

Thames – Sydenham and Region Drinking Water Source Protection Source Protection Committee Discussion Paper

Report to Chair and members
Thames – Sydenham and Region
Source Protection Committee

Agenda # 2014.10.7a

Cc SP Management Committee

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Re: Waste Policy Revisions

Background

1. Waste policies in the proposed SPP prohibited new waste disposal sites via Prescribed Instruments (PI) and Part IV section 57 Prohibition, and managed existing waste disposal sites via PIs and Part IV section 58 Risk Management Plans (RMP).
2. MOE comments provided additional information indicating that there is no PI for the following 3 waste sub-threats when waste is generated or stored at sites other than a landfill or waste transfer station:
 - o storage of wastes described in clauses (p), (q), (r), (s), (t), or (u) of the definition of hazardous waste, or in clause (d) of the definition of liquid industrial waste; or
 - o storage of hazardous or liquid industrial waste,
 - o PCB storage
3. MOE also commented that the storage of wastes described in “clauses (p), (q), (r), (s), (t), or (u) of the definition of hazardous waste, or in clause (d) of the definition of liquid industrial waste” will encompass a number of businesses that the SPC may not have anticipated (e.g. hardware stores, nursing homes, medical clinics, retailers, print shops and laboratories that may only generate small quantities of such wastes as part of their regular operations)
4. MOE suggested the SPC reconsider whether their intent was to prohibit this expanded list of business types and indicated that alternative options to consider would include section 58 RMPs or education and outreach (E&O).

Discussion

1. For the TSR (outside of Oxford County) the waste prohibition policy in the proposed SPP has the potential to impact St. Mary's the most. The majority of the downtown business area is within the area covered by the policy (WHPA-A&B with a vulnerability score of 10). As written the current policy would prohibit future businesses (listed in point 3 of the background), throughout this extensive area of the town.
2. Many SPAs are currently trying to determine how to deal with this issue. CTC has reverted to education and outreach due to the extensive number of these types of businesses which might be affected and the considerable workload to develop RMPs for these.
3. Oxford County has determined that it will manage the first 2 sub-threats listed above and prohibit all the other waste subcategories. This approach is also being considered by the rest of the Lake Erie Region.
4. TSR staff suggest following the same approach.
5. The rationale that Oxford has provided for this approach is as follows:

- a) These two exceptions were introduced based on further details regarding the nature of these threats that was provided by the Ministry of the Environment and Climate Change as part of their review of the plan. Upon review of this information, it was determined that these two threat categories capture both large and small quantities of hazardous and liquid industrial waste that can be generated by a broad range of industrial, commercial and/or institutional operations. Examples of such operations include nursing homes, medical clinics, retailers, print shops and laboratories that may only generate small quantities of such wastes as part of their regular operations (e.g. hardware stores that collect hazardous waste for disposal).
 - b) Given that there are a considerable number of industrial, commercial and institutionally zoned properties located within significant threat areas in the County, it was determined that prohibition of such waste threats where an ECA is not required may have the unintentional consequence of constraining or prohibiting many planned land uses that only generate fairly small quantities of such wastes. It should be noted that although such activities are not subject to an ECA, there are other tools prescribed by the Environmental Protection Act that the Ministry of the Environment can use to regulate such activities. Further, it is understood that uses or sites that store larger quantities of such wastes, such as landfills and transfer stations, are generally subject to an ECA. Therefore, the County determined that it would be appropriate to continue to prohibit future threat activities in these two threat sub-categories where an ECA is required.
 - c) As part of their review, the Ministry of the Environment and Climate Change had also suggested that the County consider management versus prohibition for the storage of polychlorinated biphenyls (PCB) waste threat sub-category. However, given that such threats can only be significant if they are located below grade or in an outdoor area and not in a container, it was the opinion of the County that prohibition remains a reasonable and appropriate approach for future occurrences of such threat activities, as it would simply mean that they would need to be located above grade and in an indoor area or in a container.
5. TSR staff concur with the rationale that the County has developed. After further discussion with County staff we would emphasize that due to the large range of chemicals and quantities involved with these two sub-threat categories the use of RMPs will give more flexibility. For small quantities that are easily managed via best management practices the RMP can be fairly short and standardized. In cases of larger quantities the RMO will have the option to set stringent thresholds in order to manage the risk. Or the RMO may even determine that it is not possible to agree on a RMP that can manage the risk, which would effectively prohibit the activity as intended by the current policy.

Proposed Policy Concept for Consideration

2.05 Future Waste Disposal Sites – Prohibition (*revision to existing policy*)

1.

Future waste disposal sites, with the exception of the following threat subcategories:

- storage of wastes described in clauses (p), (q), (r), (s), (t), or (u) of the definition of hazardous waste, or in clause (d) of the definition of liquid industrial waste; or
 - storage of hazardous or liquid industrial waste,
2. shall be prohibited so that they never become a significant drinking water threat. This policy shall apply to vulnerable areas where this activity would be a significant drinking water threat. Where this activity is subject to Environmental Compliance Approvals (ECAs), the Province (Ministry of Environment (MOE)) shall prohibit this activity through the ECAs.

3. Where any aspect of this activity, with the exceptions noted above, is a prescribed drinking water threat, and does not require an ECA, this activity shall be designated for the purposes of Section 57 of the Clean Water Act.

2.05.1 Future Waste Disposal Sites – Management (*new policy*)

1. Where a future waste disposal site does not require an Environmental Compliance Approval and comprises one of the following waste disposal site threat subcategories:
 - storage of wastes described in clauses (p), (q), (r), (s), (t), or (u) of the definition of hazardous waste, or in clause (d) of the definition of liquid industrial waste; or
 - storage of hazardous or liquid industrial waste,
2. and where such a waste disposal site would be a significant drinking water threat, it shall be designated for the purpose of Section 58 of the Clean Water Act and a Risk Management Plan shall be required to manage the activity so that it never becomes a significant drinking water threat.
3. The requirements of the risk management plan may be based on Ministry of the Environment tools and requirements for such activities, but may also include any modifications or additional requirements that are deemed necessary or appropriate by the Risk Management Official.