

## Hazardous Waste Regulation Guidance

# Delisting Solid Residue from a Hazardous Waste Treatment Facility

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### Purpose of this document

This document provides guidance on what delisting is and what to submit to obtain approval of a delisting protocol for solid residue under section 53(1) and to discharge residue from a treatment facility under 19(2)(b) or 21(3)(b) of the Hazardous Waste Regulation (HWR). By providing complete and accurate information in accordance with Ministry guidance documents, your application is less likely to experience delays or rejection.

The discharge of liquid residue to the environment or to municipal or industrial treatment works does not require an approved delisting protocol but must meet criteria found in HWR Schedule 1.2.

### What is delisting?

Sections 19(2) and 21(3) of the HWR state the owner of a hazardous waste treatment facility must not discharge solid residues from it unless:

- (a) The residue is managed at a hazardous waste management facility in accordance with the Hazardous Waste Regulation, or
- (b) The owner demonstrates to the satisfaction of a director in accordance with protocols approved under HWR Section 53 (1) that the residue no longer poses a hazard to human health and the environment and is suitable for disposal in a landfill or for some other approved management option.

Option (b), refers to the “delisting” process. Under this option, the residue is authorized to be managed outside of the Hazardous Waste Regulation. Facilities that manage their residues in accordance with option (a) do not need to delist those residues.

## **Do I need a delisting protocol?**

Anyone who wants to discharge or dispose of solid residue from a hazardous waste treatment process in a manner that does not follow the Hazardous Waste Regulation (e.g. disposal in a landfill) needs to follow an approved delisting protocol.

Delisting must occur in accordance with a protocol that has been approved by a Director under HWR section 53 (1). For certain types of treatment, such as the treatment or incineration of hydrocarbon contaminated hazardous waste soil, approved protocols are already in place and available on the Ministry's website. If an approved protocol is not already available from the Ministry, the facility owner must develop a case-specific protocol and submit it for the Director's approval.

When a ministry delisting protocol will be used the facility owner does not have to submit a case-specific protocol. However, the owner still needs to submit a request to discharge under HWR section 19(2)(b) or 21(3)(b) and, if the protocol does not contain a monitoring program, submit a monitoring program to the Director for approval.

## **What should be in a delisting protocol application?**

The HWR does not specify what must be included in a delisting protocol, however, some guidance is included below. The applicant may also want to consider a pre-application meeting with the Ministry. For information on arranging a pre-application meeting and what to expect, please see the Ministry's Authorization Application Process.

Protocols typically discuss the sampling and analyses to be performed, the quality criteria to be met and the proposed end use or disposal practices, as applicable. Furthermore, if the preferred disposal option is not a landfill and is instead an alternative management option, the alternate option must be explicitly described, as it must be approved by the Director.

The application also needs to demonstrate how the residue no longer poses a hazard to human health and the environment and is suitable for disposal in a landfill or for some other approved management option. In some cases, this might include or link with the demonstration trial report showing the effectiveness of treatment process.

For hazardous waste contaminated soil treated on a batch basis, follow the sampling guidance provided in *Technical Guidance 1: Site Characterization and Confirmation Testing*. Using this guidance for solid residues other than treated soils should first be discussed with the Ministry.

If the residue is treated soil, moving the soil offsite for use as fill at another site may require a Soil Relocation Agreement under the Contaminated Sites Regulation. Applicants are encouraged to consult with the Ministry's Land Remediation staff prior to any relocation.

### **Monitoring and following the delisting protocol**

Monitoring the characteristics and quality of any residues associated with an approved delisting protocol is an ongoing responsibility of the treatment facility owner. Monitoring demonstrates through sampling and analysis that the solid residue continues to meet the required quality criteria on which the delisting is based. So long as the residue meets the specified criteria, in the applicable protocol, the residue may be discharged or managed as identified in the approved delisting protocol.

Residue that does not meet the applicable criteria in the delisting protocol must be sent to an authorized hazardous waste management facility or be re-treated at the facility that generated it until the approved criteria are met.

The owner of a treatment facility must submit monitoring results for delisting residues to the Ministry of Environment as specified in the facility's approved Operational Plan.

#### **Disclaimer**

This document does not supersede or replace the *Environmental Management Act* or its regulations; in the case of omissions or discrepancies, the Act and the Hazardous Waste Regulation apply. It is intended for guidance only.