



End-of-Life Vehicle (ELV) Activity Requirements

Regulatory Requirements Summary

As of September 30, 2017 ELV waste disposal sites at which a person engages in activities prescribed by O. Reg. 85/16 must operate in accordance with the following requirements made under the Environmental Protection Act (EPA):

A. Regulation 347 Subsections 5.1 (5) to (8) Requirements

B. Activity Requirements Outlined in Sections 7 & 8 of O. Reg. 85/16

C. Record Keeping Requirements Outlined in Section 9 of O. Reg. 85/16

D. Additional Regulatory Requirements

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This handout is intended to provide information on the activity requirements for ELV sites, that have come into force on September 30, 2017. Its contents should not be taken as legal advice.

To ensure you have the most current information on the operational requirements for ELV waste disposal sites, please consult the [Ontario's e-Laws website](https://www.ontario.ca/laws) (<https://www.ontario.ca/laws>).

A. Regulation 347 Subsections 5.1 (5) to (8) Requirements

Subsection 5.1 (5): Materials to be removed

The following materials indicated in *Table 1* are to be removed from the ELV prior to shearing, crushing or shredding or causing or permitting the shearing, crushing or shredding of an ELV:

Table 1- Materials and Substances That Must Be Removed From an ELV

1. Batteries
2. Battery cable connectors that contain lead
3. Electrical switches that contain mercury
4. Fluids (as defined in O. Reg. 85/16 & Reg. 347 to be antifreeze, fuel, lubricating oil, windshield washer fluid)
5. Tires
6. Tire weights that contain lead
7. Asbestos waste
8. Any other materials set out in a document entitled "Materials to be removed from end-of-life vehicles prior to shredding, crushing or shearing" dated March 7, 2016 as amended from time to time (currently no additional materials listed in the document).

A.**Regulation 347 Subsections 5.1 (5) to (8) Requirements****Subsection 5.1 (6): Waste certificate**

A person who removes one or more items listed in *Table 1* from an ELV , if there are no items left from *Table 1* in the ELV after the removal, must complete and issue a certificate with respect to the ELV or a shipment of ELVs that includes the information listed in paragraphs 1 to 5 of Subsections 5.1 (6).

Subsection 5.1 (7): Waste certificate

Anyone who is shearing, crushing or shredding an ELV can rely on the certificate as confirmation that all of the items listed in *Table 1* have been removed , unless there is reason to believe that one or more items have not been removed.

Subsections 5.1 (8): Waste certificate

A paper/electronic record of the certificate must be retained for at least 2 years by:

1. The person who completed and issued the certificate at the location where the item was removed
2. The person who received the certificate at the location where the end-of-life vehicle was shredded, crushed or sheared.

B.**Activity Requirements Outlined in Sections 7 of O. Reg. 85/16 - WASTE**

A person who engages in ELV activities prescribed by paragraph 1 of subsection 4 (1) of O. Reg. 85/16 must ensure that they comply with the following **17 waste activity requirements** outlined in section 7:

(1) Fluid Removal & Collection

All fluids defined in O. Reg. 85/16 and Reg. 347 (anti-freeze, fuel, washer fluid and lubricating oil) must be removed and collected from all material that is permitted to be managed at an ELV site prior to shearing, crushing or shredding.

B.**Activity Requirements Outlined in Sections 7 of O. Reg. 85/16 - WASTE****(2) Fluid Containment**

Fluids defined in in O. Reg. 85/16 and Reg. 347 (anti-freeze, fuel, washer fluid and lubricating oil) must be:

- i. Removed on an impermeable surface (ex. asphalt, concrete, etc...) that has a spill containment system
- ii. Under a covered structure to prevent precipitation from coming into contact with the fluids or the components from which the fluids are being removed.

A spill containment system as defined in O. Reg. 85/16 is a system that:

- i. Prevents the discharge of a pollutant from becoming a spill, or
- ii. Prevents a pollutant from entering a sewage works or other system that is not designed to contain or handle the discharge

Examples of a spill containment system include drip pans and containment trays, containment berms and drain covers amongst others.

(3) Shearing, Crushing, Shredding Containment

All shearing, crushing and shredding equipment must meet at least one of the following requirements:

1. The equipment must have a spill containment system
2. The equipment must be used and operated in an area with a spill containment system.

(4) Battery Storage

All batteries that have been removed and collected from an ELV must be stored in a way to prevent:

1. Precipitation from coming into contact with the battery
2. Short circuiting the battery.

B.**Activity Requirements Outlined in Section 7 of O. Reg. 85/16 - WASTE****(5) Material Storage**

The following materials that have been removed and collected from an ELV:

- i. Electrical switches that contain mercury,
- ii. Battery cable connectors that contain lead
- iii. Tire weights that contain lead and all fluids that have been removed from a material that is permitted to be managed at an ELV site

Must be stored in separate containers that meet the following requirements:

- ⇒ Stored above ground
- ⇒ Labelled with the contents of the container
- ⇒ Designed/protected to prevent precipitation from coming into contact with the contents
- ⇒ Capable of storing contents without deterioration of the container or any leaks
- ⇒ Closed and sealed when not in active use (fluids & mercury switches only)

(6) Storage Period

All batteries and materials listed in *Table 1* that are removed and collected from an ELV must not be stored for more than 24 months.

(7) Fluid Storage

Fluids removed from any material permitted to be managed at the ELV site must be stored, handled and maintained in a way to prevent:

- i. Leaks or spills of the fluid
- ii. Damage to or deterioration of the container where the fluid is stored.

(8) Wet Components

If a wet component has been removed and collected from an ELV, it must be stored:

- i. On an impermeable pad
- ii. In a way that prevents precipitation from coming into contact with the component.

A wet component is any component removed from an ELV that contains a fluid such as an internal combustion engine, transmission, or radiator.

B.**Activity Requirements Outlined in Section 7 of O. Reg. 85/16 - WASTE****(9) Spill Prevention and Management Plan**

The person has developed and implemented a spill prevention and management plan that includes at minimum, the following

- i. Procedures and materials to be used for clean-up of a spill
- ii. Location of all floor drains
- iii. Location of materials that may be used to temporarily seal drains in the event of a spill
- iv. Names of persons to be notified in the event of a spill
- v. Schedule for inspecting storage areas, containers and spill containment systems.

(10) Operational & Cleaning Materials

Materials that have been used in the operation of the ELV site or that have been or will be used to clean up spills at the site are stored in sealed containers when they are not in use or prior to being disposed.

(11) Training

Every employee of an operator and every person retained by the operator who engages in the management materials at an ELV site must receive training in the following:

- i. Waste management legislation, regulations and guidelines that are relevant to the operation of an ELV site
- ii. Environmental concerns relating to the materials handled at an ELV site
- iii. Occupational health and safety concerns related to materials handled at an ELV site
- iv. The safe use and operation of equipment used or operated at an ELV site
- v. Procedures for responding to emergencies, including fires and explosions that may occur at an ELV site
- vi. Procedures for dealing with spills that may occur at an ELV site, including clean up, disposal and reporting procedures

(12) Storage Area Inspections

All storage areas and containers are inspected for spills and leaks at least once a week by a person who has received the training outlined in **(11)**.

B.**Activity Requirements Outlined in Section 8 of O. Reg. 85/16 - WASTE****(13) Complaints**

If a complaint is received in relation to the ELV site concerning the natural environment, the district manager of the Ministry where the events leading to the complaint have occurred is notified no later than two business days after the complaint is received.

(14) Equipment Use - Time

Equipment used or operated at the ELV site to shear or crush a material permitted to be managed at the site can only be used or operated between the hours of 7 a.m. and 7 p.m. (Municipal by-laws may further restrict operating hours).

(15) Equipment Use - Manufacturers Standards

Equipment used to shear or crush a material or mechanically remove fluids from a material permitted at the ELV site must be used, operated and maintained in a way that satisfies the recommendations of the manufacturer of the equipment.

(16) Site Access

Access to the ELV site is limited to times where there is an attendant on duty who is trained in the steps outlined in **(11)**.

(17) Tire Storage

If there are tires stored on the property where the ELV site is situated, unless an Environmental Compliance Approval (ECA) states otherwise, the following criteria must be met:

- i. The total number of tire units stored on the ELV waste disposal site is less than 5000
- ii. The total volume of all stored piles of tire units at the site is less than 300 cubic meters. ("tire unit" has the same meaning as in s. 6 (1) of Reg. 347).

B.**Activity Requirements Outlined in Section 8 of O. Reg. 85/16 - AIR**

If a person engages in an activity prescribed by section 5 of O. Reg. 85/16 in respect to equipment used at the ELV waste disposal site that may discharge a contaminant to the air, the following requirements must be complied with:

(1) Air Emissions Program

The operator must develop and implement at the ELV 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.

More information and examples on what a program to minimize dust and visible emissions may look like can be found in the “Air Activity Operational Requirements” section of the ELV user guide for EASR’s (<https://www.ontario.ca/page/end-life-vehicle-waste-disposal-site-user-guide-environmental-activity-and-sector-registry#section-3>).

(2) Air Equipment Use - Manufacturers Standards

Equipment used to shear or crush a material or mechanically remove fluids from a material that is permitted to be managed at ELV site must be operated and maintained in a way that satisfies the recommendations of the manufacturer of the equipment.

(3) Air Equipment Use - Visible Emissions

Any equipment, apparatus, mechanism or thing used or operated to cut metal is not used or operated in a way that results in visible emission being carried into the air beyond the boundary of the property where the ELV site is situated.

C.**Record Keeping Requirements Outlined in Section 9 of O. Reg. 85/16**

O. Reg. 85/16 section 9 sets out the types of records that must be created and retained for two years. The owner or operator of an ELV waste disposal site is required to retain these records and be able to make the records available for inspection upon request by a provincial officer.

Generally speaking, the operator of the ELV waste disposal site is required to keep records dealing with the following:

- i. Inspection, Maintenance and Repairs
- ii. Vin Reports
- iii. Inspection of Storage Areas and Containers
- iv. Records of Crushing and Shredding
- v. Complaints
- vi. Spills of a Pollutant from a Container or Spill Containment System
- vii. Training

Section 9 of O. Reg. 85/16 also sets out specific record keeping requirements or, for further guidance, you may wish to consult the "Documentation Requirement" section in *Table 2- Record Requirements of O. Reg. 85/16* at the end of the ELV user guide for EASR's

(<https://www.ontario.ca/page/end-life-vehicle-waste-disposal-site-user-guide-environmental-activity-and-sector-registry#section-3>).

D.**Additional Regulatory Requirements**

There are other materials that can be found in ELVs that must be removed and are subject to requirements found in other regulations. Two examples are set out below.:

O. Reg. 463/10: Ozone Depleting Substances and Other Halocarbons

O. Reg. 463/10: Ozone Depleting Substances and Other Halocarbons, requires the removal of all liquid or gas refrigerants from an ELV (section 41 of O. Reg. 463/10). No one can dismantle, destroy, recycle, incinerate or dispose of by depositing in a dump or land-filling site refrigeration equipment or a container that has contained a refrigerant unless a notice has been affixed to the equipment or container, and the equipment or container must be dealt with in a manner authorized under the Act. This notice, completed by a certified person, requires the certified person to determine that the refrigeration equipment or container no longer contains a refrigerant (section 32 of O. Reg. 463/10).

Reg. 347: Hazardous Waste and Liquid Industrial Waste

Reg. 347 requires that waste generators (e.g. ELV waste disposal sites) determine the types of waste they generate. [Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Waste](https://www.ontario.ca/page/registration-guidance-manual-generators-liquid-industrial-and-hazardous-waste) (https://www.ontario.ca/page/registration-guidance-manual-generators-liquid-industrial-and-hazardous-waste) can help guide operators through the process of determining whether their ELV site generates hazardous or liquid industrial wastes. If the ELV waste disposal site produces subject waste, the site **must register** with HWIN.