

Does your Facility Generate Hazardous Waste?

The management and generation of subject waste in Ontario are governed by Regulation 347 “General Waste Management” under the Environmental Protection Act. This newsletter is directed towards subject waste that is generated. Haulage, treatment and disposal have additional regulations not covered in this paper.

Regulation 347 defines the requirements for handling, storing, managing and disposing of subject waste in Ontario. It also includes a generator registration and manifest system to track these wastes from the point of generation (cradle) to their final disposal (grave). The regulation sets out responsibilities for generators, carriers, and receivers of subject waste.

What is Subject Waste?

The term Subject waste is used to identify the types of wastes that must be registered with the Ministry of the Environment and Climate Change. They include liquid industrial waste (LIW) & Hazardous waste. Subject waste is considered a Hazardous waste if it appears on [Schedule 1, 2A, 2B or 3](#) of Reg. 347.

NOTE: There are additional regulations that address the management of certain types of waste (such as polychlorinated biphenyls or PCBs).

SCHEDULE 1 HAZARDOUS INDUSTRIAL WASTE

Hazardous Industrial Waste from Non-Specific Sources					
Hazardous Industrial Waste		Regulated Constituents (and Treatment Subcategories ¹)		Land Disposal Treatment Requirements	
Column 1 Haz. Waste Number ²	Column 2 Waste	Column 3 Generic Name or other description	Column 4 CAS Number ³	Aqueous Waste Column 5 Treatment Code ⁴ or Concentration ⁵ (mg/L)	Non-aqueous Waste Column 6 Treatment Code ⁴ or Concentration ⁶ (mg/kg, unless otherwise indicated)
		Acetone	67-64-1	0.28	160
		Benzene	71-43-2	0.14	10
		n-Butyl alcohol	71-36-3	5.6	2.6
		Carbon disulfide	75-15-0	3.8	NA
		Carbon tetrachloride	56-23-5	0.057	6.0
		Chlorobenzene	108-90-7	0.057	6.0
		o-Cresol	95-48-7	0.11	5.6
		p-Cresol (difficult to distinguish from	100		

A Small Quantity Exemption is provided for some hazardous and liquid industrial wastes. The exempted quantities vary and depend on the specific waste characterization. To determine exemption, the waste must be evaluated and a waste characterization established.

If your waste does not appear on one of these schedules, it still could be considered hazardous if it displays the following characteristics: corrosive, ignitable, reactive or leaches contaminants. Wastes that are defined as pathological, PCB and radioactive waste are also considered hazardous.

Waste Analysis Requirements

Generators of waste must understand their waste streams in order to characterize their wastes correctly and determine if each waste needs to be registered with the Ministry via the [HWIN site](#). In some cases, the waste may need laboratory testing completed, while with others, the generator's understanding of the waste may be all that is needed to characterize the waste correctly. In many cases, a combination of the generator's knowledge and laboratory testing will be the best approach.



What if my Waste is considered Hazardous?

You will need to submit a generator registration report for your site annually via the [HWIN site](#). You must renew registration every year prior to Feb 15th on-line and pay fees associated with generator registration and disposal.

All subject waste you generate must be registered prior to first shipment of waste or within 3 months after it is produced. For each waste stream you must provide Waste class, the Characterizations of waste, type of waste, a description, process, physical state and specific gravity. Subject waste cannot be stored at your facility for more than 90 days without providing notice to the Regional Director of MOE within five business days of the 90th day of storage. Accurate records must be kept to demonstrate the subject waste has been disposed of within the 90 days of storage.

Hazardous waste storage areas must provide a safe and secure location to prevent fire, explosion, leaks or spills to the environment either directly or by a storm water system. Even though hazardous waste is exempt from WHMIS legislation, an employer must take additional steps to ensure worker safety by identifying the waste using placards or workplace labels, and providing worker education and training.

Shipping of Hazardous waste must follow regulations for [Transportation of Dangerous goods](#).

Facilities must maintain records for all subject wastes, including generator registration reports, storage reports, and manifests for a period of at least 2 years.

How do I dispose of Hazardous Waste?

Facilities need to ensure they use Ministry of the Environment approved waste carriers to collect and manage waste for your facility. Facilities need to verify the hauler has an Environmental Compliance Approval (ECA) for their type of waste prior to the collection and disposal.

All subject waste must use a comprehensive manifest system to track wastes from point of generation (cradle) to their final disposal (grave). Manifests identify the type of waste, volumes and the movement of waste from generator to receiver to ensure wastes are managed properly.

How do I choose a Waste Hauler?



Important considerations should be evaluated when choosing a waste hauler.

- ◆ What services does the hauler provide?
 - ✓ Many haulers will help you to classify your wastes and guide you in registering your waste classes. Take advantage of the services they provide.
- ◆ Are they approved to haul your Hazardous Wastes?
 - ✓ Check their ECA to ensure they have approval to haul your Hazardous Wastes.
- ◆ Do they provide a comprehensive manifest system?
 - ✓ If not you will need to use another comprehensive manifest system. HWIN provides a system within their site.
- ◆ Have you completed a vendor inspection of haulers site?
 - ✓ Many deficiencies can be identified by using a checklist to verify if your vendor is a soundly managed company. You may not wish to do business with a hauler that demonstrates problems such as poor records management, or inadequate waste storage or processing facilities.
- ◆ Where is your waste being received?
 - ✓ You might want to know if your waste is crossing any provincial or international borders. Waste classes and legislation can differ in provinces or countries and your company may have a policy to not to allow shipments of subject waste across borders.

- ◆ Has your hauler been subject to any [Notice of violations \(N.O.V.\) or fines](#)?
 - ✓ Search Ontario ministry news for any N.O.V or Fines by your hauler. Chances are you do not want your company in the news as the generator of hazardous waste if it is being disposed of improperly. You also may be liable if you do not ensure your waste was accepted and disposed of properly at receiving site within four weeks of the waste shipment.

Land Disposal Restrictions (LDR) Program

The LDR program came into effect in August 2007 and provides a level of protection over and above the design of a disposal facility. Under this program no one may send a hazardous waste to landfill without ensuring that it meets specified treatment standards. This reduces the risk of harm to the environment and to human health. The objective of LDR is to prohibit and discourage activities that place untreated hazardous wastes in or on the land when better treatment or destruction options exist.

The generator is responsible for determining whether a waste or any residual from the treatment of the waste is to be land disposed. If you do not know, the waste must be managed as if it were to be land disposed. For further information on the LDR program please consult the [Ontario LDR handbook](#).

Has your facility been evaluated to assess compliance with applicable environmental legislation?

A person who is competent in the subject matter, who is either an internal staff member or an external consultant, may help to determine a facility's level of environmental compliance. The benefit of this insight could prevent offences that may result in prosecution and fines.

There is a broad range of environmental regulations that cover numerous industrial operations. It is wise to have a competent individual determine your company's compliance on a regular basis.

Please contact us at info@pandrs.com or [Contact us page](#) if you would like assistance in evaluating your facility for environmental compliance.

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