

Environmental Protection Act
Loi sur la protection de l'environnement

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Amended to O. Reg. 461/05

GENERAL — WASTE MANAGEMENT

Notice of Currency:* This document is up to date.

*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Regulations – Legislative History Overview.

This Regulation is made in English only.

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Definitions

1. (1) In this Regulation,

“access road” means a road that leads from a public road to a waste disposal site;

“acute hazardous waste chemical” means,

(a) a commercial waste chemical having a generic name listed in Part A of Schedule 2, other than a waste described in Schedule 2.1,

Note: On January 1, 2007, clause (a) is revoked and the following substituted:

(a) a commercial waste chemical listed as an acute hazardous waste chemical in Part A of Schedule 2, other than a waste described in Schedule 2.1,

See: O. Reg. 461/05, ss. 1 (1), 29 (3).

(b) a mixture of a waste referred to in clause (a) and any other waste or material, or

(c) a waste derived from a waste referred to in clause (a), unless,

(i) the waste that is derived from the waste referred to in clause (a) is listed in Schedule 2.1, or

(ii) the waste that is derived from the waste referred to in clause (a) is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of the acute hazardous waste chemical from which it was derived;

“agricultural waste” means waste, other than sewage, resulting from farm operations, including animal husbandry and where a farm operation is carried on in respect of food packing, food preserving, animal slaughtering or meat packing, includes the waste from such operations;

Note: On January 1, 2007, subsection (1) is amended by adding the following definition:

“aqueous waste” means waste that is aqueous and contains less than 1 per cent total organic carbon by weight and less than 1 per cent total suspended solids by weight;

See: O. Reg. 461/05, ss. 1 (2), 29 (3).

“asbestos waste” means solid or liquid waste that results from the removal of asbestos-containing construction or insulation materials or the manufacture of asbestos-containing products and contains asbestos in more than a trivial amount or proportion;

“carrier” means the operator of a waste transportation system;

“cell”, in respect of a landfilling site, means a deposit of waste that has been sealed by cover material so that no waste deposited in the cell is exposed to the atmosphere;

“characteristic waste” means hazardous waste that is,

- (a) corrosive waste,
- (b) ignitable waste,
- (c) leachate toxic waste, or
- (d) reactive waste;

“commercial waste” includes asbestos waste;

“commercial waste chemical” means a waste that is or contains a commercial chemical product or manufacturing chemical intermediate of a specified generic name and includes,

(a) an off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the specified generic name,

(b) residues or contaminated material from the clean-up of a spill of a commercial chemical product or manufacturing chemical intermediate of the specified generic name or of an off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the specified generic name, or

(c) an empty container or the liner from an empty container that contained a commercial chemical product or manufacturing chemical intermediate of the specified generic name, or an off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the specified generic name, or residues or contaminated materials from the clean-up of a spill of any of them, unless the empty container or the liner from the empty container has been triple rinsed,

but, except as specified in clause (a), (b) or (c), does not include a waste stream or waste material contaminated with material of the specified generic name;

“composting” means the treatment of waste by aerobic decomposition of organic matter by bacterial action for the production of stabilized humus;

“corrosive waste” means a waste that,

(a) is aqueous and has a pH less than or equal to two or greater than or equal to 12.5 as determined by a pH meter,

(b) is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 millimetres per year at a test temperature of 55° Celsius using test NACE TM-01-69 or an equivalent test approved by the Director, or

(c) is a solid and, when prepared in a mixture or solution with distilled water that is 50 per cent waste by weight, has a pH less than or equal to two or greater than or equal to 12.5 as determined by a pH meter;

“cover material” means soil or other material approved for use in sealing cells in landfilling;

“dead animal” means an animal that dies naturally or from disease or by reason of accident and includes parts thereof;

“derelict motor vehicle” means a motor vehicle that,

(a) is inoperable, and

(b) has no market value as a means of transportation, or, has a market value as a means of transportation that is less than the cost of repairs required to put it into operable condition;

“Director” means the Director of the Waste Management Policy Branch of the Ministry and includes an alternate named by him or her;

“domestic waste” includes asbestos waste;

“dump” means a waste disposal site where waste is deposited without cover material being applied at regular intervals;

“dust suppressant” means a waste used for dust suppression in accordance with a certificate of approval or provisional certificate of approval for a dust suppression waste management system;

“dust suppression site” means a waste disposal site where dust suppressant is deposited;

“electroplating” includes common and precious metal electroplating, anodizing, chemical etching and milling, and includes cleaning and stripping associated with common and precious metal electroplating, anodizing, chemical etching and milling, but does not include chromating, phosphating, immersion plating, colouring or other chemical conversion coating, electroless plating or printed circuit board manufacturing;

“empty container” means a container from which all wastes and other materials have been removed using the removal practices such as pumping or pouring commonly used for the specific materials and that contains less than 2.5 centimetres of material on the bottom of the container;

“existing hospital incinerator” means an incinerator put into operation before the 31st day of December, 1985 owned by a hospital within the meaning of the Public Hospitals Act at which pathological waste but no hauled liquid industrial waste or other hazardous waste is incinerated;

“fly-ash” means particulate matter removed from combustion flue gases;

“generator” means the operator of a waste generation facility;

“grinding” means the treatment of waste by uniformly reducing the waste to particles of controlled maximum size;

“hauled liquid and hazardous waste collection system” means a waste management system or any part thereof for the collection, handling, transportation, storage or processing of hauled liquid industrial waste or hazardous waste but does not include the disposal thereof;

“hauled liquid industrial waste” means liquid industrial waste transported in a tank or other container for treatment or disposal;

“hauled sewage” means,

(a) domestic waste that is human body waste, toilet or other bathroom waste, waste from other showers or tubs, liquid or water borne culinary or sink waste or laundry waste, and

(b) other waste that is suitable for storage, treatment or disposal in a sewage system regulated under Part 8 of the building code made under the Building Code Act, 1992, if the waste is not fully disposed of at the site where it is produced, other than,

(i) waste from a sewage works approved under section 53 of the Ontario Water Resources Act that is conveyed away from the site where it is produced by a sewer approved under that section, or

(ii) waste in a vehicle sewage holding tank;

“hazardous industrial waste” means,

(a) a generic or specific waste listed in Schedule 1, other than a waste described in Schedule 1.1,

Note: On January 1, 2007, clause (a) is revoked and the following substituted:

(a) a waste listed as a hazardous industrial waste in Schedule 1, other than a waste described in Schedule 1.1,

See: O. Reg. 461/05, ss. 1 (6), 29 (3).

(b) a mixture of a waste referred to in clause (a) and any other waste or material, or

(c) a waste derived from a waste referred to in clause (a), unless,

(i) the waste that is derived from the waste referred to in clause (a) is listed in Schedule 1.1, or

(ii) the waste that is derived from the waste referred to in clause (a) is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of the hazardous industrial waste from which it was derived; “hazardous waste” means a waste that is a,

(a) hazardous industrial waste,

(b) acute hazardous waste chemical,

(c) hazardous waste chemical,

(d) severely toxic waste,

(e) ignitable waste,

(f) corrosive waste,

(g) reactive waste,

(h) radioactive waste, except radioisotope wastes disposed of in a landfilling site in accordance with the written instructions of the Canadian Nuclear Safety Commission,

(i) pathological waste,

(j) leachate toxic waste, or

(k) PCB waste,

but does not include,

(l) hauled sewage,

(m) waste from the operation of a sewage works subject to the Ontario Water Resources Act where the works,

(i) is owned by a municipality,

(ii) is owned by the Crown or the Ontario Clean Water Agency, subject to an agreement with a municipality under the Ontario Water Resources Act, or

(iii) receives only waste similar in character to the domestic sewage from a household,

(n) domestic waste,

(o) incinerator ash resulting from the incineration of waste that is neither hazardous waste nor liquid industrial waste,

(p) waste that is a hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste and that is produced in any month in an amount less than five kilograms or otherwise accumulated in an amount less than five kilograms,

(q) waste that is an acute hazardous waste chemical and that is produced in any month in an amount less than one kilogram or otherwise accumulated in an amount less than one kilogram,

(r) an empty container or the liner from an empty container that contained hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste,

(s) an empty container of less than twenty litres capacity or one or more liners weighing, in total, less than ten kilograms from empty containers, that contained acute hazardous waste chemical,

(t) the residues or contaminated materials from the clean-up of a spill of less than five kilograms of waste that is a hazardous industrial waste, hazardous waste chemical, ignitable waste, corrosive waste, leachate toxic waste or reactive waste, or

(u) the residues or contaminated materials from the clean-up of a spill of less than one kilogram of waste that is an acute hazardous waste chemical;

“hazardous waste chemical” means,

(a) a commercial waste chemical having a generic name listed in Part B of Schedule 2, other than a waste described in Schedule 2.2,

Note: On January 1, 2007, clause (a) is revoked and the following substituted:

(a) a commercial waste chemical listed as a hazardous waste chemical in Part B of Schedule 2, other than a waste described in Schedule 2.2,

See: O. Reg. 461/05, ss. 1 (10), 29 (3).

(b) a mixture of a waste referred to in clause (a) and any other waste or material, or

(c) a waste derived from a waste referred to in clause (a), unless,

(i) the waste that is derived from the waste referred to in clause (a) is listed in Schedule 2.2, or

(ii) the waste that is derived from the waste referred to in clause (a) is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of the hazardous waste chemical from which it was derived;

“hospital incinerator” means an incinerator owned by a hospital within the meaning of the Public Hospitals Act;

“ignitable waste” means a waste that,

(a) is a liquid, other than an aqueous solution containing less than 24 per cent alcohol by volume and has a flash point less than 61° Celsius, as determined by the Tag Closed Cup Tester (ASTM D-56-79), the Setaflash Closed Cup Tester (ASTM D-3243-77 or ASTM D-3278-78), the Pinsky-Martens Closed Cup Tester (ASTM D-93-79), or as determined by an equivalent test method approved by the Director,

(b) is a solid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a danger,

(c) is an ignitable compressed gas (Class 2, Division D) as defined in the regulations under the Transportation of Dangerous Goods Act (Canada), or

(d) is an oxidizing substance (Class 5, Divisions 1 and 2) as defined in the regulations under the Transportation of Dangerous Goods Act (Canada);

“incinerator ash” means the ash residue, other than fly-ash, resulting from incineration where the waste is reduced to ashes containing by weight less than 10 per cent of combustible materials;

“incinerator waste” means the residue from incineration, other than incinerator ash and fly-ash;

“individual collection system” means the collection of a householder’s own domestic wastes by a householder and the transportation of such wastes to a waste disposal site by the householder;

“industrial waste” means waste from,

(a) an enterprise or activity involving warehousing, storage or industrial, manufacturing or commercial processes or operations,

(b) research or an experimental enterprise or activity,

(c) an enterprise or activity to which clause (a) would apply if the enterprise or activity were carried on for profit,

(d) clinics that provide medical diagnosis or treatment, or

(e) schools, laboratories or hospitals;

“inert fill” means earth or rock fill or waste of a similar nature that contains no putrescible materials or soluble or decomposable chemical substances;

“intact manifest” means a paper manifest as provided by the Ministry, with all six parts intact;

“in-vehicle sewage” means waste produced in a vehicle that is human body waste, toilet or other bathroom waste, waste from other showers or tubs, liquid or water borne culinary or sink waste, laundry waste or similar waste that would normally be carried away by a sewer if it were not produced in a vehicle;

“land disposal” means, with respect to a waste, the deposit or disposal of the waste upon, into, in or through land, including,

(a) the deposit of the waste at a dump,

(b) the landfilling of the waste,

(c) the discharge of the waste into a geological formation by means of a well, and

(d) the landfarming of the waste, in the case of a petroleum refining waste,

and “land disposed” has a corresponding meaning;

“landfarming” means the biodegradation of petroleum refining wastes by naturally occurring soil bacteria by means of controlled application of the wastes to land followed by periodic tilling;

“landfilling” means the disposal of waste by deposit, under controlled conditions, on land or on land covered by water, and includes compaction of the waste into a cell and covering the waste with cover materials at regular intervals;

“leachate toxic waste” means a waste producing leachate containing any of the contaminants listed in Schedule 4 at a concentration equal to or in excess of the concentration specified for that contaminant in Schedule 4 using the Toxicity Characteristic Leaching Procedure;

“liquid industrial waste” means waste that is both liquid waste and industrial waste but does not include,

- (a) hauled sewage,

Note: On January 1, 2007, clause (a) is revoked and the following substituted:

- (a) hazardous waste,
- (a.1) hauled sewage,

See: O. Reg. 461/05, ss. 1 (14), 29 (3).

- (b) waste from the operation of a sewage works described in clause (m) of the definition of “hazardous waste”,

- (c) waste from the operation of a water works subject to the Ontario Water Resources Act or the Safe Drinking Water Act, 2002,

- (d) waste that is produced in any month in an amount less than twenty-five litres or otherwise accumulated in an amount less than twenty-five litres,

- (e) waste directly discharged by a generator from a waste generation facility into a sewage works subject to the Ontario Water Resources Act or established before April 3, 1957 or into a sewage system regulated under Part 8 of the building code made under the Building Code Act, 1992,

- (f) waste that results directly from food processing and preparation operations, including food packing, food preserving, wine making, cheese making and restaurants,

- (g) drilling fluids and produced waters associated with the exploration, development or production of crude oil or natural gas,

- (h) processed organic waste, or

- (i) asbestos waste;

“listed waste” means hazardous waste that is,

- (a) an acute hazardous waste chemical,
- (b) hazardous industrial waste,
- (c) a hazardous waste chemical, or
- (d) severely toxic waste;

“manifest” means a numbered document called a manifest that was obtained from the Ministry and includes a paper or electronic manifest;

“Manual” means the publication entitled “Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste”, published by the Ministry of Environment and Energy and dated April 1995, as amended from time to time;

“marine craft waste disposal system” means a waste disposal system operated by a person or a municipality for the receiving of waste from marine craft for deposit in holding tanks;

“Ministry website” means the website at www.ene.gov.on.ca;

“mobile refrigerant waste” means refrigerant removed from the air-conditioning, heat pump, refrigeration or freezer unit of anything used for the purposes of transportation;

“mobile refrigerant waste collector” means a mobile refrigerant waste management system that collects mobile refrigerant waste it has removed from equipment in which refrigerant is used;

“mobile refrigerant waste recycler” means a mobile refrigerant waste management system that receives mobile refrigerant waste from other mobile refrigerant waste management systems and recycles it;

“municipal waste” means,

(a) any waste, whether or not it is owned, controlled or managed by a municipality, except,

- (i) hazardous waste,
- (ii) liquid industrial waste, or
- (iii) gaseous waste, and

(b) solid fuel, whether or not it is waste, that is derived in whole or in part from the waste included in clause (a);

Note: On January 1, 2007, subsection (1) is amended by adding the following definition:

“non-aqueous waste” means waste that is not aqueous waste;

See: O. Reg. 461/05, ss. 1 (17), 29 (3).

“non-hazardous solid industrial waste” means industrial waste that is not liquid industrial waste and is not hazardous waste and includes asbestos waste;

“on-site garbage grinder” means a grinder,

(a) used for the treatment of waste that is subsequently discharged as sewage, and

(b) located in a building or structure used principally for functions other than waste management;

“on-site incinerator” means an incinerator located at a site used principally for functions other than waste management in which only waste generated on that site is incinerated;

“on-site road” means a road for the movement of vehicles and equipment within a waste disposal site;

“organic soil conditioning” means the incorporation of processed organic waste in the soil to improve its characteristics for crop or ground cover growth;

“packing and baling” means the treatment of waste by its compression into blocks or bales and binding or sheathing the blocks with wire, metal, plastic or other material;

“pathological waste” means,

(a) any part of the human body, including tissues and bodily fluids, but excluding fluids, extracted teeth, hair, nail clippings and the like, that are not infectious,

(b) any part of the carcass of an animal infected with a communicable disease or suspected by a licensed veterinary practitioner to be infected with a communicable disease,

(c) non-anatomical waste infected with communicable disease,

(d) a mixture of a waste referred to in clause (a), (b) or (c) and any other waste or material, or

(e) a waste derived from a waste referred to in clause (a), (b) or (c), unless the waste that is derived from the waste referred to in clause (a), (b) or (c) is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of pathological waste referred to in clause (a), (b) or (c);

“PCB” has the same meaning as in Regulation 362 of the Revised Regulations of Ontario, 1990 (Waste Management — PCBs) made under the Act;

“PCB waste” has the same meaning as in Regulation 362 of the Revised Regulations of Ontario, 1990 (Waste Management — PCBs) made under the Act;

“processed organic waste” means waste that is predominantly organic in composition and has been treated by aerobic or anaerobic digestion, or other means of stabilization, and includes sewage residue from sewage works that are subject to the provisions of the Ontario Water Resources Act;

“radioactive waste” includes,

(a) a mixture of radioactive waste and any other waste or material, and

(b) a waste derived from radioactive waste, unless the waste that is derived from the radioactive waste is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of radioactive waste;

“reactive waste” means a waste that,

(a) is normally unstable and readily undergoes violent change without detonating,

(b) reacts violently with water,

(c) forms potentially explosive mixtures with water,

(d) when mixed with water, generates toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,

(e) is a cyanide or sulphide bearing waste which, when exposed to pH conditions between two and 12.5, can generate toxic gases, vapours or fumes in a quantity sufficient to present danger to human health or the environment,

(f) is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement,

(g) is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure,

(h) is an explosive (Class 1) as defined in the regulations under the Transportation of Dangerous Goods Act (Canada);

“receiver” means the operator of any facility to which waste is transferred by a carrier;

“Regional Director” means a Director appointed under section 5 of the Act and responsible for a region established by the Ministry for administrative purposes, but does not mean the Director of the Waste Management Policy Branch of the Ministry or an alternate named by him or her;

“scavenging” means the uncontrolled removal of reusable material from waste at a waste disposal site;

“Section 39 Director” means a Director appointed under section 5 of the Act for purposes of section 39 of the Act;

“severely toxic waste” means,

(a) a waste that contains a contaminant listed in Schedule 3 at a concentration greater than one part per million,

Note: On January 1, 2007, clause (a) is revoked and the following substituted:

(a) a waste that contains a contaminant listed as a severely toxic contaminant in Schedule 3 at a concentration greater than one part per million,

See: O. Reg. 461/05, ss. 1 (20), 29 (3).

(b) a mixture of a waste referred to in clause (a) and any other waste or material, or

(c) a waste derived from a waste referred to in clause (a), unless the waste that is derived from the waste referred to in clause (a) is produced in accordance with a certificate of approval that states that, in the opinion of the Section 39 Director, the waste that is produced in accordance with the certificate of approval does not have characteristics similar to the characteristics of severely toxic waste referred to in clause (a);

“site” means one property and includes nearby properties owned or leased by the same person where passage from one property to another involves crossing, but not travelling along, a public highway;

Note: On August 31, 2007, subsection (1) is amended by adding the following definition:

“soil mixture” includes a mixture of soil and liquids, sludges or solids, where,

(a) the mixture cannot be separated by simple mechanical removal processes; and

(b) based on visual inspection, the volume of the mixture is made up primarily of soil or other finely divided material that is similar to soil;

See: O. Reg. 461/05, ss. 1 (21), 29 (4).

“stationary refrigerant waste” means refrigerant that is not mobile refrigerant waste and that is removed from an air-conditioning unit, heat pump, refrigeration or freezer unit;

“stationary refrigerant waste collector” means a stationary refrigerant waste management system that collects stationary refrigerant waste it has removed from equipment in which refrigerant is used;

“stationary refrigerant waste recycler” means a stationary refrigerant waste management system that receives stationary refrigerant waste from other stationary refrigerant waste management systems and recycles it;

“subject waste” means,

- (a) liquid industrial waste, and

Note: On December 31, 2009, clause (a) is revoked and the following substituted:

- (a) liquid industrial waste,

See: O. Reg. 461/05, ss. 1 (22), 29 (5).

- (b) hazardous waste,

Note: On December 31, 2009, clause (b) is revoked and the following substituted:

- (b) hazardous waste, and

(b.1) waste that was characteristic waste but that has been treated so that it is no longer characteristic waste, if the waste may not be disposed of by land disposal under subsection 79 (1),

See: O. Reg. 461/05, ss. 1 (22), 29 (5).

but does not include waste from the servicing of motor vehicles at a retail motor vehicle service station or service facility that has a written agreement for the collection and management of such waste with a waste management system approved under Part V of the Act for the purposes and does not include waste from,

- (c) a nursing home under the Nursing Homes Act,
- (d) a home under the Homes for the Aged and Rest Homes Act,
- (e) a home for special care under the Homes for Special Care Act,
- (f) the professional office of a member of the Royal College of Dental Surgeons of Ontario, or
- (g) the professional office of a member of the College of Physicians and Surgeons of Ontario;

“Toxicity Characteristic Leaching Procedure” means the Toxicity Characteristic Leaching Procedure, Method 1311, that appears in United States Environmental Protection Agency Publication SW-846 entitled “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, as amended from time to time, or a test method that the Director has approved in writing as equivalent;

“transfer” means physical transfer of possession;

“transfer station” means a waste disposal site used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site;

Note: On January 1, 2007, subsection (1) is amended by adding the following definition:

“treatment code” means a code listed as a treatment code in Schedule 7;

See: O. Reg. 461/05, ss. 1 (24), 29 (3).

“vehicle” includes a rail car;

“vehicle sewage holding tank” means a device permanently mounted in or on a vehicle to receive in-vehicle sewage produced in the vehicle;

“waste generation facility” means those facilities, equipment and operations that are involved in the production, collection, handling or storage of waste at a site;

“waste transportation system” means those facilities, equipment and operations that are involved in transporting waste beyond the boundaries of a site or from site to site;

“waste-derived fuel” means waste that,

(a) is hazardous waste, liquid industrial waste, waste described in clause (p), (q), (r), (s), (t) or (u) of the definition of “hazardous waste” or waste described in clause (d) of the definition of “liquid industrial waste”,

(b) contains not more than 5 milligrams per kilogram arsenic, not more than 2 milligrams per kilogram cadmium, not more than 10 milligrams per kilogram chromium, not more than 50 milligrams per kilogram lead, not more than 2 milligrams per kilogram PCBs (as defined in Regulation 362 of the Revised Regulations of Ontario, 1990) and not more than 1,500 milligrams per kilogram total halogens,

(c) has a flash point of at least 38° Celsius as determined by the Tag Closed Cup Tester (ASTM D-56-79), the Setaflash Closed Cup Tester (ASTM D-3243-77 or ASTM D-3278-78), the Pensky-Martens Closed Cup Tester (ASTM D-93-79) or an equivalent test method approved by the Director,

(d) has a quality as fuel not worse than commercially available low grade fuel, and

(e) is located at or destined for a waste-derived fuel site, where it will be wholly utilized as a fuel or fuel supplement in a combustion unit;

“waste-derived fuel site” means a waste disposal site where waste-derived fuel is wholly utilized as a fuel or fuel supplement in a combustion unit used principally for functions other than waste management and the site may include blending or bulking facilities but may not include facilities for treatment or processing of waste-derived fuel generated off the site;

“woodwaste” means waste,

(a) that is wood or a wood product, including tree trunks, tree branches, leaves and brush,

(b) that is not contaminated with chromated copper arsenate, ammoniacal copper arsenate, pentachlorophenol or creosote, and

(c) from which easily removable hardware, fittings and attachments, unless they are predominantly wood or cellulose, have been removed,

but does not include,

(d) an upholstered article, or

(e) an article to which a rigid surface treatment is affixed or adhered, unless the rigid surface treatment is predominantly wood or cellulose;

“woodwaste combustor site” means a waste disposal site where woodwaste is incinerated or wholly utilized as a fuel or fuel supplement in a combustion unit. R.R.O. 1990, Reg. 347, s. 1; O. Reg. 240/92, s. 1; O. Reg. 501/92, s. 1; O. Reg. 555/92, s. 1; O. Reg. 105/94, s. 1; O. Reg. 190/94, s. 1; O. Reg. 512/95, s. 1; O. Reg. 157/98, s. 1; O. Reg. 460/99, s. 1; O. Reg. 558/00, s. 1 (1-11); O. Reg. 501/01, s. 1; O. Reg. 323/02, s. 1; O. Reg. 461/05, s. 1.

(2) For the purpose of this Regulation, a waste is derived from a hazardous waste if it is produced from the hazardous waste by blending, stabilization, processing, treatment or disposal. O. Reg. 558/00, s. 1 (12).

Designation and Exemption of Wastes

2. (1) The following are designated as wastes:

1. Dust suppressant.
2. Inert fill.
3. Processed organic waste.
4. Material that consists solely of waste from one or more of the categories set out in Schedule 1, 2 or 3 of Ontario Regulation 101/94 and that either,
 - i. has been separated from other kinds of waste at the source of the material, or
 - ii. comes from a waste disposal site.
5. Rock fill or mill tailings from a mine.
6. Waste-derived fuel.
7. Hazardous waste.
8. Hauled liquid industrial waste.
9. Used tires that have not been refurbished for road use.
10. Stationary refrigerant waste.
11. Mobile refrigerant waste.
12. Woodwaste.
13. Municipal waste.
14. Residue from an industrial, manufacturing or commercial process or operation, if the residue leaves the site where the process or operation is carried on.
15. Hauled sewage. O. Reg. 555/92, s. 2; O. Reg. 105/94, s. 2 (1); O. Reg. 128/98, s. 1; O. Reg. 157/98, s. 2.

(2) The following materials from the time they leave a construction site or a demolition site are designated wastes:

1. Brick.
2. Corrugated cardboard.
3. Concrete.
4. Drywall.
5. Steel.
6. Wood. O. Reg. 105/94, s. 2 (2).

(3) A designation set out in subsection (2) does not apply to material leaving a construction site or demolition site that is being delivered,

- (a) to the vendor of the material for resale as construction material;
- (b) to permanent premises of the person undertaking the construction or the person on whose behalf the construction is undertaken, for use as construction material by or for the person; or
- (c) to permanent premises of the person undertaking the demolition or the person on whose behalf the demolition is undertaken, for use as construction material by or for the person. O. Reg. 105/94, s. 2 (2).

3. (1) The following wastes are exempted from Part V of the Act and this Regulation:

1. Agricultural wastes.
2. Condemned animals or parts thereof at a plant licensed under the Meat Inspection Act (Ontario) or an establishment operating under the Meat Inspection Act (Canada).
3. Dead animals to which the Dead Animal Disposal Act applies
4. Revoked: O. Reg. 157/98, s. 3.
5. Inert fill.
6. Rock fill or mill tailings from a mine.
7. Material set out in subsection (2). R.R.O. 1990, Reg. 347, s. 3; O. Reg. 105/94, s. 3 (1); O. Reg. 157/98, s. 3.

(2) The material referred to in paragraph 7 of subsection (1) is any of the following:

1. Municipal waste, hazardous waste or liquid industrial waste, other than used or shredded or chipped tires, transferred by a generator for direct transportation to a site,
 - i. to be wholly used at the site in an ongoing agricultural, commercial, manufacturing or industrial process or operation used principally for functions other than waste management if the process or operation does not involve combustion or land application of the waste,
 - ii. to be promptly packaged for retail sale to meet a realistic market demand, or
 - iii. to be offered for retail sale to meet a realistic market demand.

2. Municipal waste, consisting solely of waste from a single category of waste set out in Schedule 1, 2 or 3 of Ontario Regulation 101/94, transferred by a generator and destined for,
 - i. a waste disposal site that, but for the exemption in section 5 of Ontario Regulation 101/94, would be a municipal waste recycling site to which Part IV of that regulation applies and that is located at a manufacturing establishment that uses all the output, other than residues, of the site, or
 - ii. a site for use at the site in an ongoing agricultural, commercial, manufacturing or industrial process or operation used principally for functions other than waste management if the process or operation does not involve combustion or land application of the waste.
3. Residue remaining after metal is recovered from wire and cable and transferred by a generator for direct transportation to a site at which it will be processed for recovery of metal and plastic using a process that does not involve combustion of the residue or any part of the residue.
4. Chipped wood, other than chipped painted wood, chipped treated wood or chipped laminated wood, intended for use as ground cover.
5. Waste wood, other than painted wood, treated wood or laminated wood, transferred by a generator and destined for a site at which it is to be chipped for eventual use as ground cover.
6. Pickle liquor transferred by a generator for direct transportation to a site at which it is to be wholly utilized as a treatment chemical in,
 - i. a sewage works that is subject to the Ontario Water Resources Act,
 - i.1 a sewage works outside Ontario, if the utilization of pickle liquor for this purpose is acceptable to the environmental regulatory authority in the jurisdiction where the sewage works is located, or
 - ii. a wastewater treatment facility that discharges into a sanitary sewer.
7. Solid photographic waste that contains silver, including spent chemical recovery cartridges that contain silver, transferred by a generator and destined for a site at which it is to be processed for recovery of silver. O. Reg. 105/94, s. 3 (2); O. Reg. 128/98, s. 2 (1); O. Reg. 461/05, s. 2.

(3) Despite subsection (1), material referred to in subparagraph i of paragraph 1 of subsection (2) is exempt from Part V of the Act and this Regulation only if the carrier has in his or her possession while transporting the material a document from the owner or operator of the site to which the material is being transported agreeing to accept the material, specifying what use will be made of it and stipulating that the process or operation described in that subparagraph is ongoing at the time the material is being transported. O. Reg. 105/94, s. 3 (2).

(4) In subsection (2),

“ground cover” means,

- (a) mulch,
- (b) landscaping material, or
- (c) surfacing material for,
 - (i) trails or walkways for pedestrian use,
 - (ii) trails or paths for use by livestock or other animals,

- (iii) pens or enclosures for livestock or other animals,
- (iv) playgrounds,
- (v) parking areas, or
- (vi) private roads. O. Reg. 128/98, s. 2 (2).

Classification and Exemption of Waste Disposal Sites

4. Revoked: O. Reg. 105/94, s. 4.

5. (1) The following waste disposal sites are exempt from Part V of the Act and this Regulation:

- 1. On-site incinerators at the site of a veterinary hospital.
- 2. On-site garbage grinders.
- 3. Derelict motor vehicle sites.

4. Incinerators at the site of a crematorium within the meaning of the Cemeteries Act. R.R.O. 1990, Reg. 347, s. 5 (1).

(2) Dust suppression sites designated in a certificate of approval or provisional certificate of approval for a dust suppression waste management system and established and operated in accordance therewith are exempt from the requirement to have a waste disposal site certificate of approval or provisional certificate of approval. R.R.O. 1990, Reg. 347, s. 5 (2).

(3) Revoked: O. Reg. 555/92, s. 4.

(4) No person shall use waste oil as a dust suppressant. R.R.O. 1990, Reg. 347, s. 5 (4).

5.1 (1) A waste disposal site that is the subject of an application for a certificate of approval referred to in subsection 30 (1) of the Act is exempt from the requirements of subsection 30 (1) of the Act, but only in relation to the application, and only if the application is not for an approval for,

- (a) the deposit of waste at a dump;
- (b) the landfilling of waste; or
- (c) the incineration of waste. O. Reg. 457/93, s. 1.

(2) For the purposes of clause (1) (a), the deposit of waste at a dump does not include the handling, storing, transferring, treating or processing of waste at a dump. O. Reg. 457/93, s. 1.

5.2 (1) In this section,

“service area”, with respect to a landfilling site, means the geographical area from which the site is permitted, under a certificate of approval or a provisional certificate of approval, to receive municipal waste. O. Reg. 299/94, s. 1.

(2) A municipality that owns or operates a landfilling site is exempt from sections 27, 30 and 32 of the Act with respect to increasing the service area of the site if the additional area from which the site will receive municipal waste is,

(a) within the boundaries of the local municipality in which the site is located or, if the upper tier municipality in which the local municipality is located is exercising the power to provide land filling sites for the local municipality, within the boundaries of that upper tier municipality;

(b) within the boundaries of the municipality that owns or operates the site;

(c) within the boundaries of an area that is not organized as a municipality and that abuts the municipality that owns or operates the site; or

(d) within the boundaries of a separated municipality that abuts the municipality that owns or operates the site. O. Reg. 299/94, s. 1.

(3) A municipality that owns or operates a landfilling site is exempt from sections 30 and 32 of the Act with respect to an increase in the rate at which municipal waste may be received at the site from areas within its service area. O. Reg. 299/94, s. 1.

(4) If a municipality owns or operates a landfilling site that has been filled in accordance with an exemption under this section, the municipality is exempt from sections 27, 30 and 32 of the Act with respect to increasing the service area of another landfilling site that it owns and operates if the additional area from which the other site will receive municipal waste is part or all of the area from which the filled site received municipal waste. O. Reg. 299/94, s. 1; O. Reg. 461/05, s. 3.

(5) A person, other than a municipality, who owns or operates a landfilling site is exempt from sections 27, 30 and 32 of the Act with respect to increasing the service area of the site if,

(a) the additional area from which the site will receive municipal waste is within the boundaries of a municipality from which it already receives municipal waste;

(b) the municipality referred to in clause (a) is a local municipality or an upper tier municipality that is exercising the power to provide landfilling sites for the local municipality; and

(c) the site has a certificate of approval or a provisional certificate of approval, the terms or conditions of which establish a periodic quantity limit for deliveries of waste to the landfilling site. O. Reg. 299/94, s. 1.

(6) A person, other than a municipality, who owns or operates a landfilling site is exempt from sections 30 and 32 of the Act with respect to increasing the service area of the site if,

(a) the additional area from which the site will receive municipal waste is within the boundaries of a municipality from which it already receives municipal waste;

(b) the municipality referred to in clause (a) is a local municipality or an upper tier municipality that is exercising the power to provide landfilling sites for the local municipality;

(c) the site has a certificate of approval or a provisional certificate of approval;

(d) the Director imposes a term or condition establishing a periodic quantity limit for deliveries of waste to the site; and

(e) the periodic quantity limit is equivalent to an estimate based on existing terms or conditions defining a service area for the site or on historic deliveries to the site. O. Reg. 299/94, s. 1.

6. (1) For the purposes of subsection (3),

(a) each tire weighing less than twelve kilograms is one tire unit;

(b) each tire weighing twelve kilograms or more is the number of tire units that results from dividing twelve into the number of kilograms that the tire weighs; and

(c) each twelve kilograms of chipped or shredded tires is a tire unit. R.R.O. 1990, Reg. 347, s. 6 (1).

(2) Steel that has been separated from other components of tires in the process of chipping or shredding tires shall not be counted for the purposes of clause (1) (c). R.R.O. 1990, Reg. 347, s. 6 (2).

(3) Section 27 of the Act does not apply in respect of a used tire site if,

(a) the total number of tire units at the site is less than 5,000;

(b) the total volume of the piles of tire units at the site is less than 300 cubic metres; and

(c) used, chipped or shredded tires are not incinerated or buried at the site. O. Reg. 183/92, s. 1; O. Reg. 555/92, s. 5 (1).

(4) Despite subsection (3), the only persons exempted from section 40 of the Act for depositing waste at a used tire site described in subsection (3) are persons belonging to one of the following classes:

1. The owner of the land on which the site is located.

2. A person acting with the written permission of the owner of the land on which the site is located.

3. The operator of a motor vehicle service station acting in the ordinary course of the service station business, in the case of a site that is accessory to the station.

4. A person acting with the permission of the operator of a motor vehicle service station and in the ordinary course of the service station business, in the case of a site that is accessory to the station. O. Reg. 183/92, s. 1; O. Reg. 555/92, s. 5 (2).

(5) Revoked: O. Reg. 183/92, s. 1.

Classification and Exemption of Waste Management Systems

7. Section 27 of the Act does not apply to vehicle sewage holding tanks. O. Reg. 157/98, s. 4.

8. (1) The following waste management systems are exempt from Part V of the Act and this Regulation:

1. Individual collection systems.

2. Marine craft waste disposal systems. R.R.O. 1990, Reg. 347, s. 8 (1).

(2) Revoked: O. Reg. 461/05, s. 4.

(3) Section 27 of the Act does not apply in respect of trucks for hauling used tires. R.R.O. 1990, Reg. 347, s. 8 (3).

9. The standards, procedures and requirements set out in this Regulation do not apply to the extent that terms and conditions set out in a certificate of approval or a provisional certificate of approval issued under section 39 of the Act impose different standards, procedures or requirements. R.R.O. 1990, Reg. 347, s. 9.

10. No person shall use, operate or establish a waste management system or waste disposal site or any part of either of them except in accordance with the applicable prescribed standards. R.R.O. 1990, Reg. 347, s. 10.

Standards for Waste Disposal Sites

11. The following are prescribed as standards for the location, maintenance and operation of a landfilling site:

1. Access roads and on-site roads shall be provided so that vehicles hauling waste to and on the site may travel readily on any day under all normal weather conditions.

2. Access to the site shall be limited to such times as an attendant is on duty and the site shall be restricted to use by persons authorized to deposit waste in the fill area.

3. Drainage passing over or through the site shall not adversely affect adjoining property and natural drainage shall not be obstructed.

4. Drainage that may cause pollution shall not, without adequate treatment, be discharged into watercourses.

5. Waste shall be placed sufficiently above or isolated from the maximum water table at the site in such manner that impairment of groundwater in aquifers is prevented and sufficiently distant from sources of potable water supplies so as to prevent contamination of the water, unless adequate provision is made for the collection and treatment of leachate.

6. Where necessary to isolate a landfilling site and effectively prevent the egress of contaminants, adequate measures to prevent water pollution shall be taken by the construction of berms and dykes of low permeability.

7. Where there is a possibility of water pollution resulting from the operation of a landfilling site, samples shall be taken and tests made by the owner of the site to measure the extent of egress of contaminants and, if necessary, measures shall be taken for the collection and treatment of contaminants and for the prevention of water pollution.

8. The site shall be located a reasonable distance from any cemetery.

9. Adequate and proper equipment shall be provided for the compaction of waste into cells and the covering of the cells with cover material.

10. Where climatic conditions may prevent the use of the site at all times, provisions shall be made for another waste disposal site which can be used during such periods.

11. Where required for accurate determination of input of all wastes by weight, scales shall be provided at the site or shall be readily available for use.

12. All waste disposal operations at the site shall be adequately and continually supervised.

13. Waste shall be deposited in an orderly manner in the fill area, compacted adequately and covered by cover material by a proper landfilling operation.

14. Procedures shall be established for the control of rodents or other animals and insects at the site.

15. Procedures shall be established, signs posted, and safeguards maintained for the prevention of accidents at the site.

16. The waste disposal area shall be enclosed to prevent entry by unauthorized persons and access to the property shall be by roadway closed by a gate capable of being locked.

17. A green belt or neutral zone shall be provided around the site and the site shall be adequately screened from public view.

18. Whenever any part of a fill area has reached its limit of fill, a final cover of cover material shall be placed on the completed fill and such cover shall be inspected at regular intervals over the next ensuing period of two years and where necessary action shall be taken to maintain the integrity and continuity of the cover materials.

19. Scavenging shall not be permitted. R.R.O. 1990, Reg. 347, s. 11.

12. The following are prescribed as standards for the location, maintenance and operation of an incineration site:

1. The location of the incineration site shall be selected so as to reduce the effects of nuisances such as dust, noise and traffic.

2. Fly-ash that is hazardous waste and that results from the incineration of waste that is neither hazardous waste nor liquid industrial waste shall be kept separate from incinerator ash and disposed of or otherwise dealt with separately from incinerator ash.

3. Fly-ash that is hazardous waste and that results from the incineration of waste that is neither hazardous waste nor liquid industrial waste shall only be disposed of at,

i. the TRICIL Limited landfilling site located on Lot 9, Concession 10, Township of Moore, County of Lambton, or

ii. a landfilling site authorized to accept fly-ash that is hazardous waste and that results from the incineration of waste that is neither hazardous waste nor liquid industrial waste by the terms of,

A. a certificate of approval or provisional certificate of approval issued after the 1st day of January, 1990, or

B. an amendment to a certificate of approval or provisional certificate of approval made after the 1st day of January, 1990.

4. The incinerator shall be located,

i. so that it is accessible for the transportation of wastes thereto without nuisance,

ii. taking into account meteorological considerations to minimize environmental effects, and

iii. so that the services and utilities required for the operation of the incinerator are available, including facilities for the disposal of residue and of quenching and scrubbing water.

5. The design and capacity of the incinerator shall be in accordance with accepted engineering practices and of a type and size adequate to efficiently process the quantities of waste that may be expected, so that a minimum volume of residue is obtained, the putrescible materials remaining as residue are reduced to a minimum and a minimum of air pollution results.

6. The following equipment shall be provided as necessary for particular applications:
 - i. Scales for the accurate determination of the input of all wastes by weight.
 - ii. A storage pit or other storage facilities.
 - iii. A crane or other means of removing waste from the pit or other storage facilities.
 - iv. Means of controlling dusts and odours.
 - v. Such instruments as may be necessary for the efficient operation of an incinerator.
7. The incineration site shall include an unloading area properly enclosed and of sufficient size for the intended operation.
8. Access roads shall be provided for vehicles hauling waste to the incineration site.
9. On-site fire protection shall be provided and, where possible, arrangements shall be made with a fire department or municipality for adequate fire fighting services in case of an emergency.
10. Scavenging shall not be permitted. R.R.O. 1990, Reg. 347, s. 12.
- 12.1 Revoked: O. Reg. 512/95, s. 2.
13. The following are prescribed as standards for the location, maintenance and operation of a dump:
 1. The fill area shall not be subject to flooding and shall be so located that no direct drainage leads to a watercourse.
 2. The site shall be at least one-quarter of a mile from the nearest dwelling.
 3. The site shall be at least two hundred yards from the nearest public road.
 4. The site shall be at least 100 feet from any watercourse, lake or pond.
 5. The site shall not be on land covered by water.
 6. Signs shall be posted stating requirements for the operation of the dump, including measures for the control of vermin and insect infestation.
 7. The site shall be so located and operated as to reduce to a minimum the hazards resulting from fire.
 8. The operator of a dump shall apply such cover material at such intervals as is necessary to prevent harm or material discomfort to any person.
 9. Scavenging shall not be permitted. R.R.O. 1990, Reg. 347, s. 13.
14. (1) Subject to subsection (2), no dump shall be established or operated in a city, borough, town, separated town, township, village or police village in any county, regional municipality or the County of Haliburton. R.R.O. 1990, Reg. 347, s. 14 (1).
- (2) A dump may be established in the following parts of Ontario:

1. The townships of Albemarle, Eastnor, Lindsay and St. Edmunds, in the County of Bruce.
2. The townships of Barrie, Bedford, Clarendon and Miller, Howe Island, Kennebec, Olden and Palmerston and North and South Canonto, in the County of Frontenac.
3. The townships of Bangor, Wicklow and McClure, Carlow, Dungannon, Elzevir and Grimsthorpe, Herschel, Limerick, Madoc, Marmora and Lake, Mayo, Monteagle, Tudor and Cashel, and Wollaston, in the County of Hastings.
4. The townships of Dalhousie and North Sherbrooke, Darling, Lavant, North Burgess, and South Sherbrooke, in the County of Lanark.
5. The townships of Asphodel, Belmont and Methuen, Chandos, Ennismore, Galway and Cavendish, and Harvey, in the County of Peterborough.
6. The townships of Bagot and Blithfield, Brougham, Brudenell and Lyndoch, Griffith and Matawatchan, Head, Clara, and Maria, North Algona, Radcliffe, Raglan, Sebastopol, and South Algona, in the County of Renfrew.
7. The townships of Carden, Dalton, and Laxton, Digby and Longford, in the County of Victoria.
8. The Improvement District of Bicroft, the townships of Anson, Hindon and Minden, Cardiff, Dysart, Bruton, Clyde, Dudley, Eyre, Guilford, Harburn, Harcourt and Havelock, Glamorgan, Lutterworth, Monmouth, Sherborne, McClintock and Livingstone, and Snowdon and Stanhope, in the County of Haliburton. R.R.O. 1990, Reg. 347, s. 14 (2).

(3) No dump shall be established or operated in the following parts of the territorial districts of Ontario:

1. The City of Sault Ste. Marie, the towns of Blind River, Bruce Mines, Thessalon and Elliot Lake, and the villages of Hilton Beach and Iron Bridge, in the Territorial District of Algoma.
2. The City of Timmins, the towns of Cochrane, Hearst, Iroquois Falls, Kapuskasing and Smooth Rock Falls, and the townships of Glackmeyer, Tisdale and Whitney, in the Territorial District of Cochrane.
3. The towns of Dryden, Keewatin, Kenora, and Sioux Lookout, and the townships of Jaffray and Melick, in the Territorial District of Kenora.
4. The towns of Gore Bay and Little Current, in the Territorial District of Manitoulin.
5. That part of The District Municipality of Muskoka that, on the 31st day of December, 1970, was the towns of Bala, Bracebridge, Gravenhurst and Huntsville, and the villages of Port Carling, Port Sydney and Windermere.
6. The City of North Bay, the towns of Cache Bay, Mattawa and Sturgeon Falls, and the townships of Bonfield, East Ferris, Field and Springer, in the Territorial District of Nipissing.
7. The towns of Kearney, Parry Sound, Powassan and Trout Creek, the villages of Burk's Falls, Magnetawan, Rosseau, South River and Sundridge, and the townships of Foley, McDougall, North Himsworth, and South Himsworth, in the Territorial District of Parry Sound.
8. The towns of Fort Frances and Rainy River, and the Township of Atikokan, in the Territorial District of Rainy River.

9. That part of The Regional Municipality of Sudbury and the Territorial District of Sudbury that, on the 31st day of December, 1972, was the City of Sudbury, the towns of Capreol, Coniston, Copper Cliff, Espanola, Levack, Lively, Massey and Webbwood, and the townships of Balfour, Falconbridge, and Neelon and Garson, in the Territorial District of Sudbury.

10. The City of Thunder Bay, the Town of Geraldton and the townships of Beardmore, Manitowadge, Neebing, Nipigon, Oliver, Paipoonge, Schreiber, Shuniah, and Terrace Bay, and the improvement districts of Nakina and Red Rock, in the Territorial District of Thunder Bay.

11. The towns of Charlton, Cobalt, Englehart, Haileybury, Kirkland Lake, Latchford, and New Liskeard, the Village of Thornloe, and the townships of Armstrong, Bucke, Larder Lake and McGarry, in the Territorial District of Timiskaming. R.R.O. 1990, Reg. 347, s. 14 (3).

14.0.1 If hazardous waste is being handled, stored, treated or disposed of at a waste disposal site or transferred to a waste disposal site, no person shall cause or permit the hazardous waste to be mixed, blended, bulked or in any other way intermingled with any other waste or material, unless the mixing, blending, bulking or other intermingling is in accordance with a certificate of approval or provisional certificate of approval issued under Part V of the Act for the waste disposal site. O. Reg. 461/05, s. 5.

14.1 The following are prescribed as standards for the location, maintenance and operation of waste disposal sites for hauled sewage:

1. A person shall not apply hauled sewage in any manner that permits it to enter a watercourse or drainage ditch.

2. A person shall not apply hauled sewage in any manner that results in runoff leaving the site.

3. If the operator of a proposed site is not the owner of the land on which the site is to be located, the operator must, before applying for a certificate of approval for the site, obtain written authorization from the owner for the proposed use of the site. O. Reg. 157/98, s. 5.

14.2 (1) Subject to subsection (3), no person shall cause or permit waste from a portable toilet to be applied to land or otherwise deposited at a site except,

(a) at a waste disposal site that has been issued a certificate of approval or provisional certificate of approval permitting the temporary storage of hauled sewage and from which the hauled sewage is not subsequently removed and disposed of except in accordance with this section;

(b) at a waste disposal site that has been issued a certificate of approval or provisional certificate of approval permitting the disposal of hauled sewage for drying and requiring the dried residue to be periodically removed and disposed of at a waste disposal site approved to accept the dried residue;

(c) at a landfilling site that has been issued a certificate of approval or provisional certificate of approval for the final disposal of hauled sewage;

(d) at a sewage works that has been approved under section 53 of the Ontario Water Resources Act to receive sanitary sewage or hauled sewage; or

(e) at a site that has been issued a certificate of approval or provisional certificate of approval permitting the processing of waste and that processes waste in a manner that ensures that the waste meets all of the following requirements after it has been processed:

(i) the concentration of *Escherichia coli* (*E. coli*) in the waste is not more than 2×10^6 colony forming units per gram of total solids (dry weight),

(ii) the concentration in the waste of each metal listed in the Table to this section is not more than the maximum concentration set out for that metal in the Table,

(iii) the pH value of the waste is not less than 6.0,

(iv) the waste has been passed through a screen and contains no more than 0.5 per cent dry weight of plastic objects and no more than 2 per cent dry weight of other non-biodegradable objects, including, but not limited to, glass and metal objects. O. Reg. 326/03, s. 1.

(2) Subsection (1) applies despite anything contained in a certificate of approval or a provisional certificate of approval that was issued before this section comes into force. O. Reg. 326/03, s. 1.

(3) No person shall cause or permit waste from a portable toilet to be disposed of at an organic soil conditioning site unless,

(a) the organic soil conditioning site has been issued a certificate of approval or provisional certificate of approval permitting the spreading or application of treated waste from a portable toilet;

(b) the waste has been treated so that the concentration of Escherichia coli (E. coli) is not more than 2x10⁶ colony forming units per gram of total solids (dry weight);

(c) the concentration in the waste of each metal listed in the Table to this section is not more than the maximum concentration set out for that metal in the Table;

(d) the pH value of the treated waste is not less than 6.0; and

(e) the waste has been passed through a screen and contains no more than 0.5 per cent dry weight of plastic objects and no more than 2 per cent dry weight of other non-biodegradable objects, including, but not limited to, glass and metal objects. O. Reg. 326/03, s. 1.

TABLE

Item

Metal

Maximum Permissible Concentration (In Mg/Kg Of Solids, Dry Weight)

1.

Arsenic

170

2.

Cadmium

34

3.

Cobalt

340

4.

Chromium-

2,800

5.

Copper

1,700

6.
Mercury
11

7.
Molybdenum
94

8.
Nickel
420

9.
Lead
1,100

10.
Selenium
34

11.
Zinc
4,200

O. Reg. 326/03, s. 1.

15. The following are prescribed as standards for the location, maintenance and operation of an organic soil conditioning site:

1. The site shall be so located that it is an adequate distance from any watercourse, as determined by the land slope, to prevent direct surface drainage to the watercourse.
2. The site shall be at least 300 feet from the nearest individual dwelling.
3. The site shall be at least 1,500 feet from any area of residential development.
4. The site shall be so located that the maximum level of the ground water table at the site is at a sufficient distance below the surface to prevent the impairment of ground water in aquifers as determined by the permeability of the soil.
5. The site shall be at least 300 feet from any water wells.
6. No processed organic waste shall be applied to the site during any period in which conditions are such that surface runoff is likely to occur taking into account land slope, soil permeability and the climatic conditions of the area.
7. The site shall be established only on land that is, or is intended to be, used for pasture, fallow or the growing of forage crops,
 - i. during the current growing season, or
 - ii. where application of the processed organic waste is made sometime after the current growing season, to the end of the subsequent growing season.

8. Berms and dykes of low permeability shall be constructed on the site where necessary to isolate the site and effectively prevent the egress of contaminants. R.R.O. 1990, Reg. 347, s. 15.

Standards for Waste Management Systems

16. (1) The following are prescribed as standards for the operation of a waste management system:

1. All waste collection vehicles and waste carriers shall be so constructed as to enable waste to be transferred safely and without nuisance from storage containers to the vehicle.

2. Bodies of waste collection vehicles and waste carriers shall be so constructed as to withstand abrasion and corrosion from the waste.

3. Bodies of waste collection vehicles and waste carriers shall be leakproof and covered where necessary to prevent the emission of offensive odours, the falling or blowing of waste material from the vehicles or the release of dust or other air-borne materials that may cause air pollution.

4. Valves that are part of a waste transportation vehicle used for transporting liquid industrial waste or hazardous waste shall have a locking mechanism and shall be locked when the vehicle contains the waste and the driver of the vehicle is not in attendance.

5. Whenever liquid industrial waste or hazardous waste is being transferred to or from a waste transportation vehicle, the driver of the vehicle must be present unless the generator or receiver is present.

5.1 If hazardous waste is being transferred to or from a waste transportation vehicle or is being transported in a waste transportation vehicle, no person shall cause or permit the hazardous waste to be mixed, blended, bulked or in any other way intermingled with any other waste or material, unless,

i. the mixing, blending, bulking or other intermingling is in accordance with a certificate of approval or provisional certificate of approval issued under Part V of the Act for the receiving facility named in the manifest that is related to the waste transportation vehicle's load, and the carrier has, accompanying the load, a document from the owner or operator of the receiving facility agreeing to accept the mixed, blended, bulked or otherwise intermingled waste, or

ii. the mixing, blending, bulking or other intermingling is done in accordance with a certificate of approval or provisional certificate of approval issued under Part V of the Act for a waste transportation system that the waste transportation vehicle is part of.

6. A waste transportation vehicle used for transporting liquid industrial waste or hazardous waste shall be clearly marked with the name and number appearing on the certificate of approval or provisional certificate of approval that authorizes the transportation.

7. Where a waste transportation vehicle is used for transporting liquid industrial waste or hazardous waste, a copy of the certificate of approval or provisional certificate of approval that authorizes that transportation shall be kept in the vehicle.

8. A waste transportation vehicle used for transporting liquid industrial waste or hazardous waste shall be constructed, maintained, operated and marked or placarded in accordance with the applicable requirements of the Transportation of Dangerous Goods Act (Canada).

9. The driver of a waste transportation vehicle used for the transportation of liquid industrial waste or hazardous waste shall be trained in,

- i. the operation of the vehicle and waste management equipment,
- ii. relevant waste management legislation, regulations and guidelines,
- iii. major environmental concerns pertaining to the waste to be handled,
- iv. occupational health and safety concerns pertaining to the waste to be handled, and
- v. emergency management procedures for the wastes to be handled.

10. A waste transportation vehicle used for transporting municipal waste shall be clearly marked with the name and number appearing on the certificate of approval or provisional certificate of approval that authorizes the transportation.

11. Where a waste transportation vehicle is used for transporting municipal waste, a copy of the certificate of approval or provisional certificate of approval that authorizes that transportation shall be kept in the vehicle.

12. If the waste management system is used for hauled sewage, the operator of the system shall ensure that every tank used for the transportation of hauled sewage has inscribed in plain view the words "Sewage Waste" in letters that are at least 15 centimetres in height, unless the tank bears a company designation in letters of at least that height that clearly indicates the nature of the contents.

13. If the waste management system is used for hauled sewage, the operator of the system shall ensure that any part of the system that comes into contact with hauled sewage is not used for the collection, handling, treatment, transportation, storage or processing of any material other than hauled sewage or a material approved in writing by the Director.

14. A person shall not discharge or permit the discharge of hauled sewage from a tank that is part of a waste management system to the ground except in accordance with terms and conditions contained in a certificate of approval, provisional certificate of approval or order. R.R.O. 1990, Reg. 347, s. 16; O. Reg. 105/94, s. 7 (1); O. Reg. 157/98, s. 6 (1); O. Reg. 461/05, s. 6.

(2) Paragraphs 10 and 11 of subsection (1) do not apply,

(a) if the vehicle is owned and operated by or operated exclusively for a municipality or the Crown; or

(b) if the vehicle is operating as part of a waste management system that is exempt from the requirement of having a certificate of approval or provisional certificate of approval. O. Reg. 105/94, s. 7 (2).

(3) Paragraph 13 of subsection (1) does not apply if,

(a) the part of the waste management system that came into contact with hauled sewage is not used for the collection, handling, treatment, transportation, storage or processing of hazardous waste, hauled liquid industrial waste or liquids for human or animal consumption;

(b) the part of the system that came into contact with hauled sewage is used for the collection, handling, treatment, transportation, storage or processing of other liquid material and the owner or operator of the system obtains every approval required for that purpose; and

(c) the part of the system that came into contact with hauled sewage is cleaned, to the satisfaction of any person to whom the other liquid material will be transferred, before that part of the system is used for the collection, handling, treatment, transportation, storage or processing of the other liquid material. O. Reg. 157/98, s. 6 (2).

(4) If, pursuant to subsection (3), a part of a waste management system that came into contact with hauled sewage is used for the collection, handling, treatment, transportation, storage or processing of other liquid material, a person shall not use that part of the system again for hauled sewage unless it, and any other part of the system that was contaminated during the collection, handling, treatment, transportation, storage or processing of the other liquid material, has been cleaned to the satisfaction of the Director. O. Reg. 157/98, s. 6 (2).

(5) The operator of a waste management system for hauled sewage shall,

(a) keep daily records of the premises from which hauled sewage is collected and the amounts of sewage collected from those premises;

(b) keep daily records of the disposal site or disposal sites at which hauled sewage is discharged or disposed of and the amounts of hauled sewage discharged or disposed of at those sites; and

(c) keep the daily records required by clauses (a) and (b) available for review by the Director, as the Director may require, for a period of at least two years after the calendar year to which the records relate. O. Reg. 157/98, s. 6 (2).

16.1 The following are prescribed as standards for the operation and maintenance of vehicle sewage holding tanks:

1. A person shall not discharge or permit the discharge of effluent from a vehicle sewage holding tank to the surface of the ground or into ground water, surface water, a piped water supply, a well water supply, a watercourse or a drainage ditch.

2. A person shall not discharge or permit the discharge of effluent from a vehicle sewage holding tank except from a place on or part of the tank, or from a piping system connected to the tank, that is designed to discharge effluent.

3. The owner and the operator of a vehicle sewage holding tank shall ensure that insects and animals are prevented from gaining access to sewage in the tank.

4. The owner and the operator of a vehicle sewage holding tank shall ensure that the tank does not discharge micro organisms of intestinal origin into the natural environment in a manner that may be hazardous to human health.

5. The owner and the operator of a vehicle sewage holding tank shall ensure that no gas is discharged into a building or structure from the tank or a piping system connected to the tank except in a manner for which the tank or piping system was designed.

6. The owner and the operator of a vehicle sewage holding tank shall ensure that the tank does not receive any waste other than in-vehicle sewage produced in the vehicle.

7. The owner and the operator of a vehicle sewage holding tank shall ensure that the tank and any piping system connected to the tank are maintained in good operating condition. O. Reg. 157/98, s. 7.

Management of Asbestos Waste

17. No person shall manage asbestos waste except in accordance with the following:

1. No person shall cause or permit asbestos waste to leave the location at which it is generated except for the purpose of transporting it, in accordance with paragraph 2, to a waste disposal site, the operator of which has agreed to accept it and has been advised as to its anticipated time of arrival.

2. Asbestos waste transported to a waste disposal site shall,
 - i. be in a rigid, impermeable, sealed container of sufficient strength to accommodate the weight and nature of the waste, or
 - ii. where the asbestos waste is being transported in bulk, be transported by means of a waste management system operating under a certificate of approval or provisional certificate of approval that specifically authorizes the transportation of asbestos waste in bulk.
3. Where a container referred to in subparagraph i of paragraph 2 is a cardboard box, the waste must be sealed in a six-mil polyethylene bag placed within the box.
4. Every container referred to in subparagraph i of paragraph 2 must be free from punctures, tears or leaks.
5. The external surfaces of every container referred to in subparagraph i of paragraph 2 and of every vehicle or vessel used for the transport of asbestos waste must be free from asbestos waste.
6. Both sides of every vehicle used for the transportation of asbestos waste and every container referred to in subparagraph i of paragraph 2 must display thereon in large, easily legible letters that contrast in colour with the background the word "CAUTION" in letters not less than ten centimetres in height and the words:

CONTAINS ASBESTOS FIBRES

Avoid Creating Dust and Spillage

Asbestos May be Harmful To Your Health

Wear Approved Protective Equipment.

7. Asbestos waste being transported from the location at which it is generated,
 - i. shall be transported,
 - A. by a driver trained in the management of asbestos waste,
 - B. as directly as may be practicable, to the waste disposal site at which disposal of the asbestos waste is intended to take place,
 - ii. shall not be transferred to a transfer station or other waste disposal site where disposal of the asbestos waste will not take place, but it may be transported to a waste disposal site operating under a certificate of approval or provisional certificate of approval that specifically authorizes acceptance and processing of asbestos waste,
 - iii. shall not be transported with any other cargo in the same vehicle,
 - iv. shall not be transported in a compaction type waste haulage vehicle,
 - v. where it is being transported in cardboard boxes, shall be in an enclosed vehicle,
 - vi. shall be properly secured and covered with a suitable tarpaulin or net if it is transported in a vehicle that is not enclosed, and

vii. shall be transported only in vehicles equipped with emergency spill cleanup equipment including a shovel, a broom, wetting agent, protective clothing, a supply of six-mil polyethylene bags, bag closures and personal respiratory equipment.

8. During the transportation or unloading thereof, any asbestos waste that is loose or in a container that is punctured, broken or leaking shall be packaged, immediately on discovery, in a six-mil polyethylene bag.

9. Where containers of asbestos waste are being unloaded, the unloading shall be carried out so that no loose asbestos or punctured, broken or leaking containers of asbestos waste are landfilled.

10. Asbestos waste may be deposited only at locations in a landfilling site that have been adapted for the purpose of receiving asbestos waste or are otherwise suitable for that purpose.

11. Asbestos waste may be deposited at a landfilling site only while the depositing is being supervised by the operator of the site or a person designated by the operator for the purpose and the person supervising is not also operating machinery or the truck involved.

12. Where asbestos waste is deposited, as set out in paragraph 10, at least 125 centimetres of garbage or cover material must be placed forthwith over the deposited asbestos waste in such a manner that direct contact with compaction equipment or other equipment operating on the site is avoided.

13. Every person handling asbestos waste or containers of asbestos waste, supervising the unloading of asbestos waste in bulk or cleaning asbestos waste residues from containers, vehicles or equipment shall wear protective clothing and personal respiratory equipment while so doing.

14. Protective clothing that has been or is suspected of having been in contact with asbestos waste shall be changed at the site of the exposure and either properly disposed of as asbestos waste or washed at the end of the working day.

15. Disposable protective clothing shall not be reused.

16. Every person directly or indirectly involved in the transportation, handling or management of asbestos waste shall take all precautions necessary to prevent asbestos waste from becoming airborne. R.R.O. 1990, Reg. 347, s. 17.

Waste Generation Facilities

17.1 (1) Sections 27, 40 and 41 of the Act do not apply to a waste generation facility in respect of the activities set out in subsection (2), to the extent that those activities relate to,

- (a) waste that was produced at the waste generation facility, other than PCB waste; or
- (b) waste that came legally to the waste generation facility but was not produced at the facility, other than PCB waste, soil or a soil mixture. O. Reg. 461/05, s. 7.

(2) The following activities are the activities referred to in subsection (1):

- 1. The production, collection, handling or temporary storage of municipal waste.
- 2. The production, collection, handling or temporary storage of subject waste.
- 3. The processing of waste, if the processing does not involve,
 - i. the combustion or land application of municipal waste, hazardous waste or liquid industrial waste,

ii. the mixing, blending, bulking or other intermingling of waste or other material with characteristic waste or listed waste that, pursuant to section 75, 76, 77, 78 or 79, may not be land disposed, or

iii. the processing of soil.

4. The processing of municipal waste at an on-site incinerator that, pursuant to subsection 28 (1) of this Regulation, is exempt from the operation of section 27 of the Act.

5. The processing of characteristic waste or listed waste, if the processing involves the mixing, blending, bulking or other intermingling of waste or other material with the characteristic waste or listed waste, and,

i. the processing will, by itself or in conjunction with other processing, permit the land disposal of the characteristic waste or listed waste under section 75, 76, 77, 78 or 79, or

ii. the mixed, blended, bulked or otherwise intermingled waste is to be transported to a receiving facility, the mixing, blending, bulking or other intermingling is in accordance with a certificate of approval or provisional certificate of approval issued under Part V of the Act for the receiving facility, and the operator of the waste generation facility has, at the waste generation facility, a document from the owner or operator of the receiving facility agreeing to accept the mixed, blended, bulked or otherwise intermingled waste.

6. The processing of waste so that it becomes exempt from Part V of the Act and this Regulation under paragraph 7 of subsection 3 (1).

7. The introduction of waste into, and the processing of waste in preparation for the introduction of the waste into,

i. a sewage works that is subject to the Ontario Water Resources Act or that was established before August 3, 1957, or

ii. a sewage system regulated under Part 8 of Ontario Regulation 403/97 (Building Code) made under the Building Code Act, 1992.

8. The packaging or offering of waste for retail sale to meet a realistic market demand, and the processing of waste, if the processing is for the purpose of packaging or offering the waste for retail sale to meet a realistic demand.

9. The transfer to a waste transportation vehicle of,

i. municipal waste, or

ii. subject waste, other than characteristic waste or listed waste that, pursuant to section 75, 76, 77, 78 or 79, may not be land disposed.

10. The transfer to a waste transportation vehicle of characteristic waste or listed waste that, pursuant to section 75, 76, 77, 78 or 79, may not be land disposed, if the transfer does not involve the mixing, blending, bulking or other intermingling of the characteristic waste or listed waste with any other waste or material.

11. The transfer to a waste transportation vehicle of characteristic waste or listed waste that, pursuant to section 75, 76, 77, 78 or 79, may not be land disposed, if the transfer involves the mixing, blending, bulking or other intermingling of the characteristic waste or listed waste with any other waste or material and,

i. the mixing, blending, bulking or other intermingling is in accordance with a certificate of approval or provisional certificate of approval issued under Part V of the Act for the receiving facility named in the manifest that is related to the waste transportation vehicle's load, and the carrier has, accompanying the load, a document from the owner or operator of the receiving facility agreeing to accept the mixed, blended, bulked or otherwise intermingled waste, or

ii. the mixing, blending, bulking or other intermingling is done in accordance with a certificate of approval or provisional certificate of approval issued under Part V of the Act for a waste transportation system that the waste transportation vehicle is part of. O. Reg. 461/05, s. 7.

(3) Subsection (1) does not apply to a waste generation facility if waste management is the principal function of the waste generation facility. O. Reg. 461/05, s. 7.

17.2 If a waste generation facility to which subsection 17.1 (1) applies stores subject waste, the operator and the owner of the facility shall ensure that it is operated in accordance with the following rules:

1. Subject waste must be stored, handled and maintained so as to prevent,

i. leaks or spills of the waste, or

ii. damage to or deterioration of the container in which the waste is stored.

2. Subject waste must not be stored for a period exceeding 24 months unless an application for a certificate of approval respecting the storage of subject waste by the waste generation facility has been made and not yet determined.

3. The first time that subject waste is stored at the waste generation facility for more than 90 days, a notice must be given to the Regional Director, within five business days after the 90th day of storage, that,

i. describes, as accurately as possible, the nature, amount and location of subject waste stored, or expected to be stored in the future, at the waste generation facility for more than 90 days, and

ii. indicates how frequently subject waste is expected to be stored in the future at the waste generation facility for more than 90 days.

4. If notice is given under paragraph 3, written notice must be given to the Regional Director of,

i. any change in the information referred to in paragraph 3, within five business days after the change, or

ii. the closure of the waste generation facility, within five business days after the closure.

5. If subject waste is stored at the waste generation facility for more than 90 days, a record must be made of the following information within five business days after the 90th day of storage:

i. The name and waste number of the waste.

ii. The quantity of the waste.

iii. The manner in which the waste is stored.

- iv. The reasons for storing the waste.
- v. The anticipated time and manner of disposal of the waste.

6. A record made under paragraph 5 must be updated as often as necessary to ensure that it contains information that is current to within five business days.

7. A record made or updated under paragraph 5 or 6 must be retained at the location where subject waste is stored.

8. A record made or updated under paragraph 5 or 6 must be retained until the date that the subject waste is no longer stored, and for at least two years after that date. O. Reg. 461/05, s. 7.

Generator Registration

18. (1) Every generator who operates a waste generation facility that is involved in the production, collection, handling or storage of subject waste shall,

(a) before transferring any subject waste from that waste generation facility, submit an initial Generator Registration Report to the Director in respect of the facility; and

(b) on or before February 15 in each year, submit an annual Generator Registration Report to the Director in respect of each waste generation facility operated by the generator. O. Reg. 501/01, s. 2 (1).

Note: On January 1, 2007, section 18 is amended by adding the following subsection:

(1.1) Subsection (1) applies to waste produced, collected, handled or stored at the waste generation facility that is subject waste and that is characteristic waste or listed waste, even if the waste ceases to be hazardous waste while it is at the facility. O. Reg. 461/05, s. 8 (1).

See: O. Reg. 461/05, ss. 8 (1), 29 (3).

(2) Every report referred to in subsection (1) or (6) shall be in the form or format provided or approved by the Ministry, shall comply with the Manual and shall contain such data, analysis and information as will enable the Director to satisfy himself or herself as to the quality and nature of the waste. O. Reg. 501/01, s. 2 (1).

Note: On January 1, 2007, subsection (2) is revoked and the following substituted:

(2) Every report referred to in subsection (1) or (6) shall be in the form or format provided or approved by the Ministry, shall comply with the Manual and shall contain the data, analysis and other information necessary to enable the Director to satisfy himself or herself of the following:

1. The quality, quantity and nature of the waste.
2. The required treatment for the waste and the planned treatment for the waste.
3. The intended manner and location of the disposal of the waste or, if the waste is not to be disposed, the use to which the waste will be put.
4. Compliance with all applicable legal requirements. O. Reg. 461/05, s. 8 (2).

See: O. Reg. 461/05, ss. 8 (2), 29 (3).

(3) Upon receipt of an initial or annual Generator Registration Report and the required fee, the Director shall post on the Ministry website a generator registration document for the waste generation facility that is the subject of the Generator Registration Report setting out the date of the posting, the name of the generator, a generator registration number and the applicable waste numbers accepted by the Director. O. Reg. 501/01, s. 2 (1).

(4) A generator registration document posted under subsection (3) is valid until the earlier of the posting of a revised or subsequent generator registration document in respect of the same waste generation facility and February 15 of the year after the year in which the document was posted. O. Reg. 501/01, s. 2 (1).

(5) A generator registration document issued to a generator before January 1, 2002 remains valid until the earlier of the posting of a generator registration document under subsection (3) and February 15, 2002. O. Reg. 501/01, s. 2 (1).

Note: On January 1, 2007, subsection (5) is revoked. See: O. Reg. 461/05, ss. 8 (3), 29 (3).

(6) Where there is a change from the information submitted in an initial Generator Registration Report or in the most recent annual Generator Registration Report or any previous supplementary Generator Registration Reports in respect of the generator's name, address or telephone number, the name of the contact for the generator, the name of the responsible official for the generator or the addition of subject wastes or where there is a significant change from such previously submitted information in respect of the description or physical or chemical characteristics of the subject wastes, the generator who submitted the applicable report shall send a supplementary Generator Registration Report to the Director within 15 days after the change. O. Reg. 501/01, s. 2 (1).

Note: On January 1, 2007, subsection (6) is revoked and the following substituted:

(6) If there is any change from the information submitted in an initial Generator Registration Report, the most recent annual Generator Registration Report or any previous supplementary Generator Registration Reports, the generator shall submit a supplementary Generator Registration Report to the Director within 15 days after the change. O. Reg. 461/05, s. 8 (4).

(6.1) A generator who submits an initial, annual or supplementary Generator Registration Report to the Director shall make a record of all data, analysis and other information used in the preparation of the report and shall keep the record at the waste generation facility for at least three years. O. Reg. 461/05, s. 8 (4).

See: O. Reg. 461/05, ss. 8 (4), 29 (3).

(7) Upon receipt of a supplementary Generator Registration Report that relates to a valid generator registration document, the Director shall post on the Ministry website a revised generator registration document. O. Reg. 501/01, s. 2 (1).

(7.1) No generator shall transfer a particular subject waste from a waste generation facility to a waste transportation system unless a valid generator registration document for that waste generation facility with a waste number for that particular subject waste is posted on the Ministry website. O. Reg. 501/01, s. 2 (1).

(7.2) In all transfers of subject waste under this Regulation, every generator shall use the generator registration number issued in respect of the waste generation facility from which the subject waste is being transferred and the applicable waste numbers set out in the Manual. O. Reg. 501/01, s. 2 (1).

(8) Every generator shall keep a record of the subject waste disposed of at the waste generation facility including the name, waste number, quantity and disposition of the waste. R.R.O. 1990, Reg. 347, s. 18 (8).

(9) A record referred to in subsection (8) may be disposed of after two years. R.R.O. 1990, Reg. 347, s. 18 (9).

(10) When any subject waste is retained at a waste generation facility for a period longer than three months, the generator, unless there is a waste disposal site certificate of approval or provisional certificate of approval in respect of the facility, shall submit a report to the Regional Director of the Ministry within five business days after the three month period which report shall comply with the Manual and shall include the name and waste number of the waste, the quantity involved, the manner in which it is stored, the reasons for the retention and the anticipated time and manner of disposal of the waste. R.R.O. 1990, Reg. 347, s. 18 (10); O. Reg. 460/99, s. 2 (3).

Note: On January 1, 2007, subsection (10) is revoked. See: O. Reg. 461/05, ss. 8 (5), 29 (3).

(11) Every generator who transfers subject waste to a waste transportation system shall orally report to the Director any transferred subject waste that the generator is not able, within four weeks, to confirm was delivered to the intended receiving facility or to another receiving facility approved to accept the waste. R.R.O. 1990, Reg. 347, s. 18 (11).

(12) In unusual circumstances, such as a spill, a process aberration or upset, or the circumstances described in subsection 22 (2), where a generator discovers that a generator registration number or a waste number is needed to comply with this Regulation in the disposal of subject waste, the Regional Director of the Ministry or an alternate named by him or her may assign a generator registration number or accept a waste number identified by the generator. R.R.O. 1990, Reg. 347, s. 18 (12).

(13) Where a generator registration number is assigned under subsection (12), subsection (7.1) does not apply and subsections (1) and (2) shall be complied with within ninety days. O. Reg. 501/01, s. 2 (2).

(14) Where a waste number is accepted under subsection (12), subsection (7.1) does not apply. O. Reg. 501/01, s. 2 (2).

(14.1) Subsection (11) does not apply if an electronic manifest is used. O. Reg. 501/01, s. 2 (2).

(15) For purposes of this section,

“liquid waste” means waste that has a slump of more than 150 millimetres using the Test Method for the Determination of Liquid Waste (slump test) set out in Schedule 5. O. Reg. 558/00, s. 2.

Note: On January 1, 2007, the definition of “liquid waste” is amended by striking out “set out in Schedule 5” at the end and substituting “set out in Schedule 9”. See: O. Reg. 461/05, ss. 8 (6), 29 (3).

Manifests — Generator Requirements

19. (1) No generator shall permit subject waste to pass from the generator’s control or to leave the waste generation facility except,

(a) by transfer of the subject waste to a waste transportation system operating under a certificate of approval or provisional certificate of approval and where the generator has completed a manifest in respect of the waste in accordance with the Manual and this Regulation; or

(b) by direct discharge to a sewage works subject to the Ontario Water Resources Act or established before August 3, 1957 or into a sewage system regulated under Part 8 of the Building Code made under the Building Code Act, 1992. R.R.O. 1990, Reg. 347, s. 19 (1); O. Reg. 460/99, s. 3; O. Reg. 501/01, s. 3.

(2) No generator shall transfer subject waste to a waste transportation system unless the subject waste is so packaged or marked that it meets the transport requirements of the Transportation of Dangerous Goods Act (Canada). R.R.O. 1990, Reg. 347, s. 19 (2).

Manifests — Carrier Requirements

20. (1) Every carrier shall report to the Director the number of every intact manifest supplied to the carrier that is lost, spoiled or used other than in accordance with this Regulation. R.R.O. 1990, Reg. 347, s. 20.

(2) Every carrier shall return to the Director every intact manifest or partial manifest supplied to the carrier that is not used for the purposes of this Regulation because it has been spoiled or completed erroneously or for any other reason, within three days after the carrier has decided not to use the manifest. O. Reg. 501/01, s. 4.

20.1 (1) No carrier shall have possession of subject waste in Ontario unless the waste was accepted from a generator and waste generation facility for which a valid generator registration document for that waste generation facility with a waste number for that particular subject waste is posted on the Ministry website. O. Reg. 501/01, s. 5.

(2) Subsection (1) does not apply in respect of subject waste,

(a) accepted from a generator to whom section 18 does not apply; or

(b) accepted from outside Ontario for the purpose of being transported for transfer to a receiving facility outside Ontario. O. Reg. 501/01, s. 5.

21. (1) No carrier shall have possession of subject waste unless the carrier has, accompanying the waste, a manifest in respect of the waste, completed by the generator in accordance with the Manual and this Regulation, except during a transfer while the manifest is being completed by a generator or receiver. R.R.O. 1990, Reg. 347, s. 21 (1); O. Reg. 460/99, s. 4.

(2) For purposes of subsection (1), a manifest is not completed by a generator in accordance with this Regulation if it contains an obvious error. R.R.O. 1990, Reg. 347, s. 21 (2).

(3) A printed copy of an electronic manifest with sections A and B completed shall be sufficient for the purposes of subsection (1). O. Reg. 501/01, s. 6.

22. (1) No carrier shall permit subject waste to pass from the carrier's control except in accordance with this Regulation. R.R.O. 1990, Reg. 347, s. 22 (1).

(2) A carrier, with the specific approval of a Regional Director of the Ministry or an alternate named by him or her, may transfer subject waste in Ontario to another vehicle in the same waste transportation system or to a waste transportation system operating under a certificate of approval or provisional certificate of approval or to a receiving facility to alleviate a dangerous situation. R.R.O. 1990, Reg. 347, s. 22 (2).

(3) Where a truckload or less of subject waste has been transferred by a generator to a waste transportation system, the carrier shall promptly transport the waste to the receiving facility named in the manifest related to that load unless the carrier is permitted to do otherwise by subsection (2) or section 27. R.R.O. 1990, Reg. 347, s. 22 (3).

Manifests — Transport within Ontario

23. (1) This section applies where a generator transfers subject waste in Ontario to a waste transportation system for transport to a receiving facility in Ontario and, for the purpose of this section, “generator” includes a carrier to whom subsection 22 (2) applies. R.R.O. 1990, Reg. 347, s. 23 (1).

(2) Where subject waste is transferred to a waste transportation system by a generator and a paper manifest is used,

(a) for each truckload or part thereof transferred, the carrier shall complete section B (Carrier) of an intact manifest and give the manifest, at the time of the transfer, to the generator; and

(b) for each truckload or part thereof transferred, the generator shall obtain from the carrier the intact manifest, with section B completed, and shall,

(i) at the time of the transfer, complete section A (Generator) in accordance with the Manual,

(ii) remove Copy 1 (White) and return it to the Director within three working days after the transfer,

(iii) remove Copy 2 (Green) and retain it for a period of two years, and

(iv) return the remaining four copies of the manifest to the carrier at the time of the transfer. O. Reg. 558/00, s. 3; O. Reg. 501/01, s. 7 (1).

(2.1) Where subject waste is transferred to a waste transportation system by a generator and an electronic manifest is used, for each truckload or part thereof transferred, at the time of the transfer,

(a) the generator shall give the carrier electronic access to the manifest;

(b) the carrier shall electronically complete section B (Carrier) of the manifest; and

(c) the generator shall,

(i) electronically complete section A (Generator) of the manifest in accordance with the Manual,

(ii) give the receiver electronic access to the manifest,

(iii) electronically submit the manifest, with sections A and B completed, to the Director, and

(iv) if requested by the carrier, print a paper copy of the manifest, as submitted under subclause (iii), and give it to the carrier. O. Reg. 501/01, s. 7 (2).

(3) A carrier may transfer subject waste,

(a) with the specific approval of a Regional Director of the Ministry or an alternate named by him or her, to another vehicle of the same waste transportation system, to a waste transportation system operating under a certificate of approval or provisional certificate of approval or to a specified receiving facility as mentioned in clause (b), (c) or (d) to alleviate a dangerous situation;

(b) to a waste disposal site operating under a certificate of approval or provisional certificate of approval authorizing acceptance of the waste;

(c) with the consent of the owner of the sewage works, to a sewage works for which an approval under the Ontario Water Resources Act has been issued and that is not in contravention of the approval; or

(d) to a waste-derived fuel site having a combustion unit operating under a certificate of approval issued under section 9 of the Act authorizing acceptance and combustion of the waste. R.R.O. 1990, Reg. 347, s. 23 (3).

(4) Every carrier transferring waste under subsection (3) shall, at the time of the transfer, give the receiver the remaining four parts of the paper manifest, or the number of the electronic manifest, completed for that load of waste. O. Reg. 501/01, s. 7 (3).

(5) Where a transfer of subject waste takes place under subsection (3) and a paper manifest is used, the receiver shall obtain from the carrier the remaining four parts of the manifest completed for that load and shall,

(a) at the time of the transfer, complete section C (Receiver) of the remaining four parts of the manifest;

(b) remove Copy 3 (Yellow) of the manifest and return it to the Director within three working days after the transfer;

(c) remove Copy 4 (Pink) of the manifest and return it to the carrier at the time of the transfer;

(d) retain Copy 5 (Blue) of the manifest for two years; and

(e) remove Copy 6 (Brown) of the manifest and return it to the generator shown on the manifest within three working days after the transfer. R.R.O. 1990, Reg. 347, s. 23 (5); O. Reg. 501/01, s. 7 (4).

(5.1) Where a transfer of subject waste takes place under subsection (3) and an electronic manifest is used, the receiver shall obtain from the carrier the number of the manifest completed for that load, shall electronically access the manifest and shall, at the time of the transfer,

(a) electronically complete section C (Receiver) of the manifest; and

(b) electronically submit the manifest, with sections A, B and C completed, to the Director. O. Reg. 501/01, s. 7 (5).

(6) Every carrier transferring waste under subsection (3) shall, prior to leaving the site of the transfer, obtain from the receiver of the waste Copy 4 (Pink) of the manifest referred to under clause (5) (c) and shall retain it for a period of two years. R.R.O. 1990, Reg. 347, s. 23 (6).

(7) Where a paper manifest is used, every carrier who is the operator of a waste transportation system for which a certificate of approval or provisional certificate of approval as a dust suppression waste management system is issued may deposit for the purpose of dust suppression, in accordance with the approval, dust suppressant at a dust suppression site designated in the approval and, where that is done, shall,

(a) at the time of completion of the deposit, complete section C (Receiver) of the remaining four parts of the applicable manifest received under subclause (2) (b) (iv);

(b) remove Copy 3 (Yellow) of the manifest and return it to the Director within three working days after the deposit;

(c) retain Copy 4 (Pink) of the manifest for two years; and

(d) remove Copy 6 (Brown) of the manifest and return it to the generator shown on the manifest within three working days after the deposit. R.R.O. 1990, Reg. 347, s. 23 (7); O. Reg. 501/01, s. 7 (6).

(8) Where an electronic manifest is used, every carrier described in subsection (7) may deposit for the purpose of dust suppression, in accordance with the approval described in subsection (7), dust suppressant at a dust suppression site designated in the approval and, where that is done, shall, as quickly as is reasonably possible following completion of the deposit,

(a) electronically access the manifest completed for that load;

(b) electronically complete section C (Receiver) of the manifest; and

(c) electronically submit the manifest, with sections A, B and C completed, to the Director. O. Reg. 501/01, s. 7 (7).

Manifests — Transport out of Ontario

24. (1) This section applies where a generator transfers subject waste in Ontario to a waste transportation system for transport to a receiving facility outside Ontario. R.R.O. 1990, Reg. 347, s. 24 (1).

(2) Where subject waste is transferred for transport to a receiving facility in a Canadian jurisdiction, a manifest issued under the Transportation of Dangerous Goods Act (Canada) or an equivalent manifest issued by a Canadian jurisdiction may be used for purposes of compliance with this Regulation. R.R.O. 1990, Reg. 347, s. 24 (2).

(3) Where subject waste is transferred for transport to a receiving facility in a Canadian jurisdiction and the laws of that jurisdiction require submission to authorities in that jurisdiction of the equivalent of Copy 1 or 3 of a manifest, submission to the Director of a photocopy of the copy submitted or of a copy retained may be substituted for the requirement to submit Copy 1 or 3 of a manifest. R.R.O. 1990, Reg. 347, s. 24 (3).

(4) Where subject waste is transferred to a waste transportation system by a generator and a paper manifest is used,

(a) for each truckload or portion thereof transferred, the carrier shall complete section B (Carrier) of an intact manifest and give the manifest, at the time of the transfer, to the generator; and

(b) for each truckload or portion thereof transferred, the generator shall obtain from the carrier the intact manifest, with section B completed, and shall,

(i) at the time of the transfer, complete section A (Generator) in accordance with the Manual,

(ii) remove Copy 1 (White) and return it to the Director within three working days after the transfer,

(iii) remove Copy 2 (Green) and retain it for two years, and

(iv) return the remaining four copies of the manifest to the carrier at the time of the transfer. R.R.O. 1990, Reg. 347, s. 24 (4); O. Reg. 460/99, s. 6; O. Reg. 501/01, s. 8 (1).

(4.1) Where subject waste is transferred to a waste transportation system by a generator and an electronic manifest is used, for each truckload or part thereof transferred, at the time of the transfer,

(a) the generator shall give the carrier electronic access to the manifest;

- (b) the carrier shall electronically complete section B (Carrier) of the manifest; and
- (c) the generator shall,
 - (i) electronically complete section A (Generator) of the manifest in accordance with the Manual,
 - (ii) give the receiver electronic access to the manifest,
 - (iii) electronically submit the manifest, with sections A and B completed, to the Director, and
 - (iv) if requested by the carrier, print a paper copy of the electronic manifest, as submitted under subclause (iii), and give it to the carrier. O. Reg. 501/01, s. 8 (2).

(5) No carrier shall transport subject waste out of Ontario destined for a receiving facility outside Ontario unless the carrier has reason to believe the intended receiver is willing to complete section C (Receiver) of the applicable manifest completed for that load of waste and, in the case of an electronic manifest, electronically submit the completed manifest to the Director. R.R.O. 1990, Reg. 347, s. 24 (5); O. Reg. 501/01, s. 8 (3).

(6) Where a paper manifest is used, every carrier transferring subject waste to a receiving facility outside Ontario shall, at the time of the transfer, give the receiver the remaining four parts of the manifest for completion of section C (Receiver). O. Reg. 501/01, s. 8 (4).

(7) Where a paper manifest is used, every carrier who transfers waste under subsection (6) shall,

- (a) return Copy 3 (Yellow) of the manifest to the Director within three working days after the transfer;
- (b) retain Copy 4 (Pink) of the manifest for two years; and
- (c) remove Copy 6 (Brown) of the manifest and return it to the generator indicated on the manifest within three working days after the transfer. R.R.O. 1990, Reg. 347, s. 24 (7); O. Reg. 501/01, s. 8 (5).

(8) Every manifest referred to in subsection (7) shall have section C (Receiver) completed by the receiver. R.R.O. 1990, Reg. 347, s. 24 (8).

(9) Where an electronic manifest is used, every carrier who transfers subject waste under subsection (6) shall, at the time of the transfer, give the receiver the number of the electronic manifest completed for that load of waste and request that the receiver electronically access the manifest and, at the time of the transfer,

- (a) electronically complete section C (Receiver) of the manifest; and
- (b) electronically submit the manifest, with sections A, B and C completed, to the Director. O. Reg. 501/01, s. 8 (6).

(10) Every carrier shall notify the Director forthwith of the number of the electronic manifest, the name of the receiver, if it is not the same as that set out in section A of the manifest, and the date of the transfer to the receiver, where the carrier is aware that the receiver has not complied with a request made under subsection (9). O. Reg. 501/01, s. 8 (6).

25. (1) This section applies where subject waste is transferred outside Ontario to a waste transportation system for transport to a receiving facility in Ontario. R.R.O. 1990, Reg. 347, s. 25 (1).

(2) Where subject waste is transferred in Canada for transport to a receiving facility in Ontario, a manifest under the Transportation of Dangerous Goods Act (Canada) or any equivalent manifest issued by a Canadian jurisdiction may be used for purposes of compliance with this Regulation. R.R.O. 1990, Reg. 347, s. 25 (2).

(3) Where a paper manifest is used, no carrier shall bring subject waste into Ontario for purposes of transport to a receiving facility in Ontario unless,

(a) Revoked: O. Reg. 501/01, s. 9 (2).

(b) for each truckload or portion thereof to be transferred, the carrier completed section B (Carrier) of an intact manifest and gave it, at the time of the transfer, to the generator for completion of section A (Generator) and return to the carrier; and

(c) the applicable manifest with section B (Carrier) completed by the carrier and section A (Generator) completed by the generator accompanies the waste. R.R.O. 1990, Reg. 347, s. 25 (3); O. Reg. 501/01, s. 9 (1, 2).

(3.1) Where an electronic manifest is used, no carrier shall bring subject waste into Ontario for purposes of transport to a receiving facility in Ontario unless, for each truckload or portion thereof to be transferred, at the time of the transfer from the generator,

(a) the carrier electronically completed section B (Carrier) of the manifest; and

(b) the generator electronically completed section A (Generator) of the manifest and electronically submitted the manifest, with sections A and B completed, to the Director. O. Reg. 501/01, s. 9 (3).

(4) Where a paper manifest is used, every carrier who brings subject waste into Ontario for transfer to a receiving facility in Ontario shall forward to the Director, within three working days after the out of province transfer, Copy 1 (White) of the manifest showing the generator registration number and the applicable waste number. O. Reg. 501/01, s. 9 (4).

(5) A carrier may transfer subject waste,

(a) to a waste disposal site operating under a certificate of approval or provisional certificate of approval authorizing acceptance of the waste;

(b) with the consent of the owner of the sewage works, to a sewage works for which an approval under the Ontario Water Resources Act has been issued, and that is not in contravention of the approval; or

(c) to a waste-derived fuel site having a combustion unit operating under a certificate of approval issued under section 9 of the Act authorizing acceptance and combustion of the waste. R.R.O. 1990, Reg. 347, s. 25 (5).

(6) Every carrier transferring waste under subsection (5) shall, at the time of the transfer, give the receiver the remaining four parts of the paper manifest completed in respect of the waste or number of the electronic manifest completed in respect of the waste, as the case may be. O. Reg. 501/01, s. 9 (5).

(7) Where a transfer of subject waste takes place under subsection (5) and a paper manifest is used, the receiver shall obtain from the carrier the remaining four parts of the manifest completed in respect of that load of waste and shall,

(a) at the time of the transfer, complete section C (Receiver) of the remaining four parts of the manifest;

(b) remove Copy 3 (Yellow) of the manifest and return it to the Director within three working days after the transfer;

(c) remove Copy 4 (Pink) of the manifest and return it to the carrier at the time of the transfer;

(d) retain Copy 5 (Blue) of the manifest for two years; and

(e) remove Copy 6 (Brown) of the manifest and return it to the generator shown on the manifest within three working days after the transfer. R.R.O. 1990, Reg. 347, s. 25 (7); O. Reg. 501/01, s. 9 (6).

(7.1) Where a transfer of subject waste takes place under subsection (5) and an electronic manifest is used, the receiver shall obtain from the carrier the number of the manifest completed for that load, shall electronically access the manifest and shall, at the time of the transfer,

(a) electronically complete section C (Receiver) of the manifest; and

(b) electronically submit the manifest, with sections A, B and C completed, to the Director. O. Reg. 501/01, s. 9 (7).

(8) Where a paper manifest is used, every carrier who has transferred waste under subsection (5) shall, prior to leaving the site of the transfer, obtain from the receiver Copy 4 (Pink) of the manifest and shall retain it for two years. O. Reg. 501/01, s. 9 (8).

(9) Where a paper manifest is used, every carrier who is the operator of a waste transportation system for which a certificate of approval or provisional certificate of approval as a dust suppress