

Summary of Changes to the *Hazardous Waste Regulation* M.R. 195/2015

Manitoba Conservation and Water Stewardship (the Department) initiated a comprehensive review process for the following regulations associated with *The Dangerous Goods Handling and Transport Act* (C.C.S.M. c. D12):

- *The Classification Criteria for Products, Substances and Organisms Regulation* (MR 282/87);
- *The Manifest Regulation* (MR 139/88); and
- *The Generator Registration and Carrier Licencing Regulation* (MR 175/87).

The intention of the review was to simplify and strengthen the regulatory regime for managing hazardous wastes in Manitoba. The outcome of the review was the consolidation of the three regulations into a new, comprehensive, and significantly enhanced regulation (the *Hazardous Waste Regulation* M.R. 195/2015).

The new Hazardous Waste Regulation:

- updates the system of identification of hazardous waste,
- supports the development of a system consistent with industry needs and federal regulatory requirements,
- improves storage requirements for hazardous waste, and
- reduces paperwork requirements while still maintaining the Department's ability to track hazardous waste shipments and identify potential issues.

The Hazardous Waste Regulation is the latest component in the process of improving the regulatory framework for the management of hazardous waste and will be followed up with more substantive changes, as required.

The Hazardous Waste Regulation will come into effect on May 25, 2016. A copy of the regulation is posted at the hazardous waste program web page and can be viewed by following this link:

http://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=195/2015

Who is affected?

The regulation will likely have some impact on all regulated operations:

- Hazardous Waste Generators;
- Hazardous Waste Transporters; and
- Hazardous Waste Receivers or Disposal Facilities.

What's changing?

The changes are wide ranging. Some of the major changes and revisions include:

- Revised criteria for determining whether a product, substance or organism is a hazardous waste;
- Introduction of a new section to address storage of hazardous wastes;
- Requirements for the submission of copies of movement document and multiple pickup records to the Department; and
- Requirement for an Annual Report from licensed hazardous waste disposal facilities.

The changes and revisions are summarized in the following table:

Section	Subsection	Changes/Revisions
INTERPRETATION		
1	Definitions	
	“Act”	No change
	“carrier”	Revised ^{1,3}
	“consignee”	Revised ³
	“consignor”	Revised ³
	“double wall tank”	New
	“generator”	Revised ¹
	“hazardous waste”	Revised ^{1,3}
	“National Fire Code”	New
	“Petroleum Hydrocarbon Contaminated soil”	New
“secondary containment system”	New	
“ <i>Transportation of Dangerous Goods Regulations</i> ”	New	
DESIGNATION AND IDENTIFICATION OF HAZARDOUS WASTE		
2	Hazardous Waste	
	-	Criteria for determining whether a product, substance or organism is a hazardous waste (revised) ¹
	(1)(a)	Revised to include “store” ¹
	(1)(b)	Category 1 identifies materials classified as hazardous waste under the <i>Transportation of Dangerous Goods Regulations</i> (SOR/2001-286) (henceforth referred to as “TDG Regulations”).
	(1)(b)	Category 2 identifies materials that are designated as hazardous waste but not characterized in any other method described in this section. Schedule A includes used oil and used oil filters. These waste types have been previously identified as hazardous waste based on the leachate quality criteria described in Table 1 of the <i>Classification</i>

Section	Subsection	Changes/Revisions
		<i>Criteria for Products, Substances and Organisms Regulation (MR 282/87).</i>
2	(1)(b)	Category 3 identifies materials as hazardous waste according to the revised “Environmentally Hazardous Substances” table (previously located in the TDG Regulations, Appendix 5).
	(1)(b)	Category 4 identifies materials as hazardous waste according to the revised leachate quality criteria (previously located in the TDG Regulations as Appendix 4). This section also specifies the method for determining the Toxicity Characteristic Leaching Procedure.
	(2)(a)	Products, substances or organisms that are not to be considered as hazardous waste. Included in Schedule D (revised) ¹ Schedule D is a revised version of Table 2 of the <i>Classification Criteria for Products, Substances and Organisms Regulation (MR 282/87)</i> . ¹
	(2)(b)	Low concentration shredder residue (no change) ¹
	(2)(c)	Wood products treated with wood preservatives (new)
	(2)(d)(i) & (ii)	Petroleum hydrocarbon contaminated soil that contains benzene, toluene, ethylbenzene or xylene (new)
	(2)(e)(i) & (ii)	Petroleum hydrocarbon contaminated soil that contains polycyclic aromatic hydrocarbons (new)
	(3)	Determining the polycyclic aromatic hydrocarbon toxicity equivalent value of petroleum contaminated soil (new)
3	Identification of Hazardous Waste	
	(a)	Identification of hazardous waste in accordance with the requirements of the TDG Regulations (revised) ¹ Rules for classification are specified in the TDG Regulations
	(b)	Identification of hazardous waste using Schedule A
	(c)	Identification of hazardous waste using Schedule B
	(d)	Identification of hazardous waste using Schedule C Schedule C is the most recent version of the Leachate Table

Section	Subsection	Changes/Revisions
REGISTRATION OF GENERATORS OF HAZARDOUS WASTE		
4	Registration Requirement	
	(1)(a)	Schedule F is the revised version of “schedule” in the <i>Generator Registration and Carrier Licensing Regulation</i> (MR 175/87) with additional waste types referencing Schedules A, B & C and corresponding registerable quantities. ² Schedule F includes registerable quantities for wastes captured outside of the TDG Regulations. (revised) ²
	(1)(b) (i), (ii) & (iii)	Quantity limits for hazardous wastes to leave the premises (no change) ²
	(1)(c)	Added Schedule G to include used oil, used oil filters and lead acid batteries with quantity limits to leave the premises. (new)
	(1)(d)	Storage, including storage of hazardous waste for another generator (no change) ²
	(2)	Exemption to registration: Transport of hazardous waste from a scene of an environmental accident (no change) ²
	(3)	Completing and filing the registration form (new)
	(4)(a) to (f)	Information about the registration form (revised) ²
	(5)	“Class” is replaced with “type” of hazardous waste because new schedules include other hazardous waste types in addition to TDG Classes. (revised) ²
(6)	To maintain consistency with the annual reporting requirements for receivers (Section 26), generators should use annual variations as the trigger for providing amended registrations to the Department. (revised) ² Replaced “supplementary registration” with “amended registration” ²	
HAZARDOUS WASTE STORAGE		
5	Hazardous waste storage requirements	
	(1)	Generator to comply with storage requirements (new)
	(2) (a), (b) & (c)	Exemptions to storage requirements (new)
6	Storage area requirements	
	(1) (a) & (b)	Restriction to storage site access and requirement for a signage (new)
	(2)	Requirements for secondary containment system when transferring liquid

Section	Subsection	Changes/Revisions
		hazardous waste (new)
	(3)	Protection from surface run-off (new)
	(4)	Protection from precipitation for hazardous wastes stored outdoors (new)
	(5) (a) & (b)	Exemptions to subsection 6(4) (new)
7	Container requirements	
	(1) (a) to (e)	Container requirements (new)
	(2)	Labelling requirements (new)
8	Storage requirements	
	(1) (a) & (b)	Spacing requirements (new)
	(2) & 8(3)	Shut off valves for piping systems (new)
	(4)	Compatibility of materials with hazardous waste (new)
	(5)	Preventing contact with incompatible materials/substances - if released (new)
	(6)	Restrictions for stacking of containers (new)
9	Storage deadline for hazardous waste	
	(1)	Storage deadline (new)
	(2) (a) to (e)	Authorization for storage beyond the storage deadline (new)
10	Inspections	
	(1)	Frequency of inspection (new)
	(2) (a) to (c)	Observations during the inspection (new)
	(3)	Details of records (new)
	(4)	Record retention requirements (new)
HAZARDOUS WASTE TRANSPORTER LICENCE		
11	Application for licence to transport hazardous waste	
	(1)	Application (new)
	(2) (a) to (g)	Information included in the application (revised) ²

Section	Subsection	Changes/Revisions
12	Licence	
	(1)	Issuing a licence (new)
	(2)	Licencee to keep a copy of the licence (new)
13	Exception to licence requirement	
	(a)	Exemption for transport within the property owned or occupied by a generator or carrier or licensed hazardous waste disposal facility (revised) ²
	(b)	Exemption for 5kg or less solid or 5L or less liquid hazardous waste or liquid or solid hazardous waste that contain less than 500g of PCB mixture (new)
	(c)	Exemption for used oil, used oil filters and lead acid battery as per Schedule G (new)
	(d)	Exemption for the scene of an environmental accident (revised) ²
-	Exemption of "recyclable material" is removed ²	
14	Insurance requirements	
	(1) (a) & (b)	Insurance requirements: type and coverage limit (new)
	(2)	Status of licence if insurance coverage expires (new)
HAZARDOUS WASTE TRANSPORTATION REQUIREMENTS		
15	Requirements re hazardous waste transportation vehicles	
	-	Vehicles to conform to applicable requirements of the TDG Regulations (new)
16	Use of licensed carriers	
	-	Responsibility to use a licensed carrier (new)
17	Duty of licensed carriers	
	(1) (a) & (b)	Responsibility when delivering hazardous waste (new)
	(2)	Requirements when hazardous waste is transferred to a second carrier (new)
MOVEMENT DOCUMENTS		
18	-	"Manifest" replaced with "Movement Document" ³
	Movement document required	
	(1)	Applicability of movement document (new)
	(2)	Approved movement documents (new)

Section	Subsection	Changes/Revisions
		Movement Documents are not assigned to specific carriers. Therefore, sub clauses 3(2) to 3(4) from the <i>Manifest Regulation</i> (139/88) are removed. ³
	(3)	Carrier to use movement documents from approved supplier (new)
	(4) (a) & (b)	Requirement if more than four types of hazardous waste transported from one consignor (no change) ³
	(5)	Exemption to movement document
	(5)(a)	Within the property owned or occupied by a generator or carrier or licensed hazardous waste disposal facility (revised) ³
	(5)(b) (i), (ii) & (iii)	5kg or less solid or 5L or less liquid hazardous waste or liquid or solid hazardous waste that contain less than 500g of PCB mixture (no change) ³
	(5)(c)	Used oil, used oil filters and lead acid battery as per the quantity limit specified in Schedule G (new)
	(5)(d)	From the scene of an environmental accident (revised) ³
	-	Exemption of “recyclable material” is removed ³
19	Completing movement documents	
	(a) (b) & (c)	Instructions for completing a movement document (revised) ³
20	Movement document requirements for single consignor	
	(1)	Responsibility when transferring movement document from a single consignor to carrier to consignee (revised – new) ³
	(2) (a) (b) (c) & (d)	Consignor responsibility Consignor <u>need not submit</u> copy 1 to the Department. Instead copy 1 and copy 2 are kept for at least two years (new)
	(3) (a) (b) & (c)	Carrier responsibility (No change) ³
	(4)	Carrier responsibility (No change) ³
	(5) (a) (b) (c) & (d)	Consignee responsibility Consignee <u>need not submit</u> copy 3 to the Department instead copy 3 and copy 5 are kept for at least two years (new)

Section	Subsection	Changes/Revisions
21	Movement documents for multiple pickups	
	(1)	Responsibility when transferring movement document from more than one consignor and using the same movement document (Revised - new)
	(2)	Carrier responsibility (No change) ³
	(3)	Consignor and Carrier responsibility (revised) ³
	(4)	Consignor responsibility (revised) ³
	(5) (a) & (b)	Carrier responsibility (revised) ³ Copy 1 of multiple pickup record and copy 1 of movement document are <u>not submitted</u> to the Department. Instead these copies are kept for at least two years. (New)
	(6) (a), (b) (i), (ii) & (iii)	Responsibility of the Consignee upon delivery of multiple pickup load. Copy 3 of multiple pickup record and copy 3 of movement document are <u>not submitted</u> to the department. Instead these copies are kept for at least two years. (new)
	(7)	Record keeping requirement by the consignor (revised) ³
	(8)	Record keeping requirement by the carrier (revised) ³
22	Movement document requirements when multiple carriers used	
	(a) & (b)	Responsibility of first carrier when hazardous waste is transferred to a second carrier (revised) ³
23	Duty of consignee on discrepancy or refusal to accept waste	
	(a) & (b)	Responsibility of the consignee to notify the Department when there is a discrepancy on the movement document or consignee refuses to accept hazardous waste. (revised) ³ This will allow the receiver to accept the waste despite a discrepancy and also require the consignee to notify the department of a discrepancy regardless of the consignment is refused.
24	Duty when consignee does not accept hazardous waste	
	(1)	Responsibility of the carrier when consignee refuses to accept hazardous waste (revised - new)
	(2)	Responsibility of the consignor when consignee refuses to accept hazardous waste (revised – new)

Section	Subsection	Changes/Revisions
25	Duty of consignor if documents not provided	
	(a), (b) & (c)	Responsibility of the consignor when copy of the movement document is not received from the consignee (revised – new) ³
LICENSED HAZARDOUS WASTE DISPOSAL FACILITY REPORTS		
26	Annual report for waste disposal facility	
	(1)	Requirements for an annual report (new) Annual report to be submitted by the licensed hazardous waste disposal facility respecting the hazardous waste received each year and the manner in which the waste was treated or disposed.
	(2)(a)	Format of the report (new)
	(2)(b)	Deadline for submission of the report (new)
AVAILABILITY OF DOCUMENTS FOR INSPECTION		
27	Duty to produce documents for inspection	
	-	Production of report or record to the environment officer on request (new)
REPEAL AND COMING INTO FORCE		
28	Repeal	
		MR 282/87, MR 175/87 and MR 139/88 are repealed.
29	Coming into force	
		Regulation (MR 195/2015) comes into force on May 25, 2016.

SCHEDULES

Schedule A

Refer subsection 2(1) (b) – Category 2 and subsection 3 (b)

This is a new schedule. Schedule A includes used oil and used oil filters with Provincial Waste Codes.

These waste types have been previously identified as hazardous waste based on the leachate quality criteria described in Table 1 of the *Classification Criteria for Products, Substances and Organisms Regulation* (MR 282/87)¹.

This schedule also contains the definition for “used oil” and “used oil filters”.

Schedule B

Refer subsection 2(1) (b) – Category 3 and subsection 3 (c)

This is a new schedule. Schedule B includes materials identified as hazardous waste according to the revised “Environmentally Hazardous Substances” table (previously located in the TDG Regulation, Appendix 5). It also includes specific Provincial Waste Codes.

Schedule C

Refer subsection 2(1) (c) – Category 4 and subsection 3 (d)

This is a revised schedule¹. Schedule C includes materials identified as hazardous waste according to the revised leachate quality criteria described in Table 1 of the *Classification Criteria for Products, Substances and Organisms Regulation* (MR 282/87). It also includes specific Provincial Waste Codes.

Schedule D

Refer subsection 2(2) (a)

Schedule D is revised Table 2 of the *Classification Criteria for Products, Substances and Organisms Regulation* (MR 282/87).

This schedule also contains the definition for “class”, “manure” and “UN”.

Schedule E

Refer subsection 2(3)

This is a new schedule. Schedule E includes list of polycyclic aromatic hydrocarbons and their toxicity equivalency factors.

Schedule F

Refer subsections 4(1) (a) and 9(1)

Schedule F is the revised version of “schedule” in the *Generator Registration and Carrier Licensing Regulation* (MR 175/87) with additional waste types referencing Schedules A, B & C and corresponding registerable quantities.

Schedule G

Refer subsections 4(1) (c), 13 (c) and 18(5) (c)

This is a new schedule. Schedule G includes used oil, used oil filters and lead acid batteries with quantity limits.

This schedule also contains the definition for “used oil” and “used oil filters”.

¹ *The Classification Criteria for Products, Substances and Organisms Regulation* (MR 282/87)

² *The Generator Registration and Carrier Licensing Regulation* (MR 175/87)

³ *The Manifest Regulation* (MR 139/88)