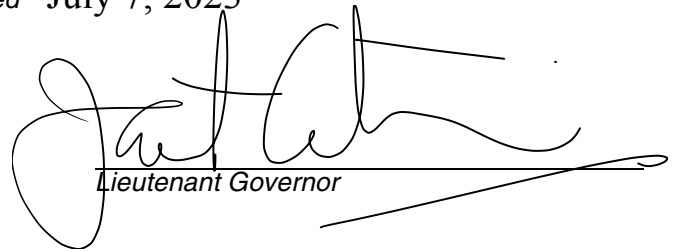


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 417

, Approved and Ordered July 7, 2023



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Hazardous Waste Regulation, B.C. Reg. 63/88, is amended

- (a) effective August 1, 2023, as set out in the attached Appendix 1, and
- (b) effective February 1, 2024, as set out in the attached Appendix 2.



Minister of Environment and Climate Change Strategy



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Environmental Management Act*, S.B.C. 2003, c. 53, ss. 21 and 138

Other: O.C. 268/88

R10646196

APPENDIX 1

1 Section 1 (1) of the Hazardous Waste Regulation, B.C. Reg. 63/88, is amended

- (a) *in paragraph (p) of the definition of “biomedical waste” by striking out “transportation of”,*
- (b) *by adding the following definitions:*
 - “**consolidation site facility**” means a facility that, in accordance with Division 5 of Part 6.1, accepts moderate risk waste that is in a Recycling Regulation product category from return collection facilities and temporary collection events;
 - “**e-waste**” means hazardous waste that is in the electronic and electrical product category within the meaning of the Recycling Regulation;
 - “**e-waste processing facility**” means a facility where e-waste is processed, including by the disassembly or crushing of e-waste, or by the removal of batteries, but does not include a facility where only passive storage occurs;
 - “**extended producer responsibility plan**” means an extended producer responsibility plan approved under section 5 of the Recycling Regulation; ,
- (c) *by repealing the definition of “federal interprovincial movement regulations”,*
- (d) *in the definition of “hazardous waste” by adding the following paragraphs before “but does not include”:*
 - (i.3) waste lead-acid batteries,
 - (i.4) without limiting paragraph (g), waste lightbulbs containing mercury that are managed under an extended producer responsibility plan, ,
- (e) *in paragraph (q) of the definition of “hazardous waste” by striking out “household”,*
- (f) *in paragraph (q) (i) of the definition of “hazardous waste” by striking out “in accordance with an authorization from” and substituting “with the consent of”,*
- (g) *in paragraph (r) of the definition of “hazardous waste” by striking out “class 8, or” and substituting “class 8,” and by adding “or” at the end of paragraph (s),*
- (h) *by repealing the definitions of “household hazardous waste” and “household hazardous waste collection facility”,*
- (i) *by adding the following definition:*
 - “**Indigenous nation**” means any of the following:
 - (a) a band within the meaning of the *Indian Act* (Canada);
 - (b) the Westbank First Nation;
 - (c) the shíshálh Nation Government District Council established under the *shíshálh Nation Self-Government Act* (Canada);
 - (d) a treaty first nation;
 - (e) the Nisga’a Nation; ,

(j) *by repealing the definition of “mobile household hazardous waste collection facility”*,

(k) *by adding the following definitions:*

“moderate risk waste” means

- (a) a hazardous waste that is generated from any of the following products, if the products are sold by a retailer and designed for use in domestic activities at residential premises:
 - (i) diesel fuel;
 - (ii) pressurized refillable propane cylinders with a water capacity that is less than 109 litres;
 - (iii) pressurized, non-refillable cylinders that are less than 455 grams;
 - (iv) pressurized, non-refillable helium cylinders;
 - (v) handheld fire extinguishers;
 - (vi) animal deterrents containing capsaicin;
 - (vii) aerosols;
 - (viii) household cleaners and household disinfectant products, and
- (b) a hazardous waste that is in a Recycling Regulation product category, other than e-waste and pharmaceutical waste;

“pharmaceutical waste” means hazardous waste that is in the pharmaceutical product category within the meaning of the Recycling Regulation;

“producer” has the same meaning as in section 1 (1) of the Recycling Regulation;

“qualified professional” means an individual who

- (a) is registered in British Columbia with a professional organization, acts under that organization’s code of ethics and is subject to disciplinary action by that organization, and
- (b) through suitable education, experience, accreditation and knowledge may reasonably be relied on to provide advice within the individual’s area of expertise, which area of expertise is applicable to the duty or function;

“residential premises” has the same meaning as in section 1 (1) of the Recycling Regulation;

“retailer” has the same meaning as in section 1 (1) of the Recycling Regulation; ,

(l) *by repealing the definition of “return collection facility” and substituting the following:*

“return collection facility” means a facility that is authorized to collect moderate risk waste, and other hazardous waste, in accordance with section 42.2 (1); , **and**

(m) *by adding the following definitions:*

“return to retail return collection facility” means a return collection facility operated by a retailer;

“temporary collection event” means an event where the collection of hazardous waste is authorized in accordance with section 42.7; .

2 Section 1 is amended by adding the following subsection:

(4) If moderate risk waste is being shipped, subject to section 42.52, a shipping document may be used in place of a manifest to meet the requirements, or satisfy the conditions applicable in respect of a manifest, that apply in the following provisions:

- (a) sections 5 (1), (2) and (3) and 6;
- (b) section 45.1;
- (c) section 46 (6) and (7).

3 Section 11 (a) is amended by striking out “in up-to-date readiness a” and substituting “a current”.

4 The following heading is added after the heading for Part 6:

Division 1 – General .

5 The following section is added:

Definition for this Part

39.01 In this Part, “**refurbish**”, in relation to a battery, means prepare a used battery for the purpose of reuse.

6 The following Divisions are added after section 39.1:

Division 2 – General Rules for E-Waste

E-waste

39.11 (1) The following provisions of this regulation that apply to the storage and transport of hazardous waste do not apply to e-waste until the e-waste is delivered to an e-waste processing facility:

- (a) Parts 2, 3 and 4;
- (b) Divisions 5, 6 and 7 of this Part;
- (c) Parts 6.1, 7, 8 and 9.

(2) A director may order that, despite subsection (1), one or more provisions within the provisions listed in subsection (1) are applicable to the storage and transport of e-waste.

(3) This Division does not apply to the storage and transport of the following waste batteries:

- (a) unsealed lead-acid batteries;
- (b) sealed lead-acid batteries that are 5 kg or larger;
- (c) any other batteries that are 5 kg or larger that are not contained within equipment or a device.

General requirements for e-waste

39.2 E-waste managed in accordance with this Part must be

- (a) managed in accordance with an extended producer responsibility plan, and
- (b) stored and handled in a manner that
 - (i) protects the waste from damage,
 - (ii) protects the waste from being adversely affected by elements of the weather,
 - (iii) ensures the waste is not stored in standing water, and
 - (iv) prevents the exposure of hazardous substances to the public.

Contingency plans for e-waste

- 39.21** (1) The owner of a facility that manages e-waste must prepare and maintain a contingency plan for the management of e-waste that consists of or contains one or more of the following:
- (a) lithium or lithium-ion batteries;
 - (b) waste lightbulbs containing mercury;
 - (c) switches containing mercury;
 - (d) glass containing lead.
- (2) The contingency plan must include
- (a) procedures to prevent breakage or other damage of the material described in subsection (1) (a) to (d) of this section during collection and transport, and
 - (b) procedures for handling the material described in subsection (1) (a) to (d) of this section in the event of breakage or other damage.
- (3) The contingency plan
- (a) must be made available for inspection by an officer,
 - (b) must be amended, if required by a director
 - (i) after the review by the director of the contingency plan, or
 - (ii) after an inspection conducted by the ministry, and
 - (c) must, if required by a director, be reviewed or amended by a qualified professional.
- (4) If a contingency plan must be amended under subsection (3) (b) or (c) of this section, the owner of the facility must submit the amended plan
- (a) within 60 days of receiving notice from the director, or
 - (b) if approved by the director, within a specified period of time other than the period of time described in paragraph (a) of this subsection.

Record of shipments of e-waste

- 39.3** The owner of a return collection facility that manages e-waste must retain a record of all shipments of e-waste leaving the facility for a period of at least 2 years.

Division 3 – Waste Lightbulbs Containing Mercury

Applicable provisions to waste lightbulbs containing mercury

39.31 Section 39.11 applies to the management of waste lightbulbs containing mercury if the lightbulbs are not intentionally crushed or broken.

Facilities accepting waste lightbulbs containing mercury

39.4 A facility that accepts waste lightbulbs containing mercury must retain documentation that demonstrates that staff have been adequately trained to handle lightbulbs containing mercury.

Division 4 – Appliances Containing Refrigerants

Appliances containing refrigerants

- 39.5**
- (1) Refrigerant removed from an appliance is considered to be a hazardous waste immediately after the refrigerant is removed from the appliance.
 - (2) Sections 42.51 and 42.52 apply in respect of refrigerant removed from an appliance as if the refrigerant were a moderate risk waste for the purposes of those sections.
 - (3) A technician who removes refrigerant greater than the quantity set out in Column II of Item 2 of Schedule 6 must register in accordance with section 43 (1).

Division 5 – Lead-Acid Batteries

Waste lead-acid batteries that are refurbished or suitable for reuse

39.6 For the purposes of this regulation, waste lead-acid batteries that have been refurbished and are suitable for reuse are not subject to the requirements that apply to hazardous waste until the refurbished batteries become waste.

Producer-operated facilities refurbishing lead-acid batteries

- 39.7**
- (1) A return collection facility that is operated by a producer and refurbishes lead-acid batteries must separate and label lead-acid batteries that have been assessed as being
 - (a) waste, or
 - (b) refurbished and suitable for reuse.
 - (2) A return collection facility that is operated by a producer under an extended producer responsibility plan and that refurbishes waste lead-acid batteries must limit its activities in relation to lead-acid batteries to the following:
 - (a) authorized passive storage of lead-acid batteries;
 - (b) the assessing, recharging or refurbishing of lead-acid batteries.

- (3) A producer who accepts waste lead-acid batteries for the purposes of storage, assessment, recharging or refurbishment must register in accordance with section 43 (1).

Management of waste lead-acid batteries

- 39.8** (1) Waste lead-acid batteries must be stored or shipped in accordance with the following requirements:
- (a) if the lead-acid batteries are leaking, they must be contained in a leak-proof means of containment;
 - (b) if the lead-acid batteries are stored upright in stacks, the stacks must not be more than five batteries high;
 - (c) the battery terminals must be arranged in a manner that ensures they do not come into contact with each other.
- (2) A written plan to safely handle leaking or damaged waste lead-acid batteries must be developed and implemented at each site that stores or ships lead-acid batteries as described in subsection (1).
- (3) Despite section 42.4, an owner of a return collection facility is not required to maintain an operating record if
- (a) the facility does not store more than 150 kg of waste lead-acid batteries at any one time, and
 - (b) the storage of the waste lead-acid batteries is managed under an extended producer responsibility plan.

Division 6 – Pharmaceutical Waste

Pharmaceutical waste

- 39.9** The storage at a pharmacy and transport of pharmaceutical waste managed under an extended producer responsibility plan is exempt from the requirements under this regulation.

- 7** *The following heading is added before section 40:*

Division 7 – Other Specific Hazardous Waste .

- 8** *The following heading is added after section 42.1:*

PART 6.1 – OPERATIONAL REQUIREMENTS FOR FACILITIES FOR MODERATE RISK WASTE AND OTHER WASTE .

- 9** *The following Division is added after the heading for Part 6.1:*

Division 1 – General

Non-application of other Parts

- 42.11** (1) Subject to subsection (2) and section 42.12, Parts 2, 3 and 4 do not apply to waste managed in accordance with this Part.
- (2) A director may order, in a particular case, that a provision of Part 2, 3 or 4 applies to waste managed in accordance with this Part.
- (3) The provisions in this Part that apply to the management of moderate risk waste do not apply to batteries that are 5 kg or larger that are not contained within equipment or a device.

Collection prohibitions

- 42.12** The following waste may not be collected by a facility that is managed in accordance with a Division of this Part:
- (a) lighting fixtures or capacitors that contain PCB;
 - (b) batteries from vehicles that require insurance or licensing other than lead-acid batteries;
 - (c) vehicles that require insurance or licensing.

Contingency plans

- 42.13** (1) The owner of a facility that is managed in accordance with a Division of this Part must
- (a) prepare and maintain a contingency plan that includes the information set out in section 11 (a), and
 - (b) comply with section 11 (b), (c) (i) and (ii) and (d).
- (2) For the purposes of subsection (1), section 11 applies to the owner of the facility as if the owner of the facility were the owner of a hazardous waste facility.

Requirements for contingency plans and operational plans

- 42.14** (1) A contingency plan or operational plan, as applicable, that is required for the operation of a facility or the transport of moderate risk waste authorized under this Part
- (a) must be made available for inspection by an officer, or
 - (b) must, if required by a director,
 - (i) be submitted to the director,
 - (ii) be amended, or
 - (iii) be reviewed or amended by a qualified professional.
- (2) If a contingency plan or operational plan must be amended under subsection (1) (b), the owner or operator, as the case may be, of the facility must submit the amended plan
- (a) within 60 days of receiving notice from the director, or
 - (b) if approved by the director, within a specified period of time other than the period of time described in paragraph (a).

10 *The following heading is added before section 42.2:*

Division 2 – General Rules for Return Collection Facilities .

11 *Section 42.2 is amended*

(a) by repealing subsection (1) and substituting the following:

(1) The collection and storage of hazardous waste at a return collection facility, in accordance with this Division and section 50, is authorized. ,

(b) in subsection (2) by striking out “household”,

(c) by repealing subsection (3) and substituting the following:

(3) Despite section 48 of this regulation, for the purposes of section 9 (1) of the Act, the prescribed maximum amount that is authorized for storage at any one time under the authority of subsection (1) is, including quantities of waste oil not exceeding a total of 5 000 litres at any one time, 25 000 kg or 25 000 litres. , **and**

(d) by adding the following subsections:

(4) Moderate risk waste managed under the authority of subsection (1) must be stored and handled in a manner that

(a) protects the waste from damage,

(b) protects the waste from being adversely affected by elements of the weather,

(c) ensures the waste is not stored in standing water, and

(d) prevents the exposure of hazardous substances to the public.

(5) Subject to subsection (6), a return collection facility may accept hazardous waste generated from residential, institutional or commercial sources.

(6) A return collection facility

(a) must provide for the collection of moderate risk waste from residential sources,

(b) may provide for the collection of moderate risk waste from institutional or commercial sources, and

(c) must not provide for the collection of moderate risk waste from industrial sources.

12 *Section 42.3 is amended*

(a) in subsection (1) (a) (ii), (iv) and (v) by striking out “household”,

(b) in subsection (1) (b) by striking out “, make a registration report and apply for a registered site number” and substituting “and regardless of the quantity of hazardous waste, make a registration report and apply for a generator registration number”,

(c) by repealing subsection (2) and substituting the following:

- (2) Subject to subsection (5), every return collection facility must comply with the following requirements:
- (a) the return collection facility is suitably secure to prevent unauthorized access by individuals or animals;
 - (b) the return collection facility must have a sign at each entrance that identifies it as a return collection facility and specifies
 - (i) the hours of operation of the return collection facility,
 - (ii) the categories of hazardous waste, as described in Schedule 6, accepted at the return collection facility and, if applicable, any appropriate safety warnings,
 - (iii) the name and telephone number of the owner of the return collection facility,
 - (iv) a 24-hour emergency contact number, and
 - (v) a prohibition against the depositing of materials outside the return collection facility;
 - (c) if a return collection facility stores liquid hazardous waste in a container that does not serve as a secondary means of containment, the return collection facility's storage area within which the hazardous waste is stored must be located within an impervious spill containment system sufficient to hold 110% of the largest volume of liquid hazardous waste in any given container or tank;
 - (d) if hazardous waste is stored in an indoor return collection facility, the return collection facility must have a suitable controlled forced air ventilation system. , **and**

(d) by adding the following subsection:

- (5) The requirements set out in subsection (2) (a) and (b) do not apply to a return collection facility that stores only the following:
- (a) waste lead-acid batteries in a quantity that does not exceed 150 kg at any one time;
 - (b) waste oil and antifreeze, in a quantity that does not exceed a total of 5 000 litres at any one time, stored in locked or otherwise secure containers in a return collection facility owned by
 - (i) a local government,
 - (ii) an Indigenous nation, or
 - (iii) a producer or agency, as "agency" is defined in the Recycling Regulation, operating under an extended producer responsibility plan.

13 Section 42.4 is amended

(a) by repealing subsection (1) and substituting the following:

- (1) The owner of a return collection facility must keep an operating record at the return collection facility with the following information:

- (a) a description of each type of hazardous waste, including
 - (i) the name of the hazardous waste, and
 - (ii) if applicable, the product identification number, classification and packing group number as described in the federal dangerous goods regulations;
- (b) a statement as to whether the hazardous waste is a solid, liquid or gas or a combination of 2 or more of these;
- (c) a record, updated at least weekly, of the quantity, in kilograms or litres, of either
 - (i) each type of hazardous waste described for the purposes of paragraph (a) in storage at the return collection facility, or
 - (ii) the total capacity of in-use containers on site. ,

(b) in subsection (2) by striking out “household”,

(c) by repealing subsection (3) and substituting the following:

- (3) The owner of a return collection facility where hazardous waste is stored must do all of the following:
 - (a) ensure that there is adequate clearance between containers stored at the return collection facility, other than containers contained within a leak-proof means of containment, to allow a visual inspection of the containers for leaks and spills;
 - (b) on a weekly basis, inspect the return collection facility for any irregularities including malfunctions, container damage, leaks and spills which may lead to the escape of the hazardous waste from the return collection facility or may pose a threat to human health or the environment;
 - (c) maintain at the return collection facility, for inspection by an officer, a record of inspections conducted as required by paragraph (b) showing
 - (i) any irregularities at the return collection facility and the date the irregularities were discovered, and
 - (ii) the corrective action taken and the date the action was taken. ,

(d) by repealing subsection (4) and substituting the following:

- (4) The owner of a return collection facility must test the contingency plan required by section 42.3 if directed by a director, in writing, to conduct such a test. ,

(e) by repealing subsection (5) (a) and substituting the following:

- (a) each person employed at the return collection facility is adequately trained in
 - (i) the handling of each specific type of hazardous waste handled by that person and accepted at the return collection facility, and
 - (ii) the contingency plans applicable to the return collection facility, and ,

(f) in subsection (5) (b) by striking out “household”,

(g) by adding the following subsection:

(5.1) The owner of a return collection facility must retain documentation that demonstrates that the requirements under subsection (5) have been met. , **and**

(h) by repealing subsection (6) and substituting the following:

- (6) The owner of a return collection facility must
- (a) notify a director at least 90 days in advance of an impending closure of the return collection facility,
 - (b) prepare a written closure plan and submit the plan to a director 60 days prior to closure,
 - (c) if required by a director, amend the closure plan, prior to closure
 - (d) complete the closure of the return collection facility site in accordance with the closure plan, and
 - (e) notify a director that the facility is closed within 30 days after the date of closure.

14 The following sections are added:

Management requirements for return collection facilities

42.41 The following requirements apply to the management of hazardous waste in a return collection facility:

- (a) only passive storage and pouring from one means of containment to another is allowed;
- (b) pouring from one means of containment to another must be done over an impervious surface, under cover of a roof or a portable structure that acts as a roof and within spill containment;
- (c) all means of containment, including tanks and containers, must
 - (i) be maintained in good condition with no apparent structural defects and have no visible leakage, and
 - (ii) have all required labels and markings displayed in a legible manner;
- (d) all tanks and containers must remain closed, unless they are being actively filled or the contents are being emptied;
- (e) the hazardous waste must be stored and handled
 - (i) only for the purpose of storage before delivery to a facility authorized under this regulation, and
 - (ii) in a manner that
 - (A) protects the hazardous waste from damage,
 - (B) protects the hazardous waste from being adversely affected by elements of the weather,
 - (C) ensures the hazardous waste is not stored in standing water, and
 - (D) prevents the exposure of hazardous substances to the public;
- (f) a spill kit capable of dealing with spills of all types of hazardous waste collected and stored at the site must be on site and available at all times;

- (g) at least one fire extinguisher compatible with the types of hazardous waste collected and stored at the site must be available for use at the site.

Consolidation of wastes

- 42.5** A return collection facility may, for the purposes of consolidation, accept hazardous waste that was first received at another return collection facility.

Exemption – License to transport

- 42.51** (1) Subject to subsection (3), a license to transport hazardous waste is not required for the transport of moderate risk waste if all the following apply:
- (a) the moderate risk waste is a dangerous good under the federal dangerous goods regulations and the transporter meets the requirements of that regulation;
 - (b) the transporter has at least \$5 000 000 in third party liability insurance and has prepared and maintains a current contingency plan;
 - (c) the moderate risk waste is being managed under an extended producer responsibility plan;
 - (d) either
 - (i) if the moderate risk waste is waste lead-acid batteries, the waste is being transported from a return collection facility, to a facility of a producer of lead-acid batteries, or
 - (ii) if the moderate risk waste is not waste lead-acid batteries, the waste is being transported from a return collection facility to
 - (A) an authorized facility,
 - (B) a consolidation site facility, or
 - (C) another return collection facility.
- (2) If the conditions in subsection (1) are met, the following sections of this regulation do not apply to a person transporting or receiving moderate risk waste:
- (a) section 5 (4) and (5);
 - (b) section 44 (1) (c), (2) (b) and (3) (b);
 - (c) section 46 (3), (4), (5), (8), (8.1) and (9);
 - (d) sections 47, 47.1 and 47.2.
- (3) The exemption described in subsection (1) does not apply in the case of waste lead-acid batteries that are being transported from a return collection facility operated by a producer of lead-acid batteries to another facility of a producer of lead-acid batteries.

Exemption – manifest

- 42.52** (1) A manifest is not required for the transport of moderate risk waste if the following conditions are met:
- (a) the transport of waste is exempt from the requirement for a license to transport;
 - (b) the return collection facilities, transporters and hazardous waste management facilities or producers

- (i) use a uniquely numbered shipping document compliant with the federal dangerous goods regulations,
 - (ii) keep records for 2 years of the shipping document, and
 - (iii) upon request by an officer, provide a copy of the shipping document to the officer;
 - (c) the shipping document accompanies the transport of waste.
- (2) The shipping document must include the following information, despite the information not being required by the federal dangerous goods regulations:
- (a) consignor phone number and email address;
 - (b) consignor mailing and shipping site address;
 - (c) consignor registration number;
 - (d) consignor signature;
 - (e) consignee name;
 - (f) consignee phone number and email address;
 - (g) consignee mailing and shipping site address;
 - (h) consignee registration number;
 - (i) scheduled arrival date;
 - (j) carrier name;
 - (k) carrier phone number and email address;
 - (l) carrier mailing address;
 - (m) carrier vehicle registration number and province or territory;
 - (n) carrier signature;
 - (o) shipping document number.
- (3) The following information must be added to the shipping document following receipt of a shipment by the consignee:
- (a) time and date of receipt by consignee;
 - (b) quantity received by consignee;
 - (c) consignee signature.

Ignitable or reactive waste

42.53 A return collection facility that handles ignitable or reactive waste must take precautions to prevent a reaction that may do any of the following:

- (a) generate extreme heat or pressure, fire or explosions;
- (b) produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health or the environment;
- (c) produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosion;
- (d) damage the structural integrity of the facility.

Unlabelled or unknown waste

42.54 (1) If unlabelled or unknown waste is accepted by a return collection facility,

- (a) the waste must be classified and labelled in accordance with the federal dangerous goods regulations by
 - (i) a person employed at a facility registered in accordance with section 43 (2) of this regulation, or
 - (ii) a qualified professional,
 - (b) a plan must be developed for managing unlabelled or unknown waste by
 - (i) a person employed at a facility registered in accordance with section 43 (2) of this regulation, or
 - (ii) a qualified professional, and
 - (c) the return collection facility must implement the plan.
- (2) A person employed by a facility registered in accordance with section 43 (2) or a qualified professional must assess whether the waste has appropriate means of containment, is stored appropriately and is labelled in accordance with the federal dangerous goods regulations.

15 The following Divisions are added before Part 7:

Division 3 – Return to Retail Return Collection Facilities

Application of provisions

- 42.6** (1) The provisions of this regulation that apply to a return collection facility apply to a return to retail collection facility.
- (2) Despite subsection (1) of this section and section 2 (1), the following provisions do not apply to a return to retail return collection facility:
- (a) section 42.2 (3);
 - (b) section 42.3 (2) (b);
 - (c) section 42.4 (6).
- (3) Despite section 48 of this regulation, for the purposes of section 9 (1) of the Act, the prescribed maximum amount that is authorized for storage at any one time at a return to retail collection facility is 10 000 kg or 10 000 litres, including quantities not exceeding a total of 5 000 litres at any one time of waste oil.

Division 4 – Temporary Collection Events

Temporary collection events authorized

- 42.7** The temporary collection and storage of hazardous waste at a temporary collection event, in accordance with this Division and section 50, is authorized.

Application of provisions

- 42.71** (1) The provisions of Division 2 of this Part that apply in relation to a return collection facility apply in relation to a temporary collection event as if the temporary collection event were a return collection facility.
- (2) For the purposes of subsection (1), a reference to an “owner of a return collection facility” is to be read as an “operator of a temporary collection event”.

- (3) Despite subsection (1), the following provisions do not apply to a temporary collection event:
 - (a) section 42.2 (3);
 - (b) section 42.3 (1), (2) (b) and (5);
 - (c) section 42.4 (1), (3) (b) and (c) and (6);
 - (d) section 42.5.

Operation of temporary collection events

- 42.72** (1) A temporary collection event may only be operated by the following, or an agent of the following:
- (a) a local government;
 - (b) an Indigenous nation;
 - (c) a producer or agency, as “agency” is defined in the Recycling Regulation, operating under an extended producer responsibility plan.
- (2) Hazardous waste collected by the temporary collection event must not be stored on site for more than 48 hours after the start of the collection event.
- (3) The temporary collection event must have signs that specify the following:
- (a) the hours of operation of the event;
 - (b) the categories of hazardous waste, as described in Schedule 6, that are accepted;
 - (c) any appropriate safety warnings;
 - (d) if hazardous waste is stored overnight at the event,
 - (i) the name and telephone number of the operator of the event,
 - (ii) a 24-hour emergency contact number, and
 - (iii) a notice about the prohibition against depositing materials outside the collection area.
- (4) The operator of a temporary collection event must keep an operating record, updated daily, at the temporary collection event with the following information for each type of hazardous waste stored at the event:
- (a) with respect to each type of hazardous waste in storage at the event, quantified in kilograms or litres,
 - (i) the quantity the hazardous waste, or
 - (ii) the total capacity of in-use containers containing the hazardous waste;
 - (b) the description and name of each type of hazardous waste;
 - (c) if applicable, the product identification number, classification and packing group number as described in the federal dangerous goods regulations;
 - (d) a statement as to whether the hazardous waste is a solid, liquid or gas or combination of 2 or more of these.
- (5) The operator of a temporary collection event where hazardous waste is stored must do the following:

- (a) on a daily basis, inspect the temporary collection event for any irregularities including malfunctions, container damage, leaks and spills which may lead to the escape of the hazardous waste from the return collection facility or may pose a threat to human health or the environment;
- (b) maintain, for inspection by an officer, a record of inspections conducted as required by paragraph (a) showing
 - (i) any irregularities at the return collection facility and the date the irregularities were discovered, and
 - (ii) the corrective action taken and the date the action was taken.

Temporary collection events

42.73 Only moderate risk waste and other hazardous waste that is generated from residential sources may be collected at temporary collection events.

Temporary collection events may be prohibited

42.74 A director may prohibit an operator of a temporary collection event, whether proposed or in progress, from conducting the event if the director has reason to believe that the event may pose a threat to human health or the environment.

Division 5 – Consolidation Site Facilities

Consolidation site facilities authorized

- 42.8**
- (1) The temporary collection and storage of moderate risk waste at a consolidation site facility, in accordance with this Division and section 50, is authorized.
 - (2) Moderate risk waste may be stored at the consolidation site facility only for the purpose of the waste being subsequently removed and delivered to a facility authorized in accordance with this regulation.

Application of provisions

- 42.81**
- (1) The provisions of Division 2 of this Part that apply in relation to a return collection facility apply in relation to a consolidation site facility as if the consolidation site facility were a return collection facility.
 - (2) For the purposes of subsection (1), a reference to an “owner of a return collection facility” is to be read as an “owner of a consolidation site facility”.
 - (3) Despite subsection (1), the following provisions do not apply to a consolidation site facility:
 - (a) section 42.2 (2), (3), (5) and (6);
 - (b) section 42.3 (2) (a) and (b) and (5);
 - (c) section 42.5;
 - (d) section 42.54.
 - (3) A consolidation site facility must be operated in accordance with section 8.

Storage requirements – consolidation site facilities

- 42.82** (1) In a consolidation site facility, all means of containment of hazardous waste, including tanks and containers, must
- (a) be maintained in good condition with no apparent structural defects and have no visible leakage, and
 - (b) have all required labels and markings displayed in a legible manner.
- (2) Despite section 48, for the purposes of section 9 (1) of the Act, the prescribed maximum amount that is authorized for storage at any one time under the authority of section 42.8 (1) is, including quantities not exceeding 5 000 litres at any one time of waste oil, 30 000 kg by weight or 30 000 litres by volume.

Division 6 – Generating and Accepting Moderate Risk Wastes

Generators

- 42.9** If a person is registered in accordance with section 43 (1) and generates and accepts moderate risk waste, but does not generate or accept any other hazardous waste,
- (a) the person is not required to comply with Parts 2, 3 and 4, and
 - (b) the person must comply with the requirements under this regulation that apply to a return collection facility.

16 Section 43 is amended

(a) in subsection (1) by striking out “A person” and substituting “Subject to subsection (1.1), a person”, and

(b) by adding the following subsection:

- (1.1) Registration in accordance with subsection (1) is not required for the management of PCB wastes that are generated from domestic activity at residential premises.

17 The following sections are added:

Requirements for establishment and operation – consolidation site facilities

- 43.1** A person who owns a consolidation site facility must be registered with the ministry in accordance with section 43 (1).

Transitional registration requirements

- 43.2** If, on August 1, 2023, a person holds a registered site number for a return collection facility or a consolidation site facility, the person may
- (a) retain the registered site number, or
 - (b) register with the ministry in accordance with section 43 (1).

18 **Section 44 (1) (a), (2) (a) and (3) (a) is amended by adding** “or, if the hazardous waste is moderate risk waste, a return collection facility or a consolidation site,” **after** “authorized consignee”.

19 **Section 45 is amended**

(a) **in subsection (1) by striking out** “, after 90 days from the effective date of this regulation,”, **and**

(b) **in subsection (2) by striking out “or” at the end of paragraph (a), by adding “, or” at the end of paragraph (b) and by adding the following paragraph:**

(c) if the hazardous waste is being transported from a return collection facility to an authorized facility by an employee of an owner of the facility and the quantity of waste being transported is less than the amount in Column II of Schedule 6.

20 **Section 46 (2) is amended**

(a) **by striking out “or” at the end of paragraph (b),**

(b) **repealing paragraph (c) and substituting the following:**

(c) the hazardous waste is transported by a homeowner or farmer from the person’s residential premises or farm directly to

(i) a facility operated by the government or a municipality, or an agent of the government or a municipality,

(ii) a return collection facility, or

(iii) a temporary collection event, or , **and**

(c) **by adding the following paragraph:**

(d) the moderate risk waste generated within a national, Provincial, regional or municipal park is transported directly to an authorized facility by an employee or agent of the park.

21 **Section 48 is amended by striking out** “sections 16, 42.3 (2) and (3) and 42.4 (1) to (6)” **and substituting** “section 16”.

22 **Section 50 (5) is amended by adding** “or allow incompatible wastes to come into contact with each other” **after** “incompatible with the hazardous waste”.

23 **Form 1 in Schedule 5 is amended under the heading “C. HAZARDOUS WASTE MANAGEMENT FACILITY” in subsection (1) by striking out “household” and by adding the following checkboxes after the checkbox for “Return Collection Facility”:**

Return to Retail Collection Facility []

Consolidation Site Facility [] .

APPENDIX 2

1 The Hazardous Waste Regulation, B.C. Reg. 63/88, is amended by adding the following section:

Operational plans – return collection facilities

- 42.42** (1) In this section, “**hazardous waste**” means hazardous waste, other than moderate risk waste, e-waste or pharmaceutical waste, that is
- (a) generated from a product sold by a retailer for use in domestic activities at residential premises, and
 - (b) generated from a residential source.
- (2) The storage of hazardous waste at a return collection facility is authorized if an operational plan in respect of the hazardous waste is developed and implemented in accordance with this section.
- (3) If hazardous waste is accepted or handled by a return collection facility, the owner of a return collection facility must
- (a) develop and implement an operational plan for accepting and handling the hazardous waste, and
 - (b) submit the operational plan to a director.