End-of-Life Vehicle Waste Disposal Site EASR

Ontario Ministry of the Environment and Climate Change

Regulation Overview

Outline

- To provide an overview of regulations for the processing of an End-of-Life Vehicle (ELV).

Original Regulatory Landscape

- In relying on an exemption for “Derelict Motor Vehicles”, ELV processing facilities have not typically been obtaining waste approvals under the *Environmental Protection Act* to operate.
- As a result, there has been limited preventative regulatory tools in place to ensure ELV processing is done in an environmentally responsible manner and to prevent environmental issues from arising.

Environmental Concerns at ELV Sites

- The processing of ELVs can release materials that pose environmental risks unless removed and managed properly prior to recycling, including lead, mercury, and automotive fluids.
- In 2004, MOECC conducted a sector sweep of auto wreckers, where 97% of the 68 inspected sites had environmental concerns.
- In 2012, a survey of MOECC field staff identified numerous events at ELV sites over the last 4 years including spills of automotive fluids, fires, surface water discharges and improper/unapproved sewage works.

Goals of Regulations

- The goals of this regulation are to:
  - Support ministry resource recovery efforts and respond to industry concerns, the MOECC has been discussing since 2011 the potential for enhancing regulatory oversight of ELV processing with the Ontario Automotive Recyclers Association (OARA) and other industry organizations.
    - Industry has indicated that regulations would level the playing field by making environmental management more consistent across the sector.
  - Apply consistent environmental standards across the industry to ensure automotive recycling is done in an environmentally responsible manner.
  - Help to achieve the goal of increasing waste diversion, and ensuring that economic benefits are being recovered from the waste stream.

Stakeholder Consultation

- Held consultation sessions in 4 Ontario cities, and presented at OARA general meeting. Over 150 people attended these sessions.
- Visited numerous sites operated by both OARA and non-OARA members to identify standard operating practices, and to understand how proposed regulations may impact operations.
- A technical discussion paper was posted to the Environmental and Regulatory Registry from February – April of 2014.
  - Received 32 comments from industry associations, individual operators, related industries, eNGOs, academic experts, and the public.
- Draft regulations were posted to the Environmental and Regulatory Registry from October – December of 2015.
  - Received 35 comments from industry associations, individual operators, related industries, eNGOs, academic experts, and the public.

Overview of the Regulation

1. Amendment to Regulation 347

2. ELV Waste Disposal EASR

3. Amendments to Regulation 351/12

Amendments to Regulation 347 – Designation of ELVs as a Waste

Amend derelict motor vehicle exemption

- Existing derelict motor vehicle exemption is amended so that it more closely aligns with the exemption's original intent. The amendments would only apply the exemption to the following:
  - Sites with low numbers of ELVs that only process for reuse (e.g. hobbyists or agricultural operations that harvest parts for reuse); or
  - Sites that do not process vehicles, and that store for a limited period (e.g. auction houses).

Designating ELVs as a waste

- To allow for environmental oversight, ELVs are designated as a waste in Regulation 347.
- Designating ELVs as a waste would mean that those sites that do not meet the amended exemption will be required to come in for an Environmental Compliance Approval (ECA) or register on the Environmental Activity and Sector Registry (EASR).

Amendments to Regulation 347 – Requiring Depollution Prior to Crushing

- Regulation 347 is being amended to require that all ELVs be depolluted prior to crushing, shearing, or shredding.
- ELVs contain numerous fluids and components that are hazardous to the environment.
- Prior to crushing or shredding an ELV, these hazardous materials must be removed.
- Depollution of fluids must occur on an impermeable pad with spill containment, and under a covered structure that prevents precipitation from coming into contact with the fluids or the components from which the fluids are being removed.

Amendments to Regulation 347 – Requiring Depollution Prior to Crushing (cont'd)

- Materials that would be depolluted include:
  - Fuels
  - Lubricating oils including transmission fluids
  - Brake and steering fluids
  - Coolant fluids
  - Refrigerants
  - Windshield washer fluid
  - Batteries
  - Oil
  - Mercury-containing convenience lighting switches and anti-lock braking system (ABS) sensor modules
  - Tires
  - Lead battery cable connectors and tire weights
  - Brake pads containing asbestos

Amendments to Regulation 347: Fluid Management

Fluid Management

- Items listed in slide 10 would have to be stored appropriately and, where applicable, be handled in accordance with Regulation 347.
- Asbestos brake pads would be handled as asbestos waste as outlined in Regulation 347, e.g.:
  - Stored in bags of at least 6 mm;
  - Transported directly to approved landfill;
  - Landfill must be notified of asbestos waste being deposited.

Amendments to Regulation 347 – exempting transport of ELVs from needing an ECA

- Designating ELVs as a waste would mean that all aspects of ELV management, including the transport of ELVs, would need an ECA.
- As part of the regulatory changes, the MOECC exempts waste transportation systems that only collect, handle, transport and transfer ELVs from requiring an ECA or registration (e.g. truck drivers).
  - If processing occurs, such as removing valuable parts, then the exemption would no longer apply.

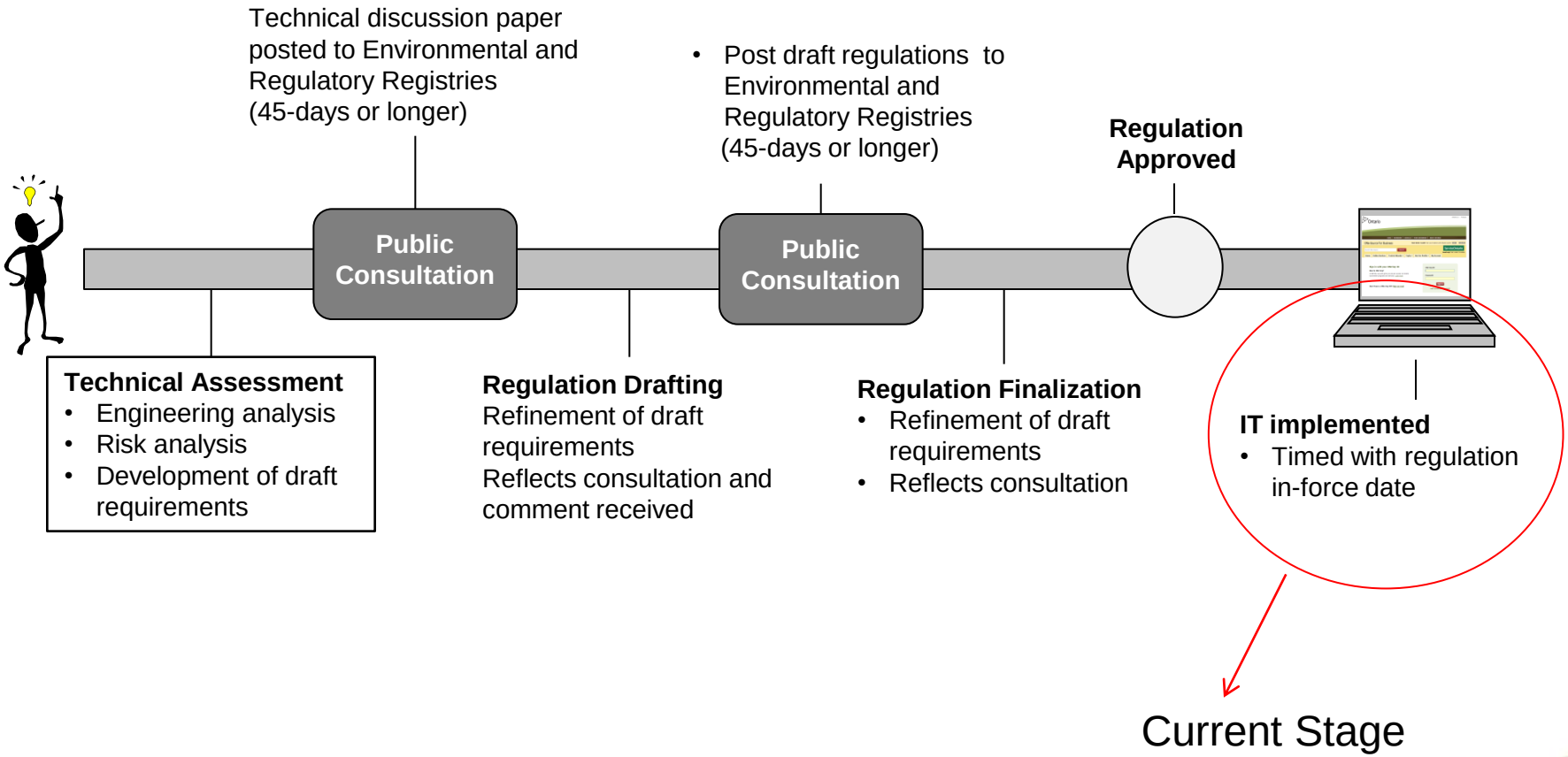
ELV Waste Disposal Site EASR

- Designating ELVs as a waste would require that ELV sites come in for an ECA if they do not meet the exemption. However, to alleviate the time and financial burden that could be associated with requiring an ECA, the ministry has filed an EASR regulation for ELV waste disposal sites.
- Sites that meet the EASR eligibility are able to register, those that do not meet the eligibility requirements will be required to submit an application for an ECA.
- Sites with an existing ECA for EASR activities would be able to continue to operate under their ECA until 2 years after the regulations come into force, or until an amendment is needed for the ECA.

Environmental Activity and Sector Registry

- The EASR is an on-line registry that provides a streamlined system that replaces the requirement to obtain an ECA.
- The process can be completed in minutes.
- The EASR allows facilities engaged in prescribed activities (in this case, ELV recycling) to register with the government instead of applying for an ECA.
- The EASR lays out a set of rules that must be met in order to maintain compliance with the regulations.
- There is a one-time registration fee of $1,190.

Environmental Activity and Sector Registry (EASR) Development Steps



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ELV Waste Disposal Site EASR – Waste Eligibility

- Under the regulations, a facility would be eligible to register for the waste component of the EASR if they only process ELVs and any of the following:
  - Waste that is primarily metal by weight and that is destined for recycling;
  - Other wastes for which the site has an existing ECA.
- If the facility manages other wastes, those wastes must either be exempt from Part V. of the Act or Regulation 347, or the site must have an ECA to manage those wastes.
- Unless generated on site, the site may not manage bio-medical, PCB, or radioactive waste, even if they have an ECA for the management of those wastes.
- The site is not identified as a significant drinking water threat in a source protection plan under the *Clean Water Act, 2006.* Sites that are identified as a threat would be required to come in for an ECA.

ELV Waste Disposal Site EASR – Air Eligibility

- To be eligible for the air component of the EASR, the following conditions must be met:
  - If the site uses metal shredding equipment, they would have to have an ECA for those air and noise emissions.
  - When using torch cutting and lancing:
    - Metal being cut must be less than 250mm in thickness.
  - If a crusher is operated on site:
    - Crushing equipment must have a set back distance of 250m from the property boundary of the nearest noise receptor; OR
    - Have a sound barrier with a minimum density of 20kg/m^2 between the crushing equipment and the property boundary of any noise receptors within 250m; OR
    - Crush for less than 50 days in a year.
- If the site cannot meet the requirements, an approval for their air emissions would need to be obtained.

ELV Waste Disposal Site EASR – Operating Requirements

- EASR registered sites are required to meet mandatory operating requirements that would govern the design and operation of the site. The operating requirements outlined in this proposal are comparable to operating requirements found in other EASR regulations.
- Regulation includes operating requirements for:
  - ELV processing
    - Specifies components to be removed; depollute on impermeable surface.
  - Waste storage
    - Containment is compatible with materials being stored; 2 year storage time limits (consistent with Regulation 347).
  - Spills prevention and cleanup
    - Spill clean up equipment; inspection schedule.
  - Mitigating air/noise emissions
    - Can only crush between 7 a.m. and 7 p.m.; must have program in place that minimizes visible emissions from crossing property boundary.
  - Training of site personnel
    - Familiarity with relevant environmental regulations; materials that are accepted on site.
  - Documentation and record keeping
    - Complaints reporting; VIN number recording of vehicles depolluted on site.

Section 20.18 and 20.23 Orders

Section 20.18 Order

- Under section 20.18 of the *Environmental Protection Act*, a ministry director has the authority to issue an order stating that the EASR process, including requirements under the applicable regulation, do not apply to a specific activity at a site.
- For example, if your site is eligible for EASR registration but is having difficulty adhering to the operational requirements due to circumstances beyond your control (e.g. municipal restrictions, geographical restrictions), you can apply for a 20.18 order, which (if approved) will allow you to obtain an ECA.

Section 20.23 Order

- Under section 20.23 of the *Environmental Protection Act*, a ministry director has the authority to suspend or remove a registration from the EASR. In this case, the person removed from the EASR would have to obtain an ECA to continue operating.
- For example, if there is a site that has registered on the EASR, but does not comply with the operational requirements, the ministry can force this site to apply for an ECA.

Amendments to 351/12 – Waste Transportation EASR

- The ministry is exempting operators of waste transportation systems that only engage in the collection, handling, transportation and transfer of ELVS from registration in the EASR.
- For example, drivers that deliver ELVs to an ELV site will not be required to register on the EASR, so long as they do not engage in any dismantling or processing of ELVs.

Phased Implementation

- Regulations came into force on March 31, 2016
- The regulation has a phased implementation:
  - Six months after the regulations come into force, all eligible facilities will be required to register on the EASR.
  - 18 months after the regulations come into force, all aspects of the regulation would be applicable.
- In addition, the ministry will produce a guidance document to help the industry understand their regulatory requirements.

EASR Form

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Environmental Activity and Sector Registry

Registration of Activities Related to End-of-Life Vehicle Waste Disposal Sites

Part 3 — Activity Information

3.1	**Registration Information**	
(a)	Does your site receive end-of-life vehicles?	(•) Yes ( ) No
(b)	Does your site have 10 or more end-of-life vehicles on site at any one time, or receive more than 2 end-of-life vehicles in any one calendar year?	(•) Yes ( ) No
(c)	Does your site engage in anything other than the collection, handling, transportation, storage and/or transfer of end-of-life vehicles, and store or handle any end-of-life vehicle for more than 180 days?	(•) Yes ( ) No
3.2	**End-of-Life Vehicle Site Related Information**	
(a)	Has your site been identified as a significant drinking water threat in a source protection plan prepared under the Clean Water Act, 2006?	( ) Yes (•) No
(b)	Does your site engage in the disposal of waste by depositing it into the land (e.g. landfill waste)?	( ) Yes (•) No
(c)	Does your site accept or manage any PCB waste, radioactive waste, or treated and/or untreated biomedical waste?	( ) Yes (•) No
(d)	Does your site accept or manage any asbestos waste, other than components removed from a motor vehicle that contain asbestos (e.g. brake pads)?	( ) Yes (•) No
3.3	**End-of-Life Vehicle Activity Related Information**	
(a)	Are the only wastes managed on site the following: -End-of-life vehicles; -A component removed from an end-of-life vehicle, including fluid-containing components (e.g. internal combustion engine, transmission, radiator) or other wastes removed from an end-of-life vehicle (e.g. tires); -Metal, or other waste that is primarily metal by weight, that is destined for a site at which the principal purpose of use is not waste management or combustion.	(•) Yes ( ) No

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Frequently Asked Questions

- **I have multiple sites throughout Ontario, will the one-time fee of $1190 apply to all my sites?**
  - No. Each eligible site must register separately on the EASR. For example, if you had two sites under the same company, you would have to make two separate registrations on the EASR.

- **How will these new regulatory requirements be enforced?**
  - Similar to current EASRs, the ministry performs site visits to ensure eligible sites/activities are following the regulatory requirements.
  - EASR registered activities are still subject to the requirements of the EPA, and any other applicable regulatory or legislative requirements, including all enforcement tools (e.g. fines, orders).

Frequently Asked Questions (cont'd)

- **How will I know if my site has been identified as a significant drinking water threat in a source protection plan?**
  - If your site has been identified as a significant drinking water threat in a source protection plan, you may have been notified by your local Conservation Authority of your status. If you are unsure, you can contact your local Conservation Authority.

- **How will I know which brake pads contain asbestos and which do not?**
  - There is no way to determine whether or not a brake pad contains asbestos through a visual inspection. To accommodate this uncertainty, treating all brake pads as asbestos containing, and following the appropriate procedures for their disposal would alleviate any concern.

Frequently Asked Questions (cont'd)

- **I routinely flatten the roofs of ELVs in order to store them on my yard, will I be allowed to continue this practice?**
  - The amendments to Regulation 347 require that prior to any crushing, shredding, or shearing, all fluids be removed from an ELV.
  - The flattening of a roof would be considered crushing. Therefore, an ELV must first be depolluted of all fluids prior crushing the roof.

- **The regulations refer to crushing equipment with a spill containment system. What could be considered 'crushing equipment' and 'spill containment'?**
  - Crushing equipment is defined in the regulation as any equipment, apparatus, mechanism or thing that is used to crush a material. For example, this could include stationary or mobile flattening systems, or a backhoe.
  - Spill containment system is defined as a system that prevents the discharge of a pollutant from becoming a spill, or prevents a pollutant from entering a sewage works or other system that is not designed to contain or handle the discharge. For example, an impermeable pad with walls or berms that prevent fluid from leaving the area could be considered a spill containment system.

Contact

Scott Sterling

Program Advisor

(416) 327-1391

Tracey Armstrong

Senior Engineer

(416) 325-7752

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