



Province of Alberta

ENVIRONMENTAL PROTECTION AND
ENHANCEMENT ACT

WASTE CONTROL REGULATION

Alberta Regulation 192/1996

With amendments up to and including Alberta Regulation 62/2013

Office Consolidation

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(Consolidated up to 62/2013)

ALBERTA REGULATION 192/96
Environmental Protection and Enhancement Act
WASTE CONTROL REGULATION

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Definitions

- 1 In this Regulation,

- (a) “Act” means the *Environmental Protection and Enhancement Act*;
- (b) “agricultural waste” means waste generated by a farmer;
- (c) “biomedical waste” means waste that is generated by
 - (i) human health care facilities,
 - (ii) medical research and teaching establishments,
 - (iii) clinical testing or research laboratories, and
 - (iv) facilities involved in the production or testing of vaccines,and contains or may contain pathogenic agents that may cause disease in humans exposed to the waste;
- (d) “certified operator” means a person who holds a valid certificate of qualification issued in accordance with the Act and this Regulation;
- (e) “Class I compost facility” means a waste management facility where waste, not including hazardous waste, is decomposed through a controlled bio-oxidation process, including a thermophilic phase, that results in a stable humus-like material, but does not include
 - (i) a residential composter,
 - (ii) a compost facility that receives only sludge as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93),
 - (iii) a Class II compost facility, or
 - (iv) a manure storage facility as defined in the *Agricultural Operation Practices Act*;
- (f) “Class II compost facility” means a waste management facility where only vegetative matter or manure is decomposed through a controlled bio-oxidation process, including a thermophilic phase, that results in a stable humus-like material, but does not include
 - (i) a residential composter, or
 - (ii) a manure storage facility as defined in the *Agricultural Operation Practices Act*;

- (g) “Class I landfill” means a landfill for the disposal of waste that has
 - (i) 2 liners of which at least one is a synthetic liner,
 - (ii) a leachate collection and removal system,
 - (iii) a leak detection system between the 2 liners, and
 - (iv) a groundwater monitoring system;
- (h), (i) repealed AR 162/2005 s2;
- (j) “Class II landfill” means a landfill for the disposal of waste, not including hazardous waste;
- (k) “Class III landfill” means a landfill for the disposal of inert waste;
- (l) repealed AR 162/2005 s2;
- (m) “container” means any portable device which is or was used to store or hold hazardous waste or dangerous goods;
- (m.1) “dangerous goods” means a product, substance or organism that is by its nature or by the regulations under the *Transportation of Dangerous Goods Act, 1992* (Canada) included in any of the classes listed in the Schedule to that Act;
- (n) “Director” means the person designated as Director for the purposes of this Regulation;
- (o) “dispersible form” means any of the following or a mixture of them:
 - (i) a liquid;
 - (ii) a solid that can pass through a 9.5 mm mesh opening;
 - (iii) a friable solid that can be reduced by grinding in a mortar and pestle to a particle size that can pass through a 9.5 mm mesh opening;
- (p) “dispose”, when used with respect to waste at a landfill or by deepwell injection, means the intentional placement of waste on or in land as its final resting place;
- (q) “empty container” means a container that contains less than 2.5 centimetres of the original contents or less than 3% of the original contents, whichever is the lesser amount;

- (r) “farmer” means a person engaged in an agricultural operation as defined in the *Agricultural Operation Practices Act*;
- (s) “Federal Regulations” means the *Transportation of Dangerous Goods Regulations* (SOR/2001-286) made under the *Transportation of Dangerous Goods Act, 1992* (Canada);
- (t) “hazardous recyclable” means a recyclable that has one or more of the properties described in Schedule 1;
- (u) “hazardous recyclable facility” means a facility for storing or processing hazardous recyclables;
- (v) “hazardous waste” means waste that has one or more of the properties described in Schedule 1, but does not include those wastes listed in Schedule 2;
- (w) “hazardous waste management facility” means a facility for the collection, storage, treatment or disposal of hazardous waste, but does not include an on-site facility;
- (w.1) “inert waste” means solid waste that, when disposed of in a landfill or re-used, is not reasonably expected to undergo physical, chemical or biological changes to such an extent as to produce substances that may cause an adverse effect, and includes, but is not limited to, demolition debris, concrete, asphalt, glass, ceramic materials, scrap metal and dry timber or wood that has not been chemically treated;
- (x) “internal volume” means the nominal capacity of a container;
- (y) “land treatment” means
 - (i) the controlled application of a substance on the land surface and the incorporation of the substance into the upper soil zone,
 - (ii) the controlled application of soil containing hydrocarbons on the land surface, with or without incorporation of the soil containing hydrocarbons into the upper soil zone, or
 - (iii) the controlled application of soil containing hydrocarbons onto a man-made surface or containment system,

in such a manner that physical, chemical or biological removal or degradation of the substance or hydrocarbons takes place, but does not include

- (iv) the controlled application to land of sludge as defined in the *Wastewater and Storm Drainage Regulation* (AR 119/93), or
- (v) the controlled application of a substance to land where that activity constitutes an agricultural operation as defined in the *Agricultural Operation Practices Act*;
- (z) “landfill” means a waste management facility at which waste is disposed of by placing it on or in land, but does not include a land treatment facility, a surface impoundment, a salt cavern or a disposal well;
- (aa) “liquid”, when used with respect to waste, means a waste that has free liquids;
- (bb) “oil production site” means the field production facilities for recovering oil or oil sands by drilling or other in-situ recovery methods, including any injection or pumping facilities, and any associated infrastructure, where the site is located within the area illustrated in the guideline entitled *Guide for Oil Production Sites* published by the Department;
- (cc) “oilfield waste” means an unwanted substance or mixture of substances that results from the construction, operation, abandonment or reclamation of a facility, well site or pipeline within the meaning of the *Oil and Gas Conservation Act* and the regulations under that Act but does not include an unwanted substance or mixture of substances from such a source that is received for storage, treatment, disposal or recycling at a facility authorized for that activity pursuant to the *Environmental Protection and Enhancement Act*;
- (dd) “oilfield waste management facility” means a facility that is approved under the *Oil and Gas Conservation Act* and the regulations under that Act to process, treat, dispose of, store or recycle oilfield waste;
- (ee) “on-site facility” means a facility that is used solely to deal with wastes or recyclables generated on property that is owned, rented or leased by the person responsible for the facility;

- (ff) “person responsible” for a facility of any kind under this Regulation means
 - (i) the owner or previous owner of the facility,
 - (ii) every person who has or has had charge, management or control of the facility or any portion of the facility,
 - (iii) any successor, assignee, executor, administrator, receiver, receiver-manager or trustee of a person referred to in subclause (i) or (ii), and
 - (iv) a person who acts as a principal or agent of a person referred to in subclauses (i), (ii) or (iii);
- (gg) “recyclable” means a substance or mixture of substances that is intended to be recycled;
- (hh) “residential composter” means a composter that
 - (i) is located at a residence,
 - (ii) is used to decompose manure, food scraps or vegetative matter resulting from gardening, horticulture, landscaping or land clearing, and
 - (iii) uses a controlled bio-oxidation process that results in a stable humus-like material;
- (hh.1) “soil containing hydrocarbons” means soil that is contaminated with only gasoline, kerosene, jet fuel or diesel fuel, or any combination of them;
- (ii) “storage site” means a waste management facility, where waste, other than hazardous waste, is
 - (i) stored,
 - (ii) sorted, compacted, shredded, ground or processed, or
 - (iii) collected and held for removal to another waste management facility;
- (jj) “surface impoundment” means a facility that consists of an excavation or diked areas that is formed primarily of earthen material and is used for the storage of waste;
- (jj.1) “TEQ” means dioxin toxic equivalent with respect to the following toxicity equivalency factors:

Congener	Toxicity equivalency factor
2,3,7,8-tetrachloro-dibenzo-p-dioxin	1.000
1,2,3,7,8-pentachloro-dibenzo-p-dioxin	0.500
1,2,3,4,7,8-hexachloro-dibenzo-p-dioxin	0.100
1,2,3,6,7,8-hexachloro-dibenzo-p-dioxin	0.100
1,2,3,7,8,9-hexachloro-dibenzo-p-dioxin	0.100
2,3,7,8-tetrachloro-dibenzofuran	0.100
1,2,3,7,8-pentachloro-dibenzofuran	0.050
2,3,4,7,8-pentachloro-dibenzofuran	0.500
1,2,3,4,7,8-hexachloro-dibenzofuran	0.100
1,2,3,6,7,8-hexachloro-dibenzofuran	0.100
1,2,3,7,8,9-hexachloro-dibenzofuran	0.100
2,3,4,6,7,8-hexachloro-dibenzofuran	0.100

- (kk) “unrinsed empty container” means an empty container that previously held a hazardous waste
- (i) that has not been rinsed 3 times, using for each rinse a clean solvent that is in an amount equal to 10% of the container volume and that is capable of removing the previously contained hazardous waste, or
 - (ii) that, in the opinion of the Director, has been rinsed or cleaned by a method that does not produce results equal to or better than those produced by the method set out in subclause (i);
- (ll) “waste” means any solid or liquid material or product or combination of them that is intended to be treated or disposed of or that is intended to be stored and then treated or disposed of, but does not include recyclables;
- (mm) “waste management facility” means a facility for the collection, storage, treatment or disposal of waste.

AR 192/96 s1;272/2003;162/2005

Part 1 Hazardous Waste

Definitions

2 In this Part,

- (a) “carrier” means a person who accepts hazardous waste for transport or who transports hazardous waste;
- (b) “consignor” means a person who consigns hazardous waste for storage, transport, treatment or disposal;

- (c) “receiver” means a person who receives hazardous waste for storage, treatment or disposal.

Personal identification numbers

3 An application for a personal identification number under section 188(2) of the Act must be submitted to the Director in a form and manner acceptable to the Director.

AR 192/96 s3;251/2001

Generator’s duties

3.1 A person who generates hazardous waste or hazardous recyclables shall

- (a) characterize, and
- (b) classify

the hazardous waste or hazardous recyclables prior to consignment for transportation.

AR 162/2005 s3

Exemption

4 Sections 188 and 191 of the Act do not apply to the consignor or carrier of hazardous waste when the hazardous waste is transported to on-site facilities if the operation is carried out in compliance with the Federal Regulations.

AR 192/96 s4;251/2001;162/2005

Form of manifest

5 The manifest referred to in section 191 of the Act must be in the form for the manifest set out in the Federal Regulations.

AR 192/96 s5;251/2001

Manifest completion

6 The consignor, carrier and receiver of hazardous waste shall complete the applicable parts and copies of the manifest to the satisfaction of the Director.

Generator’s and consignor’s manifest duties

7(1) A consignor, on consigning a hazardous waste, shall

- (a) sign all copies of the manifest, and ensure that the carrier certifies receipt of the hazardous waste,

- (b) mail the first copy of the manifest to the Director within 2 days, excluding Saturdays and holidays, after consigning the hazardous waste,
- (c) retain the 2nd copy for at least 2 years following the consignment, and
- (d) deliver the 3rd, 4th, 5th and 6th copies to the carrier.

(2) The consignor of hazardous waste that is shipped out of Alberta shall ensure that a copy of the manifest completed by the out-of-province receiver is given to the Director, the carrier, the consignor and, if the waste is shipped out of Canada, to the Department of Environment (Canada).

Carrier's manifest duties

8 A carrier, on accepting hazardous waste for transportation, shall

- (a) sign all copies of the manifest,
- (b) return the first and 2nd copies of the manifest to the consignor,
- (c) ensure that the 3rd, 4th, 5th and 6th copies accompany the hazardous waste during transportation, and
- (d) deliver the 3rd, 4th, 5th and 6th copies to the receiver.

Receiver's manifest duties

9(1) A receiver, on accepting hazardous waste for storage, treatment or disposal, shall

- (a) sign the 3rd, 4th, 5th and 6th copies of the manifest and return the 4th copy to the carrier,
- (b) mail the 3rd copy to the Director within 2 days, excluding Saturdays and holidays, after receiving the hazardous waste,
- (c) retain the 5th copy for at least 2 years after receiving the hazardous waste, and
- (d) mail the 6th copy to the consignor within 2 days, excluding Saturdays and holidays, after accepting the hazardous waste.

(2) The receiver of hazardous waste generated outside of Alberta shall ensure that the Director and, if the waste was generated

outside of Canada, the Department of Environment (Canada), receive a copy of the manifest.

(3) The consignor shall retain the 6th copy of the manifest referred to in subsection (1)(d) for at least 2 years following its receipt from the receiver.

Multiple carriers' manifests

10(1) If multiple carriers are used for a consignment of hazardous waste,

- (a) the consignor shall complete a separate manifest and comply with section 7 with respect to each carrier;
- (b) each carrier, on accepting hazardous waste for transportation, shall
 - (i) sign one manifest form and return the first and 2nd copies of that form to the consignor, and
 - (ii) deliver the remaining copies and remaining manifest forms to the receiver or next carrier;
- (c) the receiver shall, on accepting the hazardous waste for storage, treatment or disposal,
 - (i) sign the 3rd, 4th, 5th and 6th copies of all manifest forms,
 - (ii) cross-reference all of the manifests,
 - (iii) mail the 3rd copy of each manifest form to the Director within 2 days, excluding Saturdays and holidays, after accepting the hazardous waste,
 - (iv) mail the 4th copy of the appropriate manifest to each carrier,
 - (v) retain the 5th copy of each manifest for at least 2 years after receiving the hazardous waste, and
 - (vi) mail the 6th copy to the consignor within 2 days, excluding Saturdays and holidays, after accepting the hazardous waste.

(2) The consignor shall retain the 6th copy of the manifest referred to in subsection (1)(c)(vi) for at least 2 years following its receipt from the receiver.

Storing hazardous waste

11(1) A person who stores hazardous waste shall store it in an amount and in a manner so that

- (a) it will not cause an adverse effect,
- (b) any leakage is contained and prevented from entering into the remainder of the hazardous waste management facility and places beyond, including sewers and the ground underneath the site,
- (c) at least secondary containment is provided for liquid hazardous waste, and there are no openings in the secondary containment system that provide a direct connection to the area surrounding the system,
- (d) the hazardous waste is adequately labelled, stating the identity of the hazardous waste that is being stored,
- (e) incompatible hazardous wastes are stored in such a manner that there will be no contact between them, even in the event of a release, and
- (f) routine inspections of the site can be performed.

(2) A person who stores hazardous waste shall ensure that the hazardous waste is stored in a place that

- (a) is secure from entry by unauthorized persons,
- (b) is prominently identified as a hazardous waste management facility where hazardous waste is being stored,
- (c) is equipped with suitable equipment to handle emergency situations,
- (d) is provided with operators trained to respond to emergency situations specific to the hazardous waste stored, and
- (e) is designed and maintained so that surface run-off water cannot enter the secondary containment system.

(3) Subsection (2)(b) applies only to a hazardous waste management facility whose only function is the storage of hazardous waste, and does not apply to a hazardous waste management facility that is located in or is part of a manufacturing, processing or other operation.

Storage of PCBs

12(1) In this section,

- (a) “PCB” means any chlorobiphenyl that has a molecular formula of $C_{12}H_{10-n}Cl_n$, in which “n” is greater than 2;
- (b) “PCB equipment” means any equipment, machinery or similar manufactured item, including but not limited to a capacitor or an electrical transformer, that contains a PCB liquid, PCB solid or PCB substance;
- (c) “PCB liquid” means a liquid that contains more than 50 mg of PCB per kilogram of the liquid;
- (d) “PCB solid” means a solid that contains more than 50 mg of PCB per kilogram of the solid;
- (e) “PCB substance” means a substance, other than a PCB liquid or a PCB solid, that contains more than 50 mg of PCB per kilogram of the substance;
- (f) “PCB waste” means any PCB liquid, PCB solid, PCB substance or PCB equipment that is stored as hazardous waste.

(2) In determining the quantity, volume or weight of PCB waste for the purposes of subsection (3), the total amounts stored in or around one site that is under the responsibility of the same person shall be added together.

(3) Subject to the terms and conditions of an approval, a person who stores PCB waste in the following amounts shall advise the Director in writing in accordance with subsection (4) and keep and provide records in accordance with subsections (5) and (6):

- (a) PCB liquids in an amount of 100 L or more;
- (b) PCB solids or PCB substances in an amount of 100 kg or more;
- (c) PCB liquids, PCB solids or PCB substances or a combination of them, in an amount less than that referred to in clause (a) or (b), that contain 1 kg or more of PCB;
- (d) PCB equipment that contains an amount of PCB, PCB liquids, PCB solids or PCB substances referred to in clauses (a) to (c).

(4) The person who stores PCB wastes

- (a) must advise the Director in writing no less than 30 days after that person first stores PCB waste in amounts referred to in subsection (3), and
 - (b) must disclose the name of the person, the location of where the PCB waste is being stored and a description and inventory of the PCB waste that is stored at the site.
- (5)** The records referred to in subsection (3) must contain the following information:
- (a) with respect to each item of PCB waste received at the site,
 - (i) the date of receipt of the PCB waste,
 - (ii) the quantity of PCB waste received,
 - (iii) a description of the PCB waste, including, where applicable, the nameplate description, the serial number and the PCB registration number,
 - (iv) the condition of the PCB waste,
 - (v) the source of the PCB waste,
 - (vi) the name of the carrier of the PCB waste, and
 - (vii) the name of the individual who received the PCB waste;
 - (b) with respect to each item of PCB waste removed from the site,
 - (i) the date of removal of the PCB waste,
 - (ii) a description of the PCB waste, including, where applicable, the nameplate description,
 - (iii) the condition of the PCB waste,
 - (iv) the name of the carrier of the PCB waste,
 - (v) the destination of the PCB waste, and
 - (vi) the name of the individual authorizing the removal of the PCB waste;
 - (c) the results of any inspections conducted and any action taken as a result of those inspections.

(6) A person who is required to keep the records referred to in subsection (3) shall provide a copy of the records to the Director on January 1 and July 1 of each year containing the required information for the preceding 6-month period.

Landfills

13(1) No person shall dispose of hazardous waste into a landfill.

(2) Despite subsection (1), the following solid hazardous waste may be disposed of in a Class I landfill:

- (a) solid hazardous waste containing one or more halogenated organic compounds in a combined concentration less than 1000 milligrams per kilogram, of which no more than 50 milligrams per kilogram is polychlorinated biphenyl;
- (b) solid hazardous waste containing one or more of the following compounds in a combined concentration less than 1000 milligrams per kilogram:
 - (i) acetone;
 - (ii) benzene;
 - (iii) n-butyl alcohol;
 - (iv) carbon disulphide;
 - (v) cresol and cresylic acid;
 - (vi) cyclohexanone;
 - (vii) ethyl acetate;
 - (viii) ethyl benzene;
 - (ix) ethyl ether;
 - (x) isobutanol;
 - (xi) methanol;
 - (xii) methyl ethyl ketone;
 - (xiii) nitrobenzene;
 - (xiv) 2-nitropropane;
 - (xv) pyridine;
 - (xvi) toluene;

- (xvii) xylene;
- (c) solid hazardous waste that ignites, reacts or corrodes according to a test method set out in the Alberta User Guide for Waste Managers, 1996, published by the Department, as amended from time to time, that describes ignitable, reactive or corrosive hazardous waste, provided that those substances or mixtures of substances are not liable to ignite, propagate combustion, react or corrode under the conditions of disposal;
- (d) solid hazardous waste producing a waste extract in which the concentration of each of the following substances, if present, is less than the following value:
 - (i) arsenic: 500 mg/L;
 - (ii) beryllium: 100 mg/L;
 - (iii) cadmium: 100 mg/L;
 - (iv) chromium (VI): 500 mg/L;
 - (v) lead: 500 mg/L;
 - (vi) mercury: 20 mg/L;
 - (vii) nickel: 500 mg/L;
 - (viii) selenium: 200 mg/L;
 - (ix) silver: 100 mg/L;
 - (x) thallium: 200 mg/L;
- (e) solid hazardous waste with a pH greater than 12.5.

(3), (4) Repealed AR 162/2005 s5.

AR 192/96 s13;162/2005

Codes of practice

14(1) The Codes of Practice listed in Column B of Schedule 4 to this Regulation are adopted pursuant to section 38 of the Act and form part of this Regulation.

(2) A person who, pursuant to a registration, carries on any activity referred to in Column A of Schedule 4 to this Regulation shall comply with the corresponding Code of Practice referred to in Column B of that Schedule in the carrying on of that activity.

(3) Notwithstanding subsection (2), where the Director issues an approval in respect of the activity pursuant to section 6(3) of the *Activities Designation Regulation* (AR 276/2003), the approval holder

- (a) is not required to comply with the Codes of Practice in Schedule 4, and
- (b) shall comply with the terms and conditions of the approval.

AR 192/96 s14;162/2005

Importation

15(1) No person shall knowingly import any hazardous waste into Alberta for the purpose of storage for a period exceeding 30 days without first obtaining written authorization from the Minister.

(2) No person shall knowingly import hazardous waste into Alberta for the purpose of disposal.

(3) Subsection (2) does not apply to the disposal of residues resulting from the treatment of imported hazardous waste.

Dilution or division

16(1) No person shall mix hazardous waste with any solid or liquid for the primary purpose of dilution or of avoiding the requirements of this Regulation.

(2) No person shall divide a hazardous waste for the purpose of avoiding the requirements of this Regulation.

Part 1.1 Hazardous Substances

Hazardous substances

16.1 Any chemical or combination of chemicals that was used in or arose from the production of methamphetamine is designated as a hazardous substance.

AR 87/2007 s2

Part 2 Hazardous Recyclables

Application

17(1) Section 169 of the Act does not apply to a person consigning for shipment less than 205 litres, or less than 205 kilograms, of hazardous recyclables.

(2) Section 169(b) of the Act does not apply to a hazardous recyclable that is being consigned for shipment to an oilfield waste management facility.

AR 192/96 s17;251/2001;272/2003

Storage

18(1) A person who stores a hazardous recyclable shall store it in an amount and in a manner so that

- (a) it will not cause an adverse effect,
- (b) any leakage is contained and prevented from entering into the remainder of the hazardous recyclable facility and places beyond, including sewers and the ground underneath the site,
- (c) at least secondary containment is provided for liquid hazardous recyclables, and there are no openings in the secondary containment system that provide a direct connection to the area surrounding the system,
- (d) the hazardous recyclable facility is adequately labelled, stating the identity of the hazardous recyclable that is being stored,
- (e) incompatible hazardous recyclables are stored in such a manner that there will be no contact between them, even in the event of a release, and
- (f) routine inspections of the hazardous recyclable facility can be performed.

(2) A person who stores hazardous recyclables shall ensure that the hazardous recyclables are stored in a place that

- (a) is secure from entry by unauthorized persons,
- (b) is prominently identified as a hazardous recyclable facility where hazardous recyclables are stored,
- (c) is equipped with suitable equipment to handle emergency situations,
- (d) is provided with operators trained to respond to emergency situations specific to the hazardous recyclables stored, and
- (e) is designed and maintained so that surface run-off water cannot enter the secondary containment system.

(3) Subsection (2)(b) applies only to a hazardous recyclable facility whose only function is the storage of hazardous recyclables, and does not apply to a site that is located in or is part of a manufacturing, processing or other operation.

Recycle docket

19 The recycle docket referred to in section 169 of the Act must

- (a) meet the requirements for the shipping document for dangerous goods specified in the Federal Regulations, and
- (b) have an attachment showing
 - (i) the name of the consignor of the hazardous recyclable in the shipment,
 - (ii) the location from which the hazardous recyclable in the shipment originated,
 - (iii) the amount of hazardous recyclable in the shipment, and
 - (iv) the signature of an authorized representative for the consignor of the hazardous recyclable in the shipment.

AR 192/96 s19;251/2001;162/2005

Information

20 The person responsible for a hazardous recyclable facility shall

- (a) keep the following information for at least 2 years from the last day of the year in which the information was produced:
 - (i) copies of all recycle dockets for hazardous recyclables received at the facility;
 - (ii) a record of releases of substances at the facility;
 - (iii) calibration and maintenance records of monitoring equipment;
 - (iv) the results of all physical inventories of hazardous recyclables at the facility;
 - (v) any other information prescribed in a notice in writing by the Director;
- (b) make the information available to the Director on the Director's request in writing.

Importation

21 No person shall import hazardous recyclables into Alberta without first obtaining written authorization from the Minister.

Part 3 Non-hazardous Waste

Application

22 This Part applies to the management of waste, other than hazardous waste.

Prohibition

23(1) No person shall deposit waste for disposal in any place other than a waste management facility authorized in accordance with the Act and this Regulation.

(2) Subsection (1) does not apply to

- (a) the disposal of agricultural waste by a farmer on his own land where the waste is produced on his farm,
- (b) the depositing of earth, or
- (c) inert waste used for reclamation.

AR 192/96 s23;162/2005

General

24(1) The person responsible for a Class II or Class III landfill shall ensure that the landfill is sited, designed, constructed, operated and reclaimed so as to meet as a minimum

- (a) the requirements specified in this Regulation, and
- (b) the standards and requirements set out in the *Code of Practice for Landfills*.

(2) The person responsible for a Class I or Class II compost facility shall ensure that the compost facility is sited, designed, constructed, operated and reclaimed so as to meet as a minimum

- (a) the requirements specified in this Regulation, and
- (b) the standards and requirements set out in the Code of Practice for Compost Facilities.

(3) Subsection (1) does not apply to a waste management facility that is operating at the time of publication of the Code of Practice for Landfills until such time as the Director provides written notice

to the person responsible for the waste management facility that the Code of Practice or part of the Code of Practice is to apply.

(4) Subsection (2) does not apply to a waste management facility that is operating at the time of publication of the Code of Practice for Compost Facilities until such time as the Director provides written notice to the person responsible for the waste management facility that the Code of Practice or part of the Code of Practice is to apply.

(5) Where the waste management facility is not required to comply with subsection (1) or (2) because of subsections (3) and (4), the person responsible for the waste management facility must comply with the conditions specified in the approval and permit issued under the *Waste Management Regulation* (Alta. Reg. 250/85) before its repeal or the permit issued by the Provincial Board of Health which is deemed a permit under section 14 of that Regulation.

(6) A person responsible who receives a notice in writing from the Director under subsection (3) or (4) shall comply with the notice in accordance with the terms specified in the notice.

(7) The notice referred to in subsections (3) and (4) must specify that all or part of the Code of Practice is to apply and if only part, which part, and specify the date on which all or part of the Code of Practice is to apply.

Certified operators

25(1) The person responsible for a Class II or Class III landfill or Class I or Class II compost facility shall ensure that the facility is supervised by a certified operator during its hours of operation.

(2) A certified operator may have one or more assistants who may supervise the facility in his temporary absence.

(3) The person responsible for a Class II or Class III landfill or Class I or Class II compost facility shall notify the Director in writing of the names of all certified operators and their assistants and any change in any of the certified operators or their assistants within 30 days of the change.

(4) Subsections (1), (2) and (3) do not apply until September 1, 2001.

Burning

26 No person shall burn or permit burning at a waste management facility unless

- (a) the burning is conducted in accordance with the *Substance Release Regulation* (AR 124/93),
- (b) the burning is done in an area that is
 - (i) constructed with a fire break consisting of barren mineral soil,
 - (ii) located so that is separated from disposal operations, storage compounds and buildings, and
 - (iii) supervised at the time of burning,and
- (c) the person responsible for the waste management facility has notified
 - (i) the local authorities,
 - (ii) all adjoining property owners,
 - (iii) the Director, and
 - (iv) the local fire department

at least 7 days prior to the date of the burning, informing them of the proposed burning and the date on which the proposed burning is to take place.

AR 192/96 s26;162/2005

Part 4 Security

Security required

27(1) Where an approval or a registration is required in respect of

- (a) a waste management facility, excluding an on-site facility, or
- (b) a hazardous recyclable facility,

the Director shall require the applicant for the approval or registration to provide security before operation or reclamation of the facility commences.

(2) Subsection (1) does not apply where the applicant for the approval or registration is the Crown or a local authority.

Amount of security

28(1) Security shall be in an amount determined by the Director to be sufficient to ensure completion of conservation and reclamation as required by the Act and the Regulations under the Act based on

- (a) the estimated costs of conservation and reclamation submitted by the applicant, approval holder or registration holder,
- (b) the nature, complexity and extent of the facility's operations,
- (c) the probable difficulty of conservation and reclamation, giving consideration to such factors as topography, soils, geology, hydrology and revegetation, and
- (d) any other factors the Director considers to be relevant.

(2) Within 30 days of any changes to the most recent conservation and reclamation plan submitted under the *Approvals Procedure Regulation* (Alta. Reg. 113/93), the approval holder or registration holder shall recalculate the applicable cost estimates and submit adjusted cost estimates to the Director.

Adjustment of security

29(1) The Director may increase or decrease the amount of security that is to be provided where

- (a) the cost of future conservation and reclamation changes,
- (b) the extent of the operation of the facility is increased or reduced,
- (c) the land or any portion of it is conserved and reclaimed,
- (d) the conservation and reclamation plan in the approval or registration is changed,
- (e) the approval holder or registration holder is conducting on the site of the facility more than one activity for which security is required, or
- (f) any other circumstances exist that may increase or decrease the estimated cost of conservation and reclamation.

(2) The Director may specify times or set a schedule for re-evaluating and adjusting the security provided.

(3) The Director shall notify an approval holder or registration holder of any proposed adjustment to the amount of the security.

Form of security

30 Security must be in one or more of the following forms as required by the Director:

- (a) cash;
- (b) cheques and other similar negotiable instruments payable to the President of Treasury Board and Minister of Finance;
- (c) Government guaranteed bonds, debentures, term deposits, certificates of deposit, trust certificates or investment certificates assigned to the President of Treasury Board and Minister of Finance;
- (d) irrevocable letters of credit, irrevocable letters of guarantee, performance bonds or surety bonds in a form acceptable to the Director;
- (e) any other form that is acceptable to the Director.

AR 192/96 s30;27/2002;68/2008;31/2012;62/2013

Return of security

31(1) Where a reclamation or remediation certificate is issued in respect of all or part of a facility, the Minister may return or direct the return of all or part of the security provided, as the case may be.

(2) Notwithstanding subsection (1), if conservation and reclamation has been partially completed as required under the Act and the Regulations, the Minister may, on application by the approval holder or registration holder, return or direct the return of a part of the security, as determined by the Minister.

(3) Where the Director decreases the amount of security under section 29 the Minister shall return or direct the return of part of the security provided.

(4) The Minister shall return or direct the return of all security provided where an application for an approval or registration is submitted but no approval or registration is issued.

Retention of security

32 In a case to which section 15 of the *Conservation and Reclamation Regulation* (Alta. Reg. 115/93) applies, the Minister may, notwithstanding that a reclamation certificate has been issued,

retain all or part of the security until the expiration of the applicable period referred to in that section.

Forfeiture of security

33(1) The Minister may order that all or part of the security provided by the approval holder or registration holder be forfeited if

- (a) the approval holder or registration holder fails to commence and complete conservation and reclamation in a timely fashion,
- (b) the approval holder fails to meet conservation and reclamation standards specified in an approval,
- (c) the registration holder fails to meet conservation and reclamation standards specified in the applicable Code of Practice,
- (d) the approval holder or registration holder fails to renew existing security before its expiry date,
- (e) the approval holder or registration holder fails to adjust the amount of security for inflation or to account for changes in the conservation and reclamation plan,
- (f) the approval holder or registration holder has not complied with an environmental protection order or enforcement order issued by the Director, or
- (g) a receiver, receiver-manager or trustee has been appointed in respect of the operations of the approval holder or registration holder,

and as a result, conservation and reclamation of the facility as required by the Act and the Regulations would, in the Minister's opinion, be prevented or interfered with.

(2) Where the Minister orders security to be forfeited under subsection (1), the Minister shall

- (a) give written notice of the decision to the approval holder and registration holder, and
- (b) direct the President of Treasury Board and Minister of Finance to transfer the security from the Environmental Protection Security Fund to the Environmental Protection and Enhancement Fund.

(3) On the request of the Minister the President of Treasury Board and Minister of Finance shall pay to the Minister from the Environmental Protection and Enhancement Fund as much of the security transferred under subsection (2) as the Minister considers is necessary to carry out the conservation and reclamation in accordance with the Act, the Regulations and the approval, and the Minister shall use the security for that purpose.

(4) Subsection (3) applies despite the fact that the approval holder or registration holder may not have actually received the notice referred to in subsection (2)(a).

(5) Where the amount of the forfeited security exceeds the amount required for conservation and reclamation, the President of Treasury Board and Minister of Finance shall on the direction of the Minister pay the excess amount to the approval holder or registration holder.

(6) Where the amount of the forfeited security is insufficient to pay for the cost of conservation and reclamation, the approval holder or registration holder remains liable for the balance.

AR 192/96 s33;27/2002;68/2008;31/2012;62/2013

Part 5 Miscellaneous

Expanded definition of waste

34 A motor vehicle that is not registered and is inoperative is waste for the purposes of the sections referred to in section 168(k) of the Act.

AR 192/96 s34;251/2001

Form of order

35(1) An enforcement order issued under section 211 of the Act must be in Form 1 in Schedule 3.

(2) An environmental protection order issued under section 183 of the Act must be in Form 2 in Schedule 3.

AR 192/96 s35;251/2001

Review of EPO

36(1) A committee appointed under section 186(3) of the Act must consist of at least 3 members.

(2) Where a request for review under section 186(1) of the Act is made to a local authority, the following applies:

- (a) the committee shall give written notice to the inspector, investigator or Director who issued the environmental protection order that a request for review has been made;
- (b) the committee may request from the inspector, investigator or Director any information that it considers necessary;
- (c) no action may be taken under the Act with respect to the enforcement of the order during the time that the decision of the committee on the review is pending;
- (d) the committee may conduct any investigation that it considers necessary to properly review the order and shall complete its review within 30 days after receipt of the request for the review or within any further extended period under subsection (3);
- (e) the committee shall issue a written decision on the review and shall give a copy of the decision to the inspector, investigator or Director who issued the order and to the person to whom the order was directed, all within 45 days after receipt of the request for the review or within any extended period under subsection (3).

(3) Where the committee considers that extenuating circumstances exist that make it impractical for the committee to complete its duties within the period of time imposed under subsection (2)(d) or (e) it may extend that period of time.

(4) Where the decision of the committee confirms or varies the environmental protection order, the decision shall prescribe the time within which the order must be complied with, which shall not be more than 60 days after the date the person to whom the order was directed receives a copy of the decision.

AR 192/96 s36;251/2001

Part 6 General

37 Repealed AR 230/2005 s2.

Standards for compost facilities

38 All compost facilities shall be constructed and operated so that

- (a) the generation of odours is minimized,
- (b) run-on and run-off water is controlled so that surface water and groundwater are not contaminated, and

- (c) animals and vectors of disease are controlled.

AR 192/96 s38;162/2005

Records

39(1) The Director may, by notice in writing to the person responsible for a waste management facility, including but not limited to a hazardous waste management facility or a hazardous recycling facility, require that person to keep records in the form and manner and containing the information specified by the Director in the notice.

(2) The person shall keep information in a record referred to in subsection (1) for at least 5 years after the information was entered in the record.

(3) The person shall provide the records referred to in subsection (1) to the Director on demand.

Plans and reports

40 The Director may, by notice in writing directed to the person responsible for a waste management facility, including but not limited to a hazardous waste management facility or a hazardous recycling facility, require that person to submit plans and reports respecting the construction, operation or reclamation of the facility.

Waste collection containers

41(1) The Minister may by notice in writing given to a person require that person to provide waste collection containers in the numbers, at the locations and within the time specified in the notice.

(2) A person who receives a notice under subsection (1) shall comply with it in accordance with its terms.

Offences

42 A person who contravenes sections 3.1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 23, 24, 26, 37, 39, 40 or 41 is guilty of an offence and is liable

- (a) in the case of an individual, to a fine of not more than \$50 000, or
- (b) in the case of a corporation, to a fine of not more than \$500 000.

AR 192/96 s42;162/2005

Due diligence

43 No person shall be convicted of an offence referred to in section 42 if that person establishes on a balance of probabilities that he took all reasonable steps to prevent its commission.

AR 192/96 s43;87/2007

Transition

44 A person who on August 31, 1996 was registered under section 13.1 of the *Waste Control Regulation* (Alta. Reg. 129/93) is deemed to have complied with section 12 of this Regulation with respect to PCBs stored before September 1, 1996.

Repeal

45 The following Regulations are repealed:

- (a) the *Waste Control Regulation* (Alta. Reg. 129/93);
- (b) the *Waste Management Regulation* (Alta. Reg. 250/85).

Coming into force

46 This Regulation comes into force on September 1, 1996.

Schedule 1**Properties of hazardous waste**

1 Waste is hazardous and a recyclable is a hazardous recyclable waste if, when tested according to a test method set out in the Alberta User Guide for Waste Managers, 1996, published by the Department, as amended from time to time, or a test method authorized in writing by the Director,

- (a) it has a flash point of less than or equal to 60.5°C,
- (b) it ignites and propagates combustion in a test sample,
- (c) it contributes oxygen for combustion at a rate that is equal to or greater than that provided by ammonium persulphate, potassium perchlorate or potassium bromate,
- (d) it is toxic because it
 - (i) has a rat oral toxicity LD₅₀ not greater than 200 mg/kg, if a solid, or 500 mg/kg, if a liquid,
 - (ii) has a dermal toxicity LD₅₀ not greater than 1000 mg/kg, or

- (iii) has an inhalation toxicity LC_{50} not greater than $10,000 \text{ mg/m}^3$ at normal atmospheric pressure,
- (e) it has a pH value less than 2.0 or greater than 12.5,
- (f) it contains polychlorinated biphenyls at a concentration equal to or greater than 50 mg/kg , or
- (g) it is a toxic leachate because it is in a dispersible form and
 - (i) it contains at a concentration of 100 mg/L or higher of any substance listed in Table 1 of the Schedule to the Alberta User Guide for Waste Managers, published by the Department, as amended from time to time,
 - (ii) its leachate contains any substance listed in Table 2 of the Schedule to the Alberta User Guide for Waste Managers, published by the Department, as amended from time to time in excess of the concentrations listed in that Table, or
 - (iii) it contains any of the following substances in a concentration greater than 0.001 mg/L :
 - hexachloro-dibenzo-p-dioxins
 - pentachloro-dibenzo-p-dioxins
 - tetrachloro-dibenzo-p-dioxins
 - hexachloro-dibenzofurans
 - pentachloro-dibenzofurans
 - tetrachloro-dibenzofurans.

Hazardous waste

2 The following waste is hazardous waste:

- (a) waste types listed in Table 3 of the Schedule to the Alberta User Guide for Waste Managers, published by the Department, as amended from time to time;
- (b) commercial products or off-specification products listed in Part A of Table 4 of the Schedule to the Alberta User Guide for Waste Managers, published by the Department, as amended from time to time;
- (c) a container, other than an empty container, that has an internal volume greater than 5 litres and contains a substance listed in Part A of Table 4 of the Schedule to the Alberta User Guide for Waste Managers, published by the Department, as amended from time to time;

- (d) a number of containers, other than empty containers, that have an aggregate internal volume greater than 5 litres and contain a substance listed in Part A of Table 4 of the Schedule to the Alberta User Guide for Waste Managers, published by the Department, as amended from time to time;
- (e) commercial products or off-specification products listed in Part B of Table 4 of the Schedule to the Alberta User Guide for Waste Managers, published by the Department, as amended from time to time;
- (f) an unrinsed empty container that has an internal volume greater than 5 litres and contained a substance listed in Part B of Table 4 of the Schedule to the Alberta User Guide for Waste Managers, published by the Department, as amended from time to time; or
- (g) a number of unrinsed empty containers that have an aggregate internal volume greater than 5 litres and contained a substance listed in Part B of Table 4 of the Schedule to the Alberta User Guide for Waste Managers, published by the Department, as amended from time to time.

Hazardous recyclables

3 Substances or mixtures of substances specified in section 2 of this Schedule as being hazardous waste are, if they are intended to be recycled, hazardous recyclables.

AR 192/96 Sched.1;162/2005

Schedule 2

Not hazardous waste

1 The following are not hazardous waste for the purposes of the Act and this Regulation:

- (a) household waste in the possession of the householder or while unsegregated in a municipal waste management system;
- (b) agricultural waste;
- (c) domestic sewage;
- (d) waste regulated under the *Nuclear Safety and Control Act* (Canada);

- (e) wastes resulting from emergency spill clean-ups, if the Director or an investigator has authorized the handling of the clean-up debris;
- (f) biomedical waste;
- (g) waste described in Schedule 1, other than those substances listed in Table 4, Part B of the Schedule to the Alberta Users Guide for Waste Managers published by the Department, as amended from time to time, that is produced in an amount less than 5 kilograms per month if a solid or 5 litres per month if a liquid and the total quantity accumulated does not exceed 5 kilograms or 5 litres at any one time;
- (h) waste resulting from the treatment of hazardous waste where the treatment employs a method, technique or process that represents acceptable industry practice.

Not hazardous recyclables

2 The wastes specified in section 1 of this Schedule as not being hazardous waste are also not hazardous recyclables.

AR 192/96 Sched.2;162/2005

Schedule 3

Form 1

Enforcement Order

**(Environmental Protection and
Enhancement Act, section 211)**

To _____ (name)
of _____ (address)

Take notice that:

I have reason to believe that you have contravened section (indicate appropriate section number 178, 179, 180 or 182) of the *Environmental Protection and Enhancement Act*.

Pursuant to section 211 of the *Environmental Protection and Enhancement Act*, you are hereby ordered

- (a) to pick up and remove all waste unlawfully disposed of within ____ days, and in particular to take the following action:

(list particulars if necessary)

- (b) to refrain from any further or continuing unlawful disposal of waste.

Contravention of this order may result in one or more of the following actions being taken against you:

- you might be prosecuted under the Act in respect of the contravention;
- an application might be made to the Court of Queen's Bench for an order that you comply with the enforcement order;
- the enforcement order might be carried out by the Director and the costs are recoverable from you.

Dated this _____ day of _____, 20__.

Director/Investigator

Form 2

Environmental Protection Order

(Environmental Protection and Enhancement Act, Section 183)

To _____ (name)
of _____ (address)

Take notice that:

The property located at _____ (address or legal description) is considered to be unsightly by reason of the existence of waste on it.

You are hereby ordered, pursuant to section 183 of the *Environmental Protection and Enhancement Act*, to clean up the unsightly property by doing the following: _____
on or before _____

Contravention of this order may result in one or more of the following actions being taken against you:

- you might be prosecuted under the Act in respect of the contravention;
- an application might be made to the Court of Queen's Bench for an order that you comply with the environmental protection order;

- the environmental protection order might be carried out by the local authority or the Director and the costs are recoverable from you.

This environmental protection order may be reviewed by a committee appointed by the (name of local authority or Minister of Municipal Affairs) if a written request for review is made within 21 days of the date of receipt of this order to (name and address of local authority or Minister of Municipal Affairs).

Dated this _____ day of _____, 20__.

Director/Investigator

AR 192/96 Sched. 3;251/2001;35/2007;68/2008

Schedule 4

COLUMN A	COLUMN B
The construction, operation or reclamation of a small incinerator as set out in clause (b) of Schedule 2, Division 1 of the <i>Activities Designation Regulation</i> (AR 276/2003).	Code of Practice for Small Incinerators, 2005, published by the Department.
The construction, operation or reclamation of a fixed facility for the land treatment of soil containing hydrocarbons as set out in clause (f) of Schedule 2, Division 1 of the <i>Activities Designation Regulation</i> (AR 276/2003).	Code of Practice for Land Treatment of Soil Containing Hydrocarbons, 2005, published by the Department.
The construction, operation or reclamation of a facility for energy recovery by the production of alternate fuel or the burning of waste as fuel, as set out in clause (d) of Schedule 2, Division 1 of the <i>Activities Designation Regulation</i> (AR 276/2003).	Code of Practice for Energy Recovery, 2005, published by the Department.

AR 192/96 Sched.4;162/2005



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