

Exporting/Importing Waste From Canada

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Exporting from Canada to the US

- What Governs the export?
- What is required to export waste?
- What is required to import waste in US?
- Documentation?
- What is acceptable to ship?
- What is a customs broker and where do they fit?
- What does the process look like start to finish?
- How do the Regs differ from one country to the other?

What Govern the Export of Waste

- Export regulated by Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulation:
 - Gives definition of Hazardous waste, Hazardous recyclable material
 - Gives exclusions - very important to know
 - How and to whom to submit the application to export
 - What is required in the export notification
- Where can I find the person to talk to on EIHWHRM:
 - <http://www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=39D0D04A-1>
 - Very helpful tool is the user's guide to the EIHWHRM
 - <http://www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=5D5BE79E-1&offset=5&toc=show>
 - Some helpful tools for the regulated waste
 - This site contains all you need to know on classifying and exporting waste.
 - <http://www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=8BBB8B31-1#movement>

What is required to export Waste

Analytical - Metals (totals and TCLP if warrants), PAH's, VOC's, PCB's, Fish Bioassay for WA.

3 categories of Waste -

- Non Haz - no export notification needed. Example - creosote timbers
- BC Haz - Anything on BC Movement document. Export notification needed -30-90 day process. Requires "contract". Insurances, Example - Asbestos drywall.
- Fully Hazardous on both side of border - need export permit and import permit. We do both.

What is required to Import Waste

Customs Broker -

- Role is to get waste across border electronically
- Keep trucks from sitting at border

TSCA Notification form - Toxic Substance Control Act

- Governs what came into the US.

If US hazardous waste then need import permit.

If US Non hazardous - No import notification needed other than TSCA Notification to customer broker. Examples - Creosote timbers, IL+ material, dredge material.

What documentation is needed?

Two sides

Canada

- Canadian Movement document (Haz) or BOL (non haz)
- Multiple carrier form (if needed)
- Export Notification
- Possible placards for vehicle

US

- Bill of Lading
- TSCA notification form
- Profile approval form
- ACM form (Asbestos only)

Waste Management Owned Facilities

WM owns and operates 5 Subtitle D permitted facilities and 1 Subtitle C permitted facility in the Pacific Northwest.

Subtitle D Facilities (same as class 2)-

Acceptable wastes include

- Non-hazardous solid waste
- Contaminated soil (including TPH and pesticides)
- Industrial waste and Special Waste
- C&D waste
- Gas Enhancement Fluids (Columbia Ridge Only)

Subtitle C Facilities (same as class 1)-

Acceptable wastes include

- All of the materials listed above managed at a higher level of liability protection
- RCRA, TSCA Waste
- CAMU Designated Waste
- Liquids and Solids



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Acceptable Wastes

Pacific Northwest Subtitle D Landfills

	Petroleum Contaminated Soil (PCS)	Municipal Solid Waste ("Wet" Waste)	Recycling Services	Asbestos-Containing Waste (ACM)	Construction & Demolition Debris (CDL)	Industrial & Manufacturing Waste	CERCLA Approved	Metro Designated Facility
<i>Hillsboro Landfill</i>	X		X	X	X	X	X	X
<i>Riverbend Landfill</i>	X	X			X	X	X	X
<i>Wenatchee Regional Landfill</i>	X		X	X	X	X		
<i>Graham Road Landfill</i>	X		X	X	X	X	X	
<i>Columbia Ridge Landfill</i>	X	X	X		X	X	X	X



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Pacific Northwest Facilities

Hazardous (Subtitle C, same as class 1) Landfill

Chemical Waste Management

Arlington, Oregon

Disposal Services Provided:

- Asbestos -Friable & Non-Friable
- RCRA Hazardous Solids
- Non-Hazardous Solids
- State Only Regulated Solids
- TSCA PCB Solids
- RCRA Stabilization - Metals
- Solidification - Non-Haz or Hazardous Materials that meet Land Disposal Restrictions (LDR)
- Macro Encapsulation
- Micro Encapsulation
- PCB Transformer/Electrical Services
- Wastewater Treatment
- Solar Evaporation
- Drum Management - Liquids & Solids
- Organics Recovery Unit (ORU)
- CAMU Designated Waste
- Rail Serviced*
- Part B Operating Permit*
- Foreign Soils Permit*



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Exporting Process start to finish

Non Haz in BC

- Ship anytime
- Profile process and customer set up
- US side of paperwork packet

BC Haz

- Export notification (30-60 days)
- Profile process and customer set up (5 days)
- Customs broker set up (1 day)
- Paperwork packets - both sides

US Haz

- All of the BC haz plus US import notification.

Shipping to the US

- Non hazardous waste- Subtitle D facilities
 - No cradle to grave liability. We take ownership, required by law (RCW 36.58.060)
 - Washington very similar to BC on regulation of substances and metals.
 - Only regulate 8 metals to TCLP standards in Oregon -
 - Arsenic - 5 mg/l, Barium - 100 mg/l, Cadmium - 1 mg/l, Chromium - 5 mg/l, Lead - 5 mg/l,
 - Mercury - .2 mg/l, Selenium - 1 mg/l, Silver - 5 mg/l
 - VOC's - to 10,000 ppm
 - Some BC haz is non haz once it crosses border.
 - Must have a customs broker involved - very easy
 - Local facilities are Wenatchee, Graham Rd (Spokane), Columbia Ridge, Hillsboro, River Bend, Duwamish
- Hazardous Waste - Subtitle C facilities
 - Cradle to grave Liability
 - Must be exporter of record
 - Can take TCLP metals over non haz limits
 - Still no TSCA regulated substances - asbestos, pcb's, etc
 - Can treat material to meet LDR restrictions - i.e. stabilization, solidification, low level thermal.
 - Local facility is Chemical Waste Management in Arlington, OR
 - Rail served, bulk and drum quantities.

Liability Realities Canada vs US

Canada - No liability once receiving facility takes it - Not true.

- Level of liability changes by province
- Liability exists when landfills are cleaned up
- history shows only owner or largest contributor to landfill foots bill
- Legislation is broad enough for generator to be named PLP
- EMA, Div 3, sec. 45-50 spells out liability parameters
- Rare instances of direct generator other than municipalities being named PLP.
- Regulation casts liability net wide with vague language.

United States - Total liability from cradle to grave - Not True

- Cradle to grave only exists for US hazardous waste - 40 CFR 157-270.
- Cradle to grave only enacted when other options are exhausted.
 - Company
 - Liability Insurances
 - Escrow accounts
- Non hazardous waste does not carry liability when landfilled.
- Liability exists only when landfills are cleaned up, if needed - CERCLA
- Liability is directly proportional to amount shipped from generator
 - Mirrors EMA Div 3, Sec 45-50
- Most clean ups are old city dumps.

Ways to limit liability and protect yourself

- Use landfill company that takes title to waste (EMA sec 132)
- Make sure company used for disposal also indemnifies.
- Use landfill company with deep pockets.
- Use landfills with solid post closure insurance.
- Make sure landfill additionally insures.
- Use landfills with long operating life left.
- Make sure landfills are regional or publically owned. Not mom & pop
- Make sure proper lining and collection systems are in place. No “natural” or unlined landfills.
- Review Permit - make sure it specifically says they can take what you want to send them, Waste Acceptance Plan and Leachate collection operation plan.
- Request NOV's for last 5 years

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