

Ministry  
of the  
Environment

Office of the Minister

135 St. Clair Ave. West  
12th Floor  
Toronto ON M4V 1P5  
Tel (416) 314-6790  
Fax (416) 314-6748

Ministère  
de  
l'Environnement

Bureau du ministre

135, avenue St. Clair ouest  
12<sup>e</sup> étage  
Toronto ON M4V 1P5  
Tél (416) 314-6790  
Télééc (416) 314-6748



JUL 22 2008

Ms. Gemma Zecchini, Chair  
Waste Diversion Ontario  
45 Sheppard Avenue East, Suite 920  
North York, Ontario  
M2N 5W9

Dear Ms. Zecchini:

I am pleased to write to the Board of Directors of Waste Diversion Ontario (WDO) to provide further direction on the next phases of the Municipal Hazardous or Special Waste (MHSW) program that I approved on February 19, 2008.

Pursuant to section 7 of the *Waste Diversion Act, 2002*, I am requiring that WDO develop an amended waste diversion program for MHSW that will include all wastes referred to as "Phase 2" and "Phase 3", in addition to the wastes covered by the current program, in accordance with this letter and the enclosed addendum. As you are aware, O. Reg. 542/06 designates Stewardship Ontario as the Industry Funding Organization for municipal hazardous or special waste.

Funding for the amended program shall become the full responsibility of the stewards and shall address all costs inclusive of collection through to final diversion or disposal of MHSW.

The program shall address diversion principles by providing financial and/or other incentives encouraging reduction, reuse and recycling activities. Where limited reuse and recycling options are available, the diversion program should encourage the establishment of facilities with sufficient reuse and recycling capacity to maximize management of MHSW. The program shall also include provisions that aim to expand the availability of MHSW collection sites to make it convenient and accessible to all Ontarians, including high-density urban areas, rural and northern Ontario. Specifically, in order to increase access to collection for consumers, the program shall include a range of collection options, including, but not limited to, the following: residential collection, residential collection arranged on an individual basis ('toxic taxi'), incentives to encourage material recovery, and retail take-back programs. In



addition to promoting reduce, reuse and recycling activities, wherever possible, the MHSW program should promote best practices and encourage the development of innovative diversion techniques.

Please submit to me, by March 2, 2009, (i) the sections of the approved program plan for Phase 1 materials that are not amended and will not require public consultation, (ii) the amended program proposal for Phase 1 materials, and (iii) a new proposal for Phase 2 materials. If approved, the not amended sections of the program together with the amended sections of the program would, on implementation, replace the existing MHSW program that I approved on February 19, 2008. In addition, please submit to me by August 31, 2009, a further amended program proposal, to incorporate phase 3 materials.

As with the submission for Phase 1, please include a separate full evaluation and analysis of available options, and specific details and rationale for the program to be proposed.

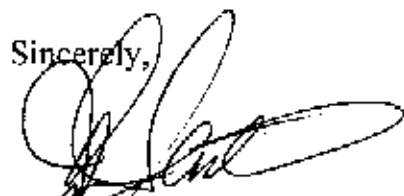
I am requesting that WDO explore the current management of lead acid batteries from vehicles and submit a report with recommendations on their inclusion in the program along with the Phase 2 program submission (see addendum regarding the collection of batteries).

I am pleased that we are building on the success of the MHSW program. Certainly your experience and efforts in its design and implementation will be instrumental in developing a successful program for the additional waste materials.

An addendum to this letter has been attached which provides additional direction for the requested program submissions.

I thank you for your continued commitment to enhancing waste diversion in Ontario.

Sincerely,



John Gerretsen  
Minister of the Environment

Enclosure

## **Addendum to the Minister's Request Letter to Waste Diversion Ontario for an amended Waste Diversion Program for Municipal Hazardous or Special Waste**

The following are key amendments to the Municipal Hazardous or Special Waste (MHSW) program approved on February 19, 2008, that are to be addressed in the amended program:

- a) The program shall address all costs inclusive of collection through to final diversion or disposal of MHSW;
  - b) The program shall include a range of collection options in order to increase access for consumers including, but not limited to: residential collection, residential collection arranged on an individual basis ("toxic taxi"), incentives to encourage material recovery, and retail take-back programs; and
  - c) The scope of the program shall be expanded to include certain wastes from all industrial, commercial and institutional (IC&I) generators. Such wastes are generated from products typically used in either residential or IC&I applications, are indistinguishable from products used in residences and result in MHSW that is commonly not diverted from final disposal. The amended program shall address all batteries (excluding lead acid batteries from vehicles), and other wastes that may be deemed appropriate.
1. Waste Diversion Ontario (WDO) shall develop an amended Waste Diversion Program for MHSW ("the Program") incorporating Phase 2 and 3 wastes as specified below, in accordance with all legislative requirements of the *Waste Diversion Act, 2002* (the Act):
- a) The amended Program shall include the addition of the following wastes ("Phase 2"):
    - From residential and all IC&I generators:
      - i. all batteries, excluding lead acid batteries from vehicles;
    - From residential generators and IC&I small quantity generators:
      - ii. aerosol containers, such as hair spray containers;
      - iii. portable fire extinguishers;
      - iv. fluorescent light bulbs and tubes, limited to generators of no more than 5kg/month. The collection system, including convenient collection locations, the actions of generators and collection site operators, and the transportation system should ensure that the fluorescent bulbs and tubes remain whole and unbroken (refer to section 7(k), below);
      - v. switches that contain mercury;
      - vi. thermostats, thermometers, barometers or other measuring devices, if the thermostats, thermometers, barometers, or other measuring devices contain mercury;

From residential generators only:

- vii. pharmaceuticals; and
- viii. sharps, including syringes;

- b) The final phase of the amended Program will include the addition of all other remaining materials ("Phase 3") that meet the definition of "municipal or hazardous waste" in O. Reg. 542/06; and
- c) "IC&I small quantity generators" is defined as a business that is not required to submit a generator registration report with respect to the waste under subsection 18(1) of Regulation 347 under the EPA.

Unless specified otherwise, these IC&I businesses are limited to delivering no more than 100 kg/month of MHSW to a MHSW depot. Municipal or retail MHSW depots require appropriate ministry approval to receive MHSW from IC&I generators. In addition, small IC&I generators require appropriate ministry approval to transport MHSW materials.

2. Designated stewards shall be responsible for payment of all Program costs. At a minimum, Program costs shall include the costs incurred for the following activities:
  - a) Collecting, storing, handling (including packaging for shipment), transporting, processing and marketing all MHSW that is collected for diversion and actually diverted;
  - b) Collecting, storing, handling (including packaging for shipment), transporting, processing and disposing all MHSW that is collected but not diverted, including residual waste material;
  - c) Any incentives used to encourage material recovery;
  - d) Research and development activities to support and increase the effectiveness and efficiency of MHSW collection and diversion;
  - e) Activities to develop and promote diversion of MHSW; and
  - f) Educational and public awareness activities to support the MHSW program.
3. Funding rules for the Program:
  - a) Consistent with principles in the Act, the proposed funding rules should designate and define as stewards under the Program, brand owners and/or first importers into Ontario of products that result in the generation in Ontario of MHSW under the Program. Such products shall be referred to as "Municipal Hazardous or Special Materials" (MHSM); The proposed funding rules will clearly identify MHSM included under the Program for which fees are payable;

- b) Fees payable in respect of MHSW under the Program shall be applicable to MHSW produced, or arriving into the province, and that are supplied into the Ontario market;
  - c) Fees should only apply to MHSW identified under the Program and not to a different program developed by WDO (e.g., MHSW containers managed under the Blue Box Program);
  - d) Fees collected shall be used to pay for all program activities and shall address all costs inclusive of collection through to final diversion or disposal of MHSW;
  - e) In addition, fees collected shall also consider capital costs to meet program accessibility targets;
  - f) Fees shall be used to maximize the management of MHSW through reduction, reuse and recycling and not to fund or promote the burning, landfilling or land application of MHSW unless the 3Rs options are not available or technically feasible.
4. The Program submission shall include a set of vendor qualification requirements to ensure MHSW materials are collected, stored, handled, transported, processed or disposed in a safe and environmentally sound manner that satisfies local, provincial and national regulations and international obligations, as they may apply.
5. The Program submission shall identify a tracking mechanism for MHSW from collection through to its final destination.
6. At a minimum, the Program submission will describe funding provisions for:
- a) Research and development activities to support and increase the effectiveness and efficiency of MHSW collection and diversion;
  - b) Activities to develop and promote diversion of MHSW, generated from MHSW identified under the Program, that is available for collection; and
  - c) Educational and public awareness activities to support the Program.
7. At a minimum, the Program submission shall describe and include an assessment of the following elements:
- a) A breakdown of the quantity of MHSW supplied into the Ontario market;
  - b) An estimate of the quantity of each MHSW material, generated from MHSW identified under the Program, that is available for collection;
  - c) The anticipated collection and diversion targets for each MHSW material for the first five years of the Program, taking into account reduction of the quantity of MHSW available for collection as a result of the Program;
  - d) Program accessibility targets to ensure that the Program is convenient and accessible to all Ontarians, including, but not limited to: high-density urban areas, rural communities and northern Ontario, and the proposed methodology for defining the appropriate accessibility targets;

- e) The methodology for including the types of collection options in order to increase consumer access;
- f) A description of any material diversion and recovery infrastructure in place;
- g) Descriptions of markets for all recovered materials;
- h) A list of benchmarks and performance measures used to encourage the 3Rs, promote best practices and encourage the development of innovative diversion techniques;
- i) A detailed breakdown of financial payments, including:
  - i. specific payments directed to collecting, storing, handling (including packaging for shipment), transporting, processing, marketing, diverting, disposing and capital to improve the existing collection and diversion infrastructure;
  - ii. criteria to be applied to determine payment eligibility; and
  - iii. the procedure for eligible parties to request and receive payments.
- j) A tracking and audit mechanism to ensure overall program compliance; and
- k) A clear description of how the MHSW Phase 2 program for fluorescent bulbs will work in conjunction with the Recycling Council of Ontario's "Take Back the Light" program for diverting fluorescent lamps from the waste stream.