

## **REGULATION**

### **The Management of Polychlorinated Biphenyls (PCB) Wastes in Ontario**

#### **Legislative Authority:**

Environmental Protection Act, SO 1990

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**CHANGES TO PCB WASTE DEFINITION AND PHASE OUT OF STORAGE  
(A Regulation to Amend Regulation 362)**

**DEFINITIONS**

The definition of "PCB" in section 1 of the Regulation is revoked and the following substituted:

"PCB" means any chlorobiphenyl that have the molecular formula  $C_{12}H_{(10-n)}Cl_n$  in which "n" is greater than 2;

The definition of "PCB equipment" in section 1 of the Regulation is revoked and the following substituted:

"PCB equipment" means any equipment or container designed or manufactured to operate with PCB liquid, PCB mixture or PCB solid or that contains or is contaminated by a PCB liquid, PCB mixture or PCB solid, but does not include PCB electrical equipment;

The definition of "PCB liquid" in section 1 of the Regulation is revoked and the following substituted:

"PCB liquid" means a liquid that contains more than 50 mg of PCBs per kilogram of the liquid;

The definition of "PCB waste" in section 1 of the Regulation is revoked and the following substituted:

"PCB waste" means,

- (a) any PCB liquid, PCB solid, PCB mixture, PCB equipment, PCB-contaminated soil or PCB electrical equipment, of a regulated quantity, that is not being used daily in Ontario; and,
- (b) any packaging or container that has held any of the items referred to in paragraph (a), that is not being

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used daily in Ontario to package or contain an item referred to in paragraph (a), that is contaminated with more than 50 mg of PCBs per kilogram of the packaging or container and that is a regulated quantity;

but does not include,

- (c) PCB electrical equipment, PCB mixture or PCB equipment after it has been decontaminated pursuant to the CCME document PCB Transformer Decontamination Standards and Protocols, December 1995, guidelines issued by the Ministry of the Environment or instructions issued by the Director,
- (d) PCB equipment or PCB electrical equipment that is machinery or equipment referred to in clause (e), or
- (e) PCB liquid that is at the site of fixed machinery or equipment, the operation of which is intended to destroy the chemical structure of PCBs by using the PCBs as a source of fuel or chlorine for a purpose other than the destruction of PCBs or other wastes and with respect to which a certificate of approval has been issued under section 9 of the Act specifying the manner in which PCB liquid be processed in the machinery or equipment.

**The definition of "PCB materials" is revoked.**

**Section 1 of the Regulation is amended by adding the following definitions:**

**"PCB electrical equipment"** means electrical equipment, including any transformer or capacitor, designed or manufactured to operate with PCB liquid, PCB mixture or PCB solid or that contains or is contaminated by a PCB liquid, PCB mixture or PCB solid;

**"PCB-contaminated soil"** means any soil or other loose material contaminated by a PCB liquid, PCB solid or PCB mixture to the extent that the soil or other loose material contains more than 50 mg of PCBs per kilogram of the soil or

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material;

**"PCB mixture"** means a mixture that contains more than 50 mg of PCBs per kilogram of the mixture;

**"PCB solid"** means a solid that contains more than 50 mg of PCBs per kilogram of the solid;

**"sensitive site"** means,

(a) a site on which is located a residence or institution in which people reside, or a school, day care facility, hospital, place of worship, campground, playground or park, or

(b) a site that is zoned to permit one or more of the uses referred to in clause (a).

**PCB WASTE DISPOSAL SITES**

**Section 3 of the Regulation is amended by adding the following subsections:**

(3) Six month shutdown

In the definition of "PCB waste", PCB equipment or PCB electrical equipment in Ontario that is shut down for a period of less than six months is deemed to be being used daily in Ontario.

(4) Regulated quantity

In the definition of "PCB waste" a regulated quantity of:

- (a) PCB liquid is an amount of 100 litres or more,
- (b) PCB-contaminated soil, PCB solid or PCB mixture is an amount of 100 kg or more,
- (c) PCB-contaminated soil, PCB liquid, PCB mixture or PCB solid, is 1 kg or more of PCBs, where clauses (a) and (b) do not apply,
- (d) PCB electrical equipment or PCB equipment is the quantity of such equipment that contains an amount of

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PCBs, PCB liquids, PCB mixtures or PCB solids referred to in any of clauses (a) to (c),

- (e) fluorescent light ballasts is 40 ballasts,
- (f) fluorescent light ballasts, where a project is underway for the removal of 100 or more ballasts, is one ballast.

**APPROVAL REQUIREMENTS AND PHASE-OUT**

**Subsection 5(1) is revoked and the following substituted:**

- (1) A PCB waste disposal site is exempt from sections 27, 40 and 41 of the Act within a three year period following the effective date of these regulations.

**Subsection 5(2)(b)(i) of the Regulation is revoked.**

**The following section is added to the Regulation:**

9. Phase-out schedule

- (1) PCB waste in storage at a PCB waste disposal site, authorized through a Director's Instruction issued prior to the effective date of these regulations, must be removed from storage and destroyed within a three year period following the effective date of these regulations.
- (2) PCB waste in storage at a PCB waste disposal site authorized through a Director's Instruction issued within two years following the effective date of these regulations, and PCB waste added, within a two year period following the effective date of these regulations, to a PCB waste disposal site authorized through a Director's Instruction issued prior to the effective date of these regulations, must be removed from storage and destroyed within a three year period following the effective date of these regulations.
- (3) PCB waste in storage at a PCB waste disposal site, authorized through a Director's Instruction issued after

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a two year period following the effective date of these regulations, and PCB waste added, after a two year period following the effective date of these regulations, to a PCB waste disposal site authorized through a Director's Instruction issued prior to the effective date of these regulations, must be removed from storage and destroyed within a one year period following the waste being put into storage.

- (4) PCB waste in storage at a PCB waste disposal site, located at a sensitive site and authorized through a Director's Instruction issued prior to the effective date of these regulations, must be removed from storage and destroyed within a one year period following the effective date of these regulations.
- (5) PCB waste in storage at a PCB waste disposal site, located at a sensitive site and authorized through a Director's Instruction issued following the effective date of these regulations and PCB waste added to a PCB waste disposal site, located at a sensitive site and authorized through a Director's Instruction issued prior to the effective date of these regulations, must be removed from storage and destroyed within a one year period following the effective date of these regulations.
- (6) No new PCB waste storage sites will be allowed at sensitive sites after a one year period following the effective date of these regulations.