

October 30, 2023

Permissions Modernization Team
Client Services and Permissions Branch
135 St. Clair Avenue West, Floor 1
Toronto M4V1P5

****SUBMITTED ELECTRONICALLY****

RE: Environmental Registry of Ontario Posting 019-9628: Streamlining environmental permissions for waste management systems under the EASR

Please accept this letter in response to Environmental Register of Ontario (ERO) proposal 019-9693 regarding the proposed new regulation to allow some stormwater management works to be registered on the Environmental Activity and Sector Registry (EASR). Staff have undertaken a review of the proposal and offer the following comments.

Comments

Comments associated with the discussion questions provided in the Waste Management Systems Proposal for the Environmental Activity and Sector Registry (EASR) Discussion Paper, August 2023 and found below:

1. *Do you have feedback or comments on the proposed EASR candidates listed above?*
The City of Barrie Environmental Risk Management and Compliance branch does not have any feedback or comments regarding the proposed EASR candidate list that was provided.
2. *Are there any proposed waste types that should be added or removed from the list?*
The City of Barrie Environmental Risk Management and Compliance branch does not have any additional waste types or removal of any waste types from the eligibility list provided. We recommend that any activities that would represent Significant Drinking Water Threats are ineligible for EASR registration for waste management systems.
3. *Do you agree with the ministry's approach to include in-transit storage of waste as an activity eligible for self-registration on EASR?*
City of Barrie Environmental Risk Management and Compliance branch agrees with the ministry's approach to include the in-transit storage of waste as an eligible activity on EASR.
4. *Are there other any operational circumstances that should exclude a waste management system from an EASR registration?*

City of Barrie Environmental Risk Management and Compliance branch does not have any other operational circumstances that would exclude a waste management system from an EASR registration.

5. *Are there any additional general requirements applicable to all the eligible waste types that the ministry should consider including in the amendment EASR regulation?*

City of Barrie Environmental Risk Management and Compliance branch does not have any additional general requirements for all eligible waste types. The requirements appear to be clear on what the ministry's expectations and documentation requirements are.

6. *Do you agree with the ministry's approach to require the fleet information be part of the self-registration process and be updated within fourteen days of any fleet changes?*

City of Barrie Environmental Risk Management and Compliance branch strongly agrees with the ministry's approach to require the fleet information as part of the EASR. This will ensure that if during transport there is a spill, immediate remediation can be conducted which will result in a lower risk to impacting the natural environment. City of Barrie Environmental Risk Management and Compliance suggests adding an age restriction on the fleet allowed to transport wastes.

Providing an update within 14 days seems reasonable. How will the ministry ensure that this information remains accurate?

7. *Do you agree with the proposed requirements for the transportation of asbestos waste?*

City of Barrie Environmental Risk Management and Compliance branch agrees with the proposed requirements for the transportation of asbestos waste when using a lugger box or an industrial vacuum loader.

8. *Are there additional requirements for the transportation of asbestos waste that the ministry should consider including in the amended EASR regulation?*

City of Barrie Environmental Risk Management and Compliance branch recommends a spill contingency should there be a spill within the transportation vehicle. An example would be is a spill of asbestos waste does occur within the transportation vehicle, the vehicle shall be decontaminated and the regulatory entity shall notify Spills Action Centre within one (1) hour, informing them of the spill and the generation of any hazardous waste resulting from the decontamination of the vehicle.

9. *Do you agree with the ministry's proposal to include operational practices from the Guideline C-6 as operating requirements in the amended EASR regulation?*

City of Barrie Environmental Risk Management and Compliance branch agrees with including the operational practices from the Guideline C-6, but it should also state as amended.

10. *Do you agree with the proposed requirements for the transportation of liquid industrial and hazardous waste?*

City of Barrie Environmental Risk Management and Compliance branch does agree with the proposed requirements for the transportation of liquid industrial and hazardous

waste. Record retention should be included to ensure that all owners know how long to keep the documentation.

For the additional requirement related to waste management systems transporting multiple waste types does the ministry have an expectation of what the documentation should look like (excel vs hand written).

11. *Are there additional requirements for the transportation of liquid industrial and hazardous waste that the ministry should consider including in the amended EASR regulation?*

City of Barrie Environmental Risk Management and Compliance branch recommends a spill contingency should there be a spill within the transportation vehicle. An example would be is a spill of liquid industrial and hazardous waste does occur within the transportation vehicle, the vehicle shall be decontaminated and the regulatory entity shall notify Spills Action Centre within one (1) hour, informing them of the spill and the generation of any hazardous waste resulting from the decontamination of the vehicle.

City of Barrie Environmental Risk Management and Compliance suggests adding a waste capture method during fleet washing and decontamination. The waste wash water is not permitted to be discharged to the municipal sanitary or storm sewer in the City of Barrie.

12. *Do you agree with the ministry's proposal for the transportation PCB waste to include the current standard conditions and operating requirements that exist in ECA's, as operating requirements under the amended Waste Management System EASR?*

City of Barrie Environmental Risk Management and Compliance branch agrees to proposed requirements associated with the transportation of PCB waste.

13. *Are there additional requirements for the transportation of PCB waste that the ministry should consider including the amended EASR regulation?*

City of Barrie Environmental Risk Management and Compliance branch does not have any additional requirements for the transportation of PCB waste.

14. *Do you agree with the ministry's proposal for the transportation of NORM waste, to include the current standard conditions and operating requirements that exist in ECA's, as operating requirements under the amended Waste Management System EASR?*

City of Barrie Environmental Risk Management and Compliance branch recommends a spill contingency should there be a spill within the transportation vehicle. An example would be is a spill of NORM waste does occur within the transportation vehicle, the vehicle shall be decontaminated and the regulatory entity shall notify Spills Action Centre within one (1) hour, informing them of the spill and the generation of any hazardous waste resulting from the decontamination of the vehicle.

15. *Are there additional requirements for the transportation of NORM waste that the ministry should consider including in the amended EASR regulation?*

City of Barrie Environmental Risk Management and Compliance branch does not have any additional requirements for the transportation of NORM waste.

16. *Do you agree with the approach that the ministry is taking about transportation of biomedical waste? If not, why?*

What are the modifications for the vehicles transporting sharps (storage compartment specifications i,ii,iii, and iv of Section 3.2.4)?

The vehicle operation requirements no. 6 states ‘the vehicle shall not be used for a purpose other than transporting biomedical waste unless it has been completely disinfected.’ This could be onerous to achieve compliance for the transportation of sharps.

17. *Do you agree with the ministry’s proposal to include waste management systems transporting biomedical waste that are also operating waste depots be part of the EASR registration?*

City of Barrie Environmental Risk Management and Compliance branch does not agree with this proposal as operating waste depots related to biomedical waste as they are covered by the facilities ECA.

18. *Do you agree with the ministry’s proposal to include operational practices from Guideline C-4 for biomedical waste as operating requirement in the amended EASR regulation?*

City of Barrie Environmental Risk Management and Compliance branch agrees with the ministry to include the operational practices from the Guideline C-4 for biomedical waste.

19. *Are there additional requirements for the transportation of biomedical waste that ministry should consider including in the amended EASR regulation?*

City of Barrie Environmental Risk Management and Compliance branch does not have any additional requirements for the transportation of biomedical waste.

20. *Do you agree with the conditions the ministry is proposing for the in-transit storage of waste?*

City of Barrie Environmental Risk Management and Compliance branch agrees with the proposed conditions for the in-transit storage of waste. This proposal allows for greater flexibility.

21. *Are there additional requirements for the in-transit storage of waste that the ministry should consider including in the amended EASR regulation?*

City of Barrie Environmental Risk Management and Compliance branch does not have any additional requirements for the in-transit storage of waste.

22. *Do you agree that the ministry should consider removing financial assurance requirements for waste management systems transporting biomedical and PCB waste? Please explain your answer.*

City of Barrie Environmental Risk Management and Compliance branch does agree with the ministry regarding the consideration on removing the financial assurance requirements for waste management systems transporting biomedical and PCB waste as the ministry has provided the justification within the Discussion Paper that appears appropriate and fair.

23. *Instead of solely relying on an insurance policy to address potential environmental impacts, should the ministry instead consider expanding financial assurance beyond Biomedical and PCB waste to include liquid industrial and all other hazardous wastes? Please explain your answer.*
As the owner/operator associated with the transportation of liquid industrial and other hazardous wastes the insurance policies should cover the liability for the potential environmental impacts. If the ministry does choose to expand the financial assurance to this sector then justification and where the funds will go should be provided.
24. *How would the removal of the requirements to provide financial assurance affect road authorities, such as the Ministry of Transportation and municipalities, when tasked to provide clean-up and remediation services for a spill on behalf of a regulated entity?*
If a spill occurs and an owner is known, Section 11 of the EPA allows the municipality to recover all associated costs when responding and conducting clean up. If Section 11 of the EPA would no longer apply to these waste transportation operators, municipal operating costs would increase.
25. *Do you agree with the ministry's proposal to change the language in Ontario Regulation 351/12 discussing insurance to include separate conditions for spill cleanup coverage?*
By providing this proposed change, this will ensure that owners/operators have the coverage they need in the event of a spill and the remediation.
26. *Do you agree with the ministry's proposal to require an insurance policy of minimum \$2,000,000 that would apply to all waste types including liquid industrial, hazardous, and biomedical waste? Please explain your answer.*
The ministry should provide justification on how they came up with the \$2,000,000 that would apply to all waste types.
27. *Do you agree with the ministry's proposal to set an amount for the portion of the insurance policy covering liability resulting from spills of at least:*
- \$100,000 for non-hazardous waste, and
 - \$500,000 for liquid industrial, hazardous, and biomedical waste.
- Please explain your answer.*
- The ministry should provide justification on how they came up with these values. What is the current insurance policy value?**
28. *How is the current proposal similar to or different from existing insurance policies for your waste management system(s)? Please provide the type of waste(s) being managed, when explaining your answer.*
No comment.
29. *What are the implications of adopting the proposed set amount for the portion of the insurance policy covering liability resulting from spills? Please explain your answer*
No comment.

30. *Is there a need to extend the transition period to allow enough time for existing eligible waste management system ECA holders to register and comply with the requirements of the EASR regulation? If yes, what is a practical timeframe and why?*

The process for those eligible waste management systems current under a ECA should be provided and what the result of the ECA will be if only components of an ECA are removed and now under EASR.

General Comments:

1. There are fees associated with the type of EASR activity. Will there be a specific fee for Waste Management systems EASR? If so, has this fee been determined?

Sincerely,

Melissa Green
Senior Environmental Officer

Maria Strybos
Risk Management Inspector