

Waste Diversion Act, 2002
Loi de 2002 sur le réacheminement des déchets

ONTARIO REGULATION 542/06

MUNICIPAL HAZARDOUS OR SPECIAL WASTE

Consolidation Period: From April 1, 2012 to the e-Laws currency date.

Last amendment: O. Reg. 11/12.

This Regulation is made in English only.

Interpretation

1. (1) In this Regulation,

“class of municipal hazardous or special waste” means a class of municipal hazardous or special waste in respect of which a steward has been designated under the Act;

“lubricating oil” means petroleum-derived or synthetic crankcase oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid, or other oil or fluid used for lubricating machinery or equipment;

“municipal hazardous or special waste” means, subject to subsection (2), waste that consists of municipal hazardous waste or municipal special waste, or any combination of them, whether or not the waste is owned, controlled or managed by a municipality;

“municipal hazardous waste” means waste that consists of any of the following materials, or any combination of them, whether or not the waste is owned, controlled or managed by a municipality:

(a) corrosive products, flammable products or toxic products, as those terms are defined in the Consumer Chemicals and Containers Regulations, 2001 made under the Hazardous Products Act (Canada), if the sale of the product is permitted only if the container of the product displays information required by those regulations,

(b) containers that display information that is required by the Consumer Chemicals and Containers Regulations, 2001 made under the Hazardous Products Act (Canada) for containers that contain corrosive products, flammable products or toxic products, as those terms are defined in those regulations,

(c) flammable hazards, corrosive hazards or toxicity hazards, as those terms are described in Clause 4 of CSA Standard Z752-03, “Definition of Household Hazardous Waste”, published in September 2003 by Canadian Standards Association, if the hazard is defined by Clause 7 of that Standard as a household waste that shall not be disposed of in one or more systems within the regular domestic waste stream because of significant risks posed to humans or the environment,

(d) corrosive waste, as defined in Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Environmental Protection Act,

(e) ignitable waste, as defined in Regulation 347 of the Revised Regulations of Ontario, 1990,

(f) leachate toxic waste, as defined in Regulation 347 of the Revised Regulations of Ontario, 1990,

(g) reactive waste, as defined in Regulation 347 of the Revised Regulations of Ontario, 1990,

(h) containers that contain anything referred to in clause (c), (d), (e), (f) or (g);

“municipal special waste” means waste that consists of any of the following materials, or any combination of them, whether or not the waste is owned, controlled or managed by a municipality:

- (a) batteries,
- (b) pressurized containers,
- (c) aerosol containers,
- (d) portable fire extinguishers,
- (e) fertilizers, fungicides, herbicides, insecticides or pesticides, and containers in which they are contained,
- (f) paints and coatings, and containers in which they are contained,
- (g) containers that have a capacity of 30 litres or less and that were manufactured and used for the purpose of containing lubricating oil,
- (h) oil filters, after they have been used for their intended purpose,
- (i) fluorescent light bulbs or tubes,
- (j) pharmaceuticals,
- (k) sharps, including syringes,
- (l) switches that contain mercury,
- (m) thermostats, thermometers, barometers or other measuring devices, if the thermostats, thermometers, barometers, or other measuring devices contain mercury,
- (n) antifreeze, and containers in which it is contained,
- (o) solvents, and containers in which they are contained;

“oil filter” means a spin-on filter or element-style filter that has been used to filter lubricating oil, but does not include a filter with no significant metal content. O. Reg. 542/06, s. 1 (1); O. Reg. 11/12, s. 1.

(2) For the purpose of this Regulation, used or unused lubricating oil is not municipal hazardous or special waste. O. Reg. 542/06, s. 1 (2).

Designation

2. Municipal hazardous or special waste is prescribed as a designated waste for the purposes of the Act. O. Reg. 542/06, s. 2.

Industry funding organization

3. Stewardship Ontario is designated as the industry funding organization for the waste diversion program for municipal hazardous or special waste approved by the Minister under section 26 of the Act. O. Reg. 28/08, s. 1.

Deficit recovery fee

4. (1) This section applies in respect of a class of municipal hazardous or special waste if Stewardship Ontario had an accumulated deficit related to that class as of December 31, 2011. O. Reg. 11/12, s. 2.

(2) Stewardship Ontario shall, on or before April 1, 2012, determine the amount of a fee to be paid by a steward designated under the Act in respect of a class of municipal hazardous or special waste mentioned in subsection (1) by applying the following:

$$A = D \times B \div C$$

where,

A = the fee to be paid by the steward,

B = the quantity of material that is commercially connected to the class of municipal hazardous or special waste and that was supplied by the steward during the period beginning July 1, 2008 and ending December 31, 2011,

C = the quantity of material that is commercially connected to the class of municipal hazardous or special waste and that was supplied by all stewards designated under the Act in respect of that class during the period beginning July 1, 2008 and ending December 31, 2011,

D = Stewardship Ontario's accumulated deficit related to the class of municipal hazardous or special waste as of December 31, 2011.

O. Reg. 11/12, s. 2.

(3) For the purposes of subsection (2), the quantity of material supplied by a steward is determined by applying the method set out in the rules made under clause 30 (1) (g) of the Act for reporting that quantity to Stewardship Ontario. O. Reg. 11/12, s. 2.

(4) Unless a rule has been made under clause 30 (1) (c) of the Act prescribing times when a fee determined under this section is to be paid, the fee shall be paid in four equal instalments, with an instalment to be paid on or before each of the following dates:

1. May 15, 2012.

2. July 30, 2012.

3. October 31, 2012.

4. January 31, 2013. O. Reg. 11/12, s. 2.

(5) Stewardship Ontario shall, at least 30 days before a fee or the first instalment of a fee determined under this section is required to be paid by a steward, provide written notice of the following to the steward:

1. The amount of the fee to be paid by the steward.

2. If the fee may be paid in instalments, the amount of each instalment.

3. The date or dates on or before which all amounts must be paid. O. Reg. 11/12, s. 2.

Quarterly fees

5. (1) Stewardship Ontario shall, no later than 90 days following the end of each fiscal quarter, determine the amount of a fee to be paid in respect of that fiscal quarter by a steward designated under the Act in respect of a class of municipal hazardous or special waste by applying the following:

$$A = D \times B \div C$$

where,

A = the fee to be paid by the steward,

B = the quantity of material that is commercially connected to the class of municipal hazardous or special waste and that was supplied by the steward during the fiscal quarter that occurred before the fiscal quarter in respect of which the fee is to be paid,

C = the quantity of material that is commercially connected to the class of municipal hazardous or special waste and that was supplied by all stewards designated under the Act in respect of that class during the fiscal quarter that occurred before the fiscal quarter in respect of which the fee is to be paid,

D = the costs related to the class of municipal hazardous or special waste during the fiscal quarter in respect of which the fee is to be paid.

O. Reg. 11/12, s. 3.

(2) For the purposes of subsection (1),

(a) the quantity of material supplied by a steward is determined by applying the method set out in the rules made under clause 30 (1) (g) of the Act for reporting that quantity to Stewardship Ontario; and

(b) the costs related to a class of municipal hazardous or special waste must not exceed the sum of the amounts described in subparagraphs 1 i, ii and iii of subsection 30 (3) of the Act that were incurred in relation to the class. O. Reg. 11/12, s. 3.

(3) Unless a rule has been made under clause 30 (1) (c) of the Act prescribing times when a fee determined under this section is to be paid, the fee shall be paid no later than 180 days following the end of the fiscal quarter in respect of which the fee is required to be paid. O. Reg. 11/12, s. 3.

(4) Stewardship Ontario shall, at least 30 days before a fee or the first instalment of a fee determined under this section is required to be paid by a steward in respect of a fiscal quarter, provide written notice of the following to the steward:

1. The amount of the fee to be paid by the steward.

2. If the fee may be paid in instalments, the amount of each instalment.

3. The date or dates on or before which all amounts must be paid. O. Reg. 11/12, s. 3.

Revocation of rule

6. The following rule made under subsection 30 (1) of the Act is revoked:

Rule 3.2 of “Schedule A to Waste Diversion Ontario’s Program Agreement – Rules for Stewards with respect to Payment of Fees respecting Municipal Hazardous and Special Materials 2012”, as set out in the Amended and Restated Program Agreement between Waste Diversion Ontario and Stewardship Ontario, dated January 1, 2010, as amended December 14, 2011.

O. Reg. 11/12, s. 3.

