

ONTARIO REGULATION 85/16
made under the
ENVIRONMENTAL PROTECTION ACT

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REGISTRATIONS UNDER PART II.2 OF THE ACT - END-OF-LIFE VEHICLES

Interpretation

1. (1) In this Regulation,

- “crusher” means any equipment, apparatus, mechanism or thing that is used to crush a material; (“presse”)
- “end-of-life vehicle” means a motor vehicle or motor vehicle hulk described in section 2; (“véhicule hors d’usage”)
- “end-of-life vehicle waste disposal site” means a waste disposal site described in section 3; (“lieu d’élimination des déchets provenant des véhicules hors d’usage”)
- “fluid” includes antifreeze, fuel, lubricating oil or windshield washer fluid; (“liquide”)
- “lubricating oil” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990 (General — Waste Management) made under the Act; (“huile lubrifiante”)
- “managed” includes collected, handled, transported, stored, processed and disposed of; (“géré”)
- “motor vehicle” has the same meaning as in the *Highway Traffic Act*; (“véhicule automobile”)
- “motor vehicle hulk” means, whether alone or in combination, all or part of the body, unibody, chassis, frame, substrate or any other similar component of a motor vehicle; (“carcasse de véhicule automobile”)
- “noise receptor” means, subject to subsection (2), a permanent or seasonal residence, hotel, motel, long-term care home, retirement home, hospital, campground, child care facility, educational facility or place of worship and includes a vacant lot that has been zoned to permit such a building or campground; (“récepteur de bruit”)
- “operator” has the same meaning as in Part V of the Act; (“exploitant”)
- “PCB waste” has the same meaning as in Regulation 362 of the Revised Regulations of Ontario, 1990 (Waste Management — PCB’s) made under the Act; (“déchets de BPC”)
- “pollutant” has the same meaning as in Part X of the Act; (“polluant”)
- “property” 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; (“bien-fonds”)
- “property boundary” means, in respect of a noise receptor, the boundary of the property on which the noise receptor is situated; (“limite du bien-fonds”)
- “radioactive waste” has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990; (“déchets radioactifs”)
- “shear” means any equipment, apparatus, mechanism or thing equipped with cutting blades or rotary disks that is used to cut or shear a material; (“cisaille”)
- “spill” has the same meaning as in Part X of the Act; (“déversement”)
- “spill containment system” means a system that,
- (a) prevents the discharge of a pollutant from becoming a spill, or
 - (b) prevents a pollutant from entering a sewage works or other system that is not designed to contain or handle the discharge; (“système de confinement des déversements”)
- “thermal treatment” and “thermal treatment site” have the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990; (“traitement thermique”, “lieu de traitement thermique”)
- “waste” has the same meaning as in Part V of the Act; (“déchets”)
- “waste disposal site” has the same meaning as in Part V of the Act; (“lieu d’élimination des déchets”)

“wet component” means a component removed from an end-of-life vehicle that contains a fluid, including an internal combustion engine, transmission, radiator, power steering unit or unsealed differential. (“composant contenant un liquide”)

(2) For the purposes of the definition of “noise receptor” in subsection (1), a noise receptor does not include a permanent or seasonal residence, hotel, motel, long-term care home, retirement home, hospital, campground, child care facility, educational facility, place of worship or a vacant lot that has been zoned to permit such a building or campground that is located on the property upon which the waste disposal site is situated.

End-of-life vehicle

2. A motor vehicle or a motor vehicle hulk is an end-of-life vehicle if,

- (a) it is abandoned; or
- (b) it is being managed for the purpose of,
 - (i) recycling it,
 - (ii) reusing it other than as an operable motor vehicle, or
 - (iii) disposing of it.

End-of-life vehicle waste disposal site

3. (1) An end-of-life vehicle waste disposal site is a waste disposal site that meets the following criteria:

- 1. Only end-of-life vehicles are managed at the waste disposal site, subject to subsection (2).
 - 2. None of the following wastes are managed on the property upon which the waste disposal site is situated, unless the wastes are generated on the property:
 - i. Biomedical waste or treated biomedical waste, as defined in the Ministry publication entitled “Guideline C-4: The Management of Biomedical Waste in Ontario”, dated November 2009, as amended from time to time and available on a website of the Government of Ontario.
 - ii. Asbestos waste, as defined in subsection 1 (1) of Regulation 347 of the Revised Regulations of Ontario, 1990 (General – Waste Management) made under the Act, other than waste that results from the removal of asbestos-containing components from a motor vehicle.
 - iii. PCB waste.
 - iv. Radioactive waste.
 - 3. If there is a thermal treatment site on the property upon which the waste disposal site is situated, at least one of the following criteria is met:
 - i. An environmental compliance approval has been issued in respect of the thermal treatment site.
 - ii. The waste disposal site is a waste-derived fuel site to which subsection 28.6 (1) of Regulation 347 of the Revised Regulations of Ontario, 1990 does not apply because of the operation of subsection 28.6 (2) of that regulation.
 - 4. No disposal of waste takes place on the property upon which the waste disposal site is situated unless one of the following criteria is met:
 - i. An environmental compliance approval has been issued that permits the disposal of the waste.
 - ii. If the waste is disposed of using thermal treatment, one of the criteria in paragraph 3 is met.
 - 5. The waste disposal site and any activity being engaged in on the property upon which the waste disposal site is situated are not identified as a significant drinking water threat in a source protection plan approved under the *Clean Water Act, 2006*.
- (2) The following may also be done at an end-of-life vehicle waste disposal site:
- 1. Components or other materials removed from an end-of-life vehicle may be managed at the site whether the removal happened on or off the site. However, fluids removed from an end-of-life vehicle shall not be managed at the site if the fluids were removed off the site.
 - 2. Metal or other material that is primarily metal by weight, other than wastes described in paragraph 2 of subsection (1), may be managed at the site if the metal or other material is destined for a site at which it is to be used in a commercial, manufacturing or industrial process or operation, as long as the principal purpose of that use is not waste management or combustion.

Prescribed activities, s. 20.21 of the Act - waste

4. (1) Subject to subsection (2), the following are prescribed activities for the purposes of subsection 20.21 (1) of the Act:

1. The use, operation, establishment, alteration, enlargement or extension of an end-of-life vehicle waste disposal site.

(2) This section does not apply in respect of activities engaged in at an end-of-life vehicle waste disposal site if, as a result of the application of section 5.1 of Regulation 347 of the Revised Regulations of Ontario, 1990 (General – Waste Management) made under the Act, subsection 27 (1) of the Act does not apply with respect to the site.

Prescribed activities, s. 20.21 of the Act - air

5. (1) Subject to subsection (4), the following are prescribed activities for the purposes of subsection 20.21 (1) of the Act:

1. The use, operation, construction, alteration, extension or replacement of any structure, equipment, apparatus, mechanism or thing that meets the criteria set out in subsection (2) and that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water.
2. The alteration of a process or rate of production with respect to any structure, equipment, apparatus, mechanism or thing that meets the criteria set out in subsection (2) if the alteration may result in one of the following:
 - i. A contaminant being discharged into any part of the natural environment other than water.
 - ii. The rate or manner of discharge of a contaminant into any part of the natural environment other than water being altered.

(2) The criteria referred to in paragraphs 1 and 2 of subsection (1) with respect to a structure, equipment, apparatus, mechanism or thing are the following:

1. The structure, equipment, apparatus, mechanism or thing is used at an end-of-life vehicle waste disposal site for the management of a material that is permitted to be managed at the site, or for a use that is ancillary to the operation of the site.
2. The structure, equipment, apparatus, mechanism or thing is not a shredder that is used or operated to shred metal.
3. The equipment, apparatus, mechanism or thing is not used or operated to cut, using heat, metal with a thickness greater than 250 mm.
4. If the equipment, apparatus, mechanism or thing is used to crush or shear metal on more than 50 days in a calendar year and the distance between the crusher or shear and the property boundary of a noise receptor is less than 250 metres, an acoustic barrier that meets the following requirements is installed on the site of the crusher or shear:
 - i. An acoustic barrier that breaks the line of sight between the crusher or shear and the noise receptor.
 - ii. An acoustic barrier that has a density of at least 20 kg/m².

(3) For the purposes of paragraph 4 of subsection (2), the distance between a crusher or shear and the property boundary of a noise receptor shall be measured horizontally from the point that is located on the edge of the unit and closest to the property boundary of the noise receptor to the point that is located on the property boundary of the noise receptor and closest to the point from which the measurement is made.

(4) This section does not apply in respect of activities related to a structure, equipment, apparatus, mechanism or thing that is exempt from section 9 of the Act.

Registration exemptions, s. 20.21 (1) (a) and (b) of the Act

6. A person who engages in an activity prescribed by section 4 or 5 is exempt from clauses 20.21 (1) (a) and (b) of the Act in respect of the activity if,

- (a) the activity is engaged in at an end-of-life vehicle waste disposal site in respect of which the person has previously registered an activity prescribed by section 4 or 5 of this Regulation; and
- (b) the registration in respect of the previous registered activity is not suspended and has not been removed from the Registry.

Activity requirements, s. 20.21 (1) (c) of the Act - waste

7. (1) For the purposes of clause 20.21 (1) (c) of the Act, a person who engages in an activity prescribed by paragraph 1 of subsection 4 (1) of this Regulation shall ensure that the following requirements are complied with:

1. All fluids shall be removed and collected from all material that is permitted to be managed at an end-of-life vehicle waste disposal site prior to shearing, crushing or shredding the material.
2. The fluids referred to in paragraph 1 shall be removed as follows:
 - i. On an impermeable surface that has a spill containment system.
 - ii. Under a covered structure and in such a manner so as to prevent precipitation from coming into contact with the fluids or the components from which the fluids are being removed.

3. All shearing, crushing and shredding equipment shall meet at least one of the following requirements:
 - i. The equipment must have a spill containment system.
 - ii. The equipment must be used and operated in an area with a spill containment system.
4. All batteries that have been removed and collected from an end-of-life vehicle shall be stored in such a manner so as to prevent the following:
 - i. Precipitation from coming into contact with the battery.
 - ii. Short circuiting of the battery.
5. All electrical switches that contain mercury, battery cable connectors that contain lead and tire weights that contain lead that have been removed and collected from an end-of-life-vehicle and all fluids that have been removed from a material that is permitted to be managed at an end-of-life vehicle waste disposal site shall be stored in separate containers that meet the following requirements:
 - i. The container is stored above ground.
 - ii. The container bears a label on which the contents of the container are clearly identified.
 - iii. The container is designed or protected in such a manner so as to prevent precipitation from coming into contact with the contents of the container.
 - iv. The container is capable of storing its contents without any degradation or deterioration of the container or any leaks.
 - v. If the contents of the container are fluids or electrical switches that contain mercury, the container is closed and sealed when not in active use.
6. All batteries that have been removed and collected from an end-of-life vehicle and the materials referred to in paragraph 5 that have been removed and collected from a material that is permitted to be managed at an end-of-life vehicle waste disposal site must not be stored for a period exceeding 24 months.
7. The fluids referred to in paragraph 5 that have been removed from a material that is permitted to be managed at an end-of-life vehicle waste disposal site must be stored, handled and maintained so as to prevent the following:
 - i. Leaks or spills of the fluid.
 - ii. Damage to or deterioration of the container in which the fluid is stored.
8. If a wet component has been removed and collected from an end-of-life vehicle, it shall be stored as follows:
 - i. On an impermeable pad.
 - ii. In such a manner so as to prevent precipitation from coming into contact with the component.
9. The person shall develop and implement a spill prevention and management plan with respect to the end-of-life vehicle waste disposal site that includes, at a minimum, the following:
 - i. The procedures and materials to be used for the clean-up of a spill.
 - ii. The location of all drains.
 - iii. The location of materials that may be used to temporarily seal drains in the event of a spill.
 - iv. The names of the persons to be notified in the event of a spill.
 - v. The schedule for inspecting the storage areas, containers and spill containment systems.
10. Materials that have been used in the operation of the end-of-life vehicle waste disposal site or that have been or will be used to clean up spills at the site shall be stored in sealed containers prior to disposal and when not in use.
11. Every employee of an operator of an end-of-life vehicle waste disposal site and every person retained by the operator who engages in the management of a material that is permitted to be managed at an end-of-life vehicle waste disposal site shall have received training with respect to the following:
 - i. Waste management legislation, regulations and guidelines that are relevant to the operation of an end-of-life vehicle waste disposal site.
 - ii. Environmental concerns pertaining to a material that may be handled at an end-of-life vehicle waste disposal site.
 - iii. Occupational health and safety concerns pertaining to a material that may be handled at an end-of-life vehicle waste disposal site.

- iv. The safe use and operation of equipment that may be used or operated at an end-of-life vehicle waste disposal site.
 - v. Procedures for responding to emergencies, including fires and explosions, that may occur at an end-of-life vehicle waste disposal site.
 - vi. Procedures for dealing with spills that may occur at an end-of-life vehicle waste disposal site, including clean up, disposal and reporting procedures.
12. All storage areas and containers are inspected for spills and leaks at least once a week by a person who has received the training described in paragraph 11.
 13. If the person receives a complaint with respect to the end-of-life vehicle waste disposal site and the complaint relates to the natural environment, the district manager of the Ministry for the district in which the events leading to the complaint are alleged to have occurred shall be notified no later than two business days after the complaint is received.
 14. Any equipment used or operated at the end-of-life vehicle waste disposal site to shear or crush a material that is permitted to be managed at the site shall be used or operated only between the hours of 7 a.m. and 7 p.m.
 15. Any equipment that is used to shear or crush a material or mechanically remove fluids from a material that is permitted to be managed at the end-of-life vehicle waste disposal site shall be used, operated and maintained in a manner that satisfies the recommendations of the manufacturer of the equipment.
 16. Access to the end-of-life vehicle waste disposal site shall be limited to such times as an attendant is on duty who is trained in the matters described in paragraph 11.
 17. Subject to subsection (2), the total number of tire units stored on the property upon which the end-of-life waste disposal site is situated shall be less than 5,000 and the total volume of all stored piles of tire units on the property shall be less than 300 cubic metres.
- (2) The requirement set out in paragraph 17 of subsection (1) does not apply if an environmental compliance approval provides otherwise.
- (3) For the purposes of paragraph 17 of subsection (1), a tire unit has the same meaning as in subsection 6 (1) of Regulation 347 of the Revised Regulations of Ontario, 1990 (General – Waste Management) made under the Act.

Activity requirements, s. 20.21 (1) (c) of the Act - air

8. For the purposes of clause 20.21 (1) (c) of the Act, a person who engages in an activity prescribed by paragraph 1 or 2 of subsection 5 (1) of this Regulation shall ensure that the following requirements are complied with:

1. The person shall develop and implement the following programs at the end-of-life vehicle waste disposal site:
 - i. A program to minimize any visible emissions into the air being carried beyond the boundary of the property upon which the site is situated.
 - ii. A program to minimize dust being carried beyond the boundary of the property upon which the site is situated.
2. Any equipment that is used to shear or crush a material or mechanically remove fluids from a material that is permitted to be managed at the end-of-life vehicle waste disposal site shall be used, operated and maintained in a manner that satisfies the recommendations of the manufacturer of the equipment.
3. Any equipment, apparatus, mechanism or thing that is used or operated to cut metal is not used or operated in a manner that results in a visible emission into the air being carried beyond the boundary of the property upon which the end-of-life vehicle waste disposal site is situated.

Records

9. A person who engages in an activity prescribed by section 4 or 5 shall ensure that each of the following records is created and retained for a period of two years from the day it is created:

1. A record of the following information with respect to each inspection, maintenance and repair of any equipment used to manage a material permitted to be managed at the end-of-life vehicle waste disposal site:
 - i. The date and a summary of the inspection, including, with respect to the equipment, any deficiencies identified, or any maintenance or repair performed.
 - ii. The name of the person who performed the inspection, maintenance or repair.
 - iii. If the person referred to in subparagraph ii is not an employee of the operator of the end-of-life vehicle waste disposal site, the name of the person's employer or the name of the business that employs the person.
2. A record of the following information with respect to each inspection of any storage areas and containers:

- i. The date and a summary of the inspection, including, with respect to the storage areas and containers, any unsatisfactory conditions observed or discovered and the steps taken to correct such conditions.
 - ii. The name of the person who performed the inspection or took the steps to correct a condition.
 - iii. If the person referred to in subparagraph ii is not an employee of the operator of the end-of-life vehicle waste disposal site, the name of the person's employer or the name of the business that employs the person.
3. A copy of every document relating to each inspection, and any maintenance, repair or steps taken, mentioned in paragraphs 1 and 2.
4. A record of the following information with respect to each complaint received by the person with respect to the end-of-life vehicle waste disposal site, if the complaint relates to the natural environment:
 - i. The date and time when the complaint was received.
 - ii. A copy of the complaint, if it is a written complaint.
 - iii. A summary of the complaint, if it is not a written complaint.
 - iv. A summary of the measures taken, if any, to address the complaint.
5. A record of the following information with respect to the training described in paragraph 11 of subsection 7 (1):
 - i. The name of every person who has received the training.
 - ii. The date or dates upon which the person received or refreshed his or her training.
 - iii. Copies of all materials that are used for the training.
6. A record of the following information with respect to spills of a pollutant from a container or a spill containment system:
 - i. The date, time, location and duration of the discharge of the pollutant.
 - ii. The identity of the pollutant discharged.
 - iii. The quantity of the pollutant discharged.
 - iv. The circumstances and cause of the spill.
 - v. The details of the containment and clean-up efforts.
 - vi. An assessment of the success of the containment and clean-up efforts.
 - vii. The method used, in accordance with subsection 96 (1) of the Act, to dispose of or use the pollutant, or any matter, thing, plant or animal or any part of the natural environment that is affected by the pollutant.
 - viii. If the pollutant, or any matter, thing plant or animal or any part of the natural environment referred to in subparagraph vii is disposed of, the location of the disposal site.
 - ix. A description of any adverse effects observed as a result of the spill.
7. The manufacturer's vehicle identification number of every end-of-life vehicle managed at the end-of-life vehicle waste disposal site.
8. A record of the dates and times of all shearing, crushing and shredding taking place on the end-of-life vehicle waste disposal site.

Prescribed date approval ceases to have effect

10. For the purposes of clause 20.17 (b) of the Act, 18 months after the day sections 4 and 5 of this Regulation come into force is prescribed as the day on which an environmental compliance approval issued in respect of any activity to which this Regulation applies ceases to apply to that activity.

Commencement

11. (1) Subject to subsection (2), this Regulation comes into force six months after the day it is filed.

(2) Sections 7 and 8 come into force 18 months after the day this Regulation is filed.