HWR section 11). These four plans are required for the vast majority of registered sites regardless of the activities carried out. There are some exceptions to be required plans described in section 4 of this document.

The activities and components of the facility are stated in two documents - the operational plan and plans and specifications, respectively. Therefore, approval of these two documents provides the fundamental authorization for the facility. The operational plan states the types of hazardous waste managed at the facility and the maximum rates of hazardous waste storage, treatment, recycling and disposal. The operational plan must also include the facility's monitoring plans and details of reporting and auditing. Plans and specifications provide information about the works at the facility and demonstrate that the facility is designed in accordance with HWR requirements. The ministry also requests information regarding siting of the facility in the plans and specifications.

Templates are available on the ministry website that identify the required components of each of the plans.

### 2.1.1 Monitoring Requirements

Details of monitoring that will be carried out at the facility must be described in the operational plan in accordance with HWR section 4(2)(b). Monitoring may be needed for a range of activities, including verification of the quality of effluents and emissions resulting from facility operations, the effectiveness of treatment and the quantity and quality of treatment residues. In some cases, monitoring is required to assess the potential effect of waste discharge or disposal, or other activities, in the receiving environment. Monitoring may also be required to verify the facility's waste characterization procedures and evaluate the environmental effectiveness of containment systems, operational practices and contingency plans. Monitoring activities may include but are not limited to visual and other qualitative inspections, integrity testing, and sampling waste streams and environmental media both on-site and/or in the receiving environment.

## 2.2 Financial Security

Section 17(2) of the HWR authorizes a director, at his or her discretion, to require financial security for hazardous waste storage facilities as a performance guarantee. Although this condition is listed under the heading of storage facilities in the HWR, it also applies broadly to treatment, recycling and discharge facilities as well, as these types of facilities also store hazardous waste. See section 2(1) of the HWR for information about how requirements of the regulation apply to various types of facilities.

For secure landfills, section 14(1)(b) of EMA enables the director to use discretion in determining financial security requirements for permit holders.

The ministry typically requires financial security for registered sites that receive hazardous waste from other generators. Financial security may also be required of registered sites that generate their own hazardous waste.

## **2.3 Additional Approvals Required for Hazardous Waste Treatment, Recycling and Disposal**

Facilities that treat, recycle and/or discharge or dispose of hazardous waste require approvals additional to those describe above. All hazardous waste treatment processes require an approved demonstration trial prior to operation, unless an exemption has been granted. For some hazardous waste treatment processes, one or more approved delisting protocol(s) may also be required. Treatment in the HWR is defined as the handling or processing of hazardous waste in such a manner as to change the physical, chemical or biological character or composition of the hazardous waste.

### **2.3.1 Demonstration Trials for Hazardous Waste Treatment**

The HWR states that before beginning operation of a treatment facility the owner must conduct an approved demonstration trial to validate the effectiveness of each treatment process (HWR sections 18(2) and 20(2)). This is required for all treatment processes, regardless of the intended outcome. For example, demonstration trials are required even when all treatment products and by-products are intended to continue to be managed as hazardous waste. The demonstration trial shows that the treatment of hazardous waste is effective and safe.

### **2.3.2 Delisting Protocols**

An approved delisting protocol allows hazardous waste and the residue of hazardous waste treatment to be exempt from the requirements of the regulation. For example, delisting allows hazardous waste to be removed from site without adhering to HWR transportation and manifesting requirements. Delisted hazardous waste may be disposed of at a landfill other than a secure landfill or managed in some other way (HWR sections 19(2) and 21(3)), such as recycling/reuse.

The authority for delisting is provided in HWR section 53 which indicates that in order for hazardous waste and associated residues to be delisted, it must be shown that the waste does not pose a threat to human health or the environment when managed in the specific way described in the delisting protocol. Delisting protocols typically describe the waste type, treatment process, performance standards and

intended end use. A monitoring program associated with a delisting protocol may be embedded into the protocol itself or may be specified in the facility's operational plan.

### **2.3.3 Hazardous Waste Disposal and Discharge**

Authorization for disposal of hazardous waste is approved via the facility's operational plan, and for disposal of solid hazardous waste, a secure landfill permit issued under EMA.

For disposal of solid hazardous waste in secure landfills, the EMA permit sets the conditions regarding discharge quantity and quality and operational requirements above and beyond those stated in the HWR.

Disposal of liquid effluent from a facility may be in the form of a discharge to the environment, storm sewer or municipal or industrial treatment works. Minimum performance standards for liquid effluent discharges are listed in Schedule 1.2 of the HWR. Effluent discharges must comply with the criteria in HWR Schedule 1.2 as indicated throughout Part 4 of the regulation. Also, a director may impose more stringent or additional effluent discharge limits as a condition of approval of the operational plan.

### **2.3.4 Storm Water Effluent Discharges**

Storm water generated at a facility may meet the definition of effluent provided in EMA, particularly if the storm water comes in contact with the facility's operational areas. Effluent discharges from hazardous waste facilities are required to comply with the performance standards of schedule 1.2 of the HWR as stated above. Therefore, storm water monitoring, reporting and auditing is typically required in the operational plan.

### **2.3.5 Emissions (Air Contaminants) Discharges**

Emissions from hazardous waste storage and treatment facilities are assumed to have the same meaning as 'air contaminants' in EMA. Emissions discharges must meet approved specifications (HWR sections 17(1)(a), s.19(1)(b)). Emissions specifications for incineration and thermal treatment facilities are listed in HWR Schedule 2 and are required to be met as per HWR section 21(1)(d).

Emissions from hazardous waste treatment facilities may require a permit from the Regional District of Metro Vancouver (Metro Vancouver), as described in the section below. Outside of Metro Vancouver, the ministry may approve some air discharges via the operational plan and/or an air discharge permit. This will be communicated through pre-application phase of the structured application process.

### 3.0 Approvals of Other Jurisdictions

Should a proposed hazardous waste facility match the description of a project category and meet or exceed the established thresholds in the Reviewable Project Regulation of the Environmental Assessment Act, the proposed facility could be subject to an Environmental Assessment. This is regulated by the province's Environmental Assessment Office. Proponents should contact the Environmental Assessment Office for clarification.

In addition to provincial requirements, local governments may have bylaws regarding discharges to air and/or to their municipal sewers. For example, Metro Vancouver has authority to regulate emissions (air contaminants) (in accordance with EMA s.31. If there is an air discharge proposed from a facility within Metro Vancouver, applicants must follow Metro Vancouver procedures to apply for an air discharge permit.

### 4.0 Exceptions Where Approvals May Not Be Needed

Part 6 of the HWR has provisions for management of specific types of hazardous waste, and when wastes are managed in accordance with the requirements, HWR approvals may not be required. These wastes and the associated management activities are described in HWR Part 6 and listed in Table 1, below. It is important to note that a director has authority to order a provision that is exempted for the purposes of Part 6 to be in force, including the requirement for approved plans. It should be noted that registration is still required. Upon submission of registration information, the ministry will assess the need for HWR approvals on a case by case basis.

**Table 1: Hazardous waste management activities that may not require HWR approvals**

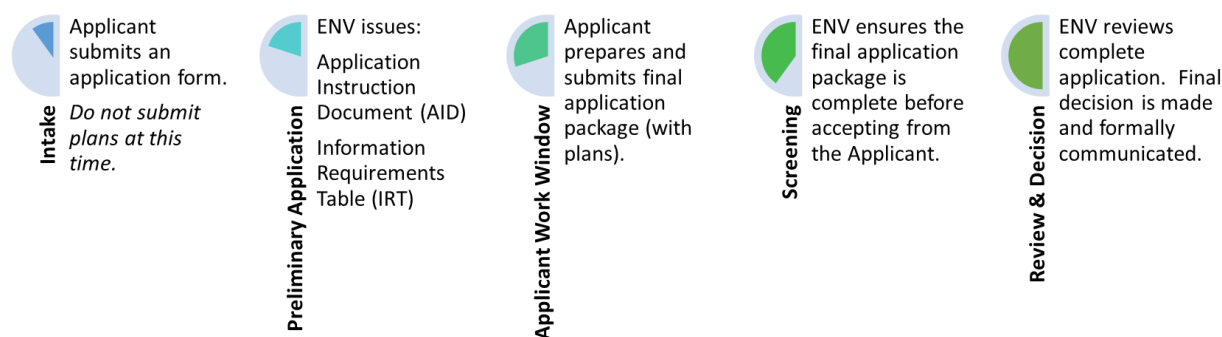
HWR Reference	Hazardous Waste Type	Waste Management Activity
Section 40	Asbestos	Disposal in a landfill
Section 41	Waste oil	Combustion as fuel or disposal in the manufacture of pavement
Section 41.1	Hydrocarbon contaminated soil	Treatment and storage at a landfill or other EMA authorized facility or use in the manufacture of asphalt
Section 42	Pest control product wastes and containers	Disposal of a waste product container and a waste containing product
Section 42.1	Waste paint	Treatment and recycling of waste paint at facilities owned and operated by a paint manufacturer or formulator

## 5.0 Application Process

Applications for HWR registered sites, including registration and the associated approvals, follow the ministry's structured application process for routine applications, and involves four phases: preliminary application, final application, screening, and review and decision. A simplified process map including key submissions by applicants and documents issued by the ministry is shown in figure 2 below. Additional information on the application process, including timelines and information on all the phases can be found on the ministry's website.

As shown in figure 2, the application process begins with the intake phase, with submission of an application form. The ministry has developed a comprehensive fillable form for this purpose titled – Registered Site Preliminary Application and Registration Form. This form includes all the information required to be submitted in accordance with HWR Schedule 5 Form 1.

**Figure 2: Simplified depiction of the application process**



Once the application form passes intake phase, it is assigned to technical staff and enters the preliminary application phase. This phase of the process involves a preliminary application meeting and the development of requirements for the final application. Preliminary application phase typically ends with the issuance of an application instruction document (AID) and an information requirements table (IRT) as shown in figure 2. These documents outline requirements for the final application package, including the types of plans, assessments, trials and protocols that are required to be submitted. The IRT lists the expected content for each of the required documents. Several templates, including an IRT template, are available on the [ministry's website](#). However, please note that the final AID and IRT are site-specific documents tailored to each individual application. It is advised not to submit any plans or other draft documents prior to the completion of the preliminary application phase and issuance of the AID and IRT. Obtaining site-specific direction from the ministry prior to submission of plans leads to a faster application process.

Should an EMA permit be required in addition to HWR approvals, this will be communicated through the preliminary application phase of the process. In these cases, a separate permit application will be required, also following the structured application process.



## 5.1 Expectations for Public Notification

Public notification requirements are laid out in the Public Notification Regulation (PNR). The PNR does not require public notification for registrations under a regulation or code of practice. Likewise, the HWR does not have public notification requirements for registrations. However, the PNR does require public notification for some applications for hazardous waste treatment or disposal. Where applicable, public notification requirements will be communicated to applicants during the preliminary application phase of the application process.

## 5.2 Expectations for Consultation and Engagement with Indigenous People

The Province of British Columbia has a duty to consult and, where required, accommodate Indigenous people whenever a decision or activity could impact treaty rights or asserted or established aboriginal rights and title (Aboriginal Interests). This duty stems from Canadian common law as expressed in court decisions.

Statutory decision makers consider whether the duty to consult is triggered on an application-by-application basis. Should the duty to consult be triggered, the extent of consultation will vary with the circumstances. Application-specific requirements regarding consultation with Indigenous peoples will be communicated through preliminary application phase, if applicable.

Note that the legal obligation to consult with Indigenous people lies with the Province. Applicants can play an important role in supporting government's consultation efforts because they know the details of their proposed facilities and are well positioned to communicate this information and modify plans to avoid impacting potential Aboriginal Interests. The ministry may ask applicants to provide information to specific groups to assist in facilitating this process. It's important to be aware that where authority exists to do so, the Province may require modifications to plans to avoid potential impacts to Aboriginal Interests.

The B.C. Government has several guides for applicants when engaging Indigenous groups, which can be found on the [website](#).

## 6.0 Amendments to Registrations and Approved Plans

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Should any of the information required in HWR Schedule 5 Form 1 change, an application must be submitted within 30 days of the change (HWR section 43(4)) using the forms provided on the ministry website. The ministry also requests a location map and project description to accompany the application to reaffirm information about the facility.

Changes to approved plans must be approved by the director in writing prior to implementing the associated changes at the facility. Changes to approved plans are considered a registration amendment

and an application must be filed following the ministry's application process as described above. In some cases, an amendment process will trigger the duty of the Province to consult with Indigenous peoples. The application process, including the amount of information requested in the IRT, timelines for review and decision and depth of Indigenous engagement if required, will be scaled to the complexity of the amendment application.

The amendment process is used for all applications for updates to previously approved registered sites, including changes to approved plans, proposals for new demonstration trials, delisting protocols, discharges, etc. As described above, it is advised not to submit any plans prior to the completion of the preliminary application phase and issuance of the AID and IRT.

## 7.0 Change in Name or Ownership

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Should there be a change in the name of the company that holds the registered site number, either via change in ownership or name change, an amendment application is required using the forms provided on the ministry website. In some cases, plans may need to be updated to put them in the name of the new company and to alter contact information. The ministry may also conduct a screening level review of the content of the plans to determine if additional updates are required at the time of the amendment. This information will be communicated on a case by case basis during preliminary application phase.

## 8.0 Additional Guidance to Assist with Preparing an Application

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The ministry has guidance and templates for all types of documents that require approval for a registered site, and these are available on the waste discharge authorizations website at <http://www.gov.bc.ca/wastedischarge-authorizations>.

### **Disclaimer**

*The guidance provided in this document helps to clarify ministry policy and the provisions of the Environmental Management Act (the Act) and the Hazardous Waste Regulation (HWR). This is not a legal document and the information in it does not constitute legal advice or impose any legally binding requirements. Guidance provided in this document does not replace the Act, the HWR or any other applicable law. Any amendments to the Act, the HWR and other legislation referred to in this document may affect provisions of the guidance; in the event of an inconsistency, the Act, HWR or other applicable legislation will prevail.*

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