

GUIDANCE

REGIONAL OPERATIONS BRANCH | June 2020

Delisting Protocol Guidance Hazardous Waste Regulation

Purpose of this document

This document is intended to assist applicants and their agents in preparing a delisting protocol in a manner that meets the expectations of the Ministry of Environment and Climate Change Strategy (ministry) and in accordance with section 53 of the Hazardous Waste Regulation.

How to use this document

Applicants should develop documents for submission to the ministry using guidance and templates and following site-specific application instructions provided during the structured application process.

Within the template, text in *green italics* is for your information only and should be removed prior to submission. Text framed by square brackets “[]” indicate it may be necessary to insert text. Black text and tables are recommended by the ministry. Template text can be modified if equivalent information is included, or with adequate rationale.

The ministry expects submissions to be written in a manner that allows them to be implemented with certainty and consistency. Avoid the use of language that is ambiguous, vague or qualitative such as: appropriate, reasonable, general, suitable, and regularly. Provide clarity by stating what will be done and include a specific frequency and method where relevant.

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.

DELISTING PROTOCOL GUIDANCE

Refer to the guidance sections below in conjunction with the corresponding sections of the template.

What is Delisting?

Delisting is the process by which hazardous waste and the residues resulting from the treatment or incineration of hazardous waste are exempted from the requirements of the Hazardous Waste Regulation (HWR).

A delisting protocol requires approval by a director. The protocol defines performance standards and a monitoring program, which show the hazardous waste no longer poses a threat to human health and the environment for a specified end use.

When is a Delisting Protocol Approval Required?

An approved delisting protocol is required whenever a regulated party intends to manage treated hazardous waste and/or related residues outside of the requirements of the HWR. Residues include all end products and by-products of hazardous waste treatment and/or incineration.

Delisting is typically required for disposal or recycling of hazardous wastes and residues in the absence of performance standards prescribed in the HWR. In cases where the HWR does prescribe performance standards for disposal or recycling, delisting is not required. In these cases, HWR requirements including transportation and manifesting continue to apply post-treatment. Examples are provided in Table 1 below.

Table 1 – Examples of activities where delisting does and does not apply.

Waste type	End use	Delisting applicable (Y/N)	HWR reference
Solid residues of hazardous waste treatment or incineration	Disposal in a landfill other than a secure landfill ¹	Y	Sections 19(2)(b)(i) and 21(3)(b)(i)
Solid residues of hazardous waste treatment	Disposal in a secure landfill.	N	Division 6
Treated hazardous waste hydrocarbon contaminated soil	Disposal in a landfill ¹ or in the manufacture of pavement	N	Sections 41.1 and 39.1
Waste oil	Use as fuel, sale for use as fuel, or use in the manufacture of pavement	N	Sections 41 and 39.1
Various	Recycling (using or selling treated hazardous waste as a product)	Y	Sections 19(2)(b)(ii) and 21(3)(b)(ii)
Liquid effluent	Discharge to the environment or to municipal or industrial treatment works ^{1,2}	N	Sections 17(1)(b), 19(1)(a), 21(1)(e)

1 - Discharges of solids to a landfill and/or liquids to municipal or industrial treatment works requires approval of the owner of the landfill or treatment works, and the facility must be appropriately authorized under the Environmental Management Act.

2 - Authorization for discharge of effluent from a hazardous waste facility is obtained through approval of an operational plan.

Province-wide and Site-specific Delisting Protocols

The ministry has developed and approved several province-wide delisting protocols which are available on the ministry's website. A site-specific delisting protocol is required if a ministry approved province-wide protocol:

- Is not available for the proposed treatment process and/or end use of the waste, or
- Does not meet the needs the regulated party due to site-specific conditions.

Delisting Monitoring

Monitoring the characteristics of wastes associated with an approved delisting protocol is an on-going responsibility of the treatment facility owner. Monitoring demonstrates, through sampling and analysis, that the hazardous wastes and/or residues continue to meet performance standards over the duration of operations.

Site-specific delisting protocols should have the monitoring program written into the protocol, as shown in the template. When using a province-wide delisting protocol, the monitoring program should be specified in the facility's operational plan.

Delisting Protocols, Demonstration Trials and Plan Approvals

A delisting protocol, where applicable, is one of numerous approvals related to hazardous waste treatment. Approval of plans and specifications and an operational plan is required before beginning construction or installation of a facility as per HWR section 4(1). Approval of a demonstration trial is required prior to operation of a treatment process as per HWR section 18(2).

The sequence of submissions for approvals required for hazardous waste treatment will be determined on a case-by-case basis and communicated to applicants during preliminary application phase of the ministry's application process.

DELISTING PROTOCOL TEMPLATE

Hazardous Waste Regulation Section 53 Delisting Protocol for

[specify treatment process, waste type, and end use]

*e.g. Section 53 Delisting Protocol for
Autoclaved Biomedical Waste Sharps for Landfill Disposal*

Company Legal Name: *as registered with the B.C. Corporate Registry*

Doing Business As: *if applicable*

Facility Address:

[Civic Address], [Municipality], [Postal Code],

If the facility does not have a civic address, provide alternative location information (latitude and longitude), and driving directions to the facility. P.O. Box numbers are not acceptable for the facility address.

Ministry Registration Number(s): [RS# and/or BCG#]

Document Version Number: [##] *most recently updated version number*

Document Date: [YYYY-MM-DD] *date of most recent approved plan*

**DELISTING PROTOCOL
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Please include page numbers in your submission

1. PURPOSE
2. PERFORMANCE STANDARDS
3. PROCEDURE
4. MONITORING PROGRAM
5. CERTIFICATION

1.0 PURPOSE

State the type of hazardous waste proposed for delisting. Ensure the terminology aligns with the definitions in the HWR and those used in the operational plan and demonstration trial.

Provide a brief overview of the treatment process. Reference the location of more detailed information, such as the demonstration trial and plans and specifications. State the date that supporting documents were approved by the ministry.

Describe the intended end use of the delisted waste (e.g. non-secure landfill, sale as a product). Provide enough detail regarding the intended end use to adequately inform the performance standards.

2.0 PERFORMANCE STANDARDS

Specify the performance standards the waste must meet in order to be acceptable for the intended end use. Provide rationale to demonstrate that when the performance standards are met that the material can managed as per the intended end use without posing a threat to human health or the environment.

Provide justification that shows the treatment process can meet the specified performance standards. Reference the associated demonstration trial report if applicable and summarize the findings. If other data exists to support the performance of the treatment process, provide and describe them here and/or in an appendix.

3.0 PROCEDURE

Outline the steps that will be taken to ensure treatment effectiveness and any post-treatment handling of the waste.

4.0 MONITORING PROGRAM

Provide the long-term monitoring program for wastes proposed for delisting in tabular format, such as shown below.

Table 1: Delisting Monitoring Program (example)

Parameter	Monitoring location	Monitoring or sampling method	Monitoring frequency

Specify the parameters, frequency and monitoring or sampling methods. Frequency may be per unit time or per unit waste. Provide supporting rationale to demonstrate the monitoring program is capable of detecting upsets in the treatment process in a timely fashion, sufficient to inform management of the delisted waste.

Treatment process monitoring may be used to augment waste monitoring in situations where specific operational conditions in the treatment process are proven to correlate with the quality of the treated waste (e.g. temperature, pH). Should process monitoring be proposed as part of the delisting protocol, present it in tabulated format with rationale provided in the text.

5.0 CERTIFICATION

Include a certification statement similar to the following:

This delisting protocol was prepared in accordance with and meets the requirements of the Hazardous Waste Regulation. The information is true and complete to the best of my knowledge.

Name	Signature
Title	Stamp, if applicable
Name of Company	Date

The delisting protocol should be certified by the author, which may be the facility owner/operator or an agent of the owner/operator.

Having a qualified professional prepare and certify the delisting protocol may reduce application processing time. For the definition of a qualified professional and information on the ministry’s professional reliance model, please refer to the ministry’s [Professional Accountability Policy](#) website.

MINISTRY REVISION HISTORY			
Approval Date	Effective Date	Document Version	Notes
May 19, 2020	May 19, 2020	Ver. 1	Document created
June 22, 2020	June 22, 2020	Ver. 2	Title updated