

AMEND THE WASTE CONTROL REGULATION 192/1996 TO ADDRESS CLASSIFICATION OF HAZARDOUS WASTES IN LANDFILLS

WHEREAS municipalities are responsible for service provision and land-use planning decisions that consider environmental stewardship; and

WHEREAS proximity to landfills across municipalities in Alberta varies considerably; and

WHEREAS many landfills are not within close proximity to deep well disposal facilities that can accept hazardous wastes and very few facilities are equipped to carry out proper disposal; and

WHEREAS the current Regulation classifies leachate with toluene in excess of 0.5 mg/L and ammonia in excess of 100mg/L as a hazardous waste; and

WHEREAS many municipal/residential solid waste landfills in Alberta and the rest of Canada generate leachate with toluene and ammonia concentrations in excess of 0.5 mg/L and 100 mg/L, respectively; and

WHEREAS Alberta Environment and Sustainable Resource Development received the *Final Report, Updating Alberta's Hazardous Waste Regulatory Framework: A Report Prepared by the Hazardous Waste Technical Committee for the Waste Management Stakeholder Group* (hereafter, The Report) in November 2006; and

WHEREAS the Report's recommendations have not yet been implemented by revision of the Waste Control Regulation (AR192/1996) and Table 2 of the User Guide for Waste Managers; and

WHEREAS municipal solid waste landfills provide the most economical option for the disposal of non-recyclable, non-hazardous waste and serve to prevent contamination between waste and surrounding environment; and

WHEREAS this resolution would result in decreased disposal or operational costs without increasing environmental risk or liability for those municipalities that elect to be members of waste commissions that are not within close proximity to deep well disposal facilities;

THEREFORE BE IT RESOLVED that the Alberta Association of Municipal Districts and Counties calls upon the Government of Alberta to revise the *Waste Control Regulation 192/1996* and *User Guide for Waste Managers* to reflect the recommendations for toluene and ammonia, in particular in the *Final Report, Updating Alberta's Hazardous Waste Regulatory Framework: A Report Prepared by the Hazardous Waste Technical Committee for the Waste Management Stakeholder Group*.

MEMBER BACKGROUND:

The Evergreen Waste Commission's mandate is to provide waste management services to residents and businesses in the County of St. Paul, Town of St. Paul, Town of Elk Point, County of Smoky Lake, Town of Smoky Lake, Village of Vilna, and Village of Waskatenau as well as an array of customers outside these municipalities. Established by the Alberta Government, Evergreen is set up as a regional services commission, which means Evergreen represents public sector transparency, while providing effective and efficient services to solve municipal, private, and public waste problems.

The Evergreen Commission is experiencing rising trucking and disposal costs in its efforts to properly dispose of non-toxic leachate waste due to the presence of the chemicals toluene and ammonia in Evergreen's leachate. The current *Waste Control Regulation and User Guide for Waste Managers* classifies leachate with toluene in excess of 0.5 mg/L and ammonia in excess of 100mg/L as a hazardous waste. Yet, there is substantial evidence that these permitted levels are not scientifically sound and in fact, the non-toxic leachate could withstand significantly higher levels of toluene and ammonia without any environmental consequences.

In November 2003, a Waste Management Stakeholder Group (WMSG) was established to assist Alberta Environment and Sustainable Resource Development in developing a long-term Waste Strategy. The WMSG consulted widely during this process. Due to the highly technical nature of many of the issues surrounding hazardous waste, the WMSG decided that a Hazardous Waste Technical Committee (HWTC) should be formed to clarify outstanding technical issues and provide recommendations on hazardous waste classification and hazardous waste landfill disposal restrictions.

Ultimately, on November 30, 2006, Alberta Environment and Sustainable Resource Development received the *Final Report, Updating Alberta's Hazardous Waste Regulatory Framework: A Report Prepared by the Hazardous Waste Technical Committee for the Waste Management Stakeholder Group*. The Report can be found at: <http://esrd.alberta.ca/waste/hazardous-waste-management/documents/8308.pdf>

The Report states that some of the limits on regulated chemicals including toluene and ammonia "are not scientifically defensible, or are not regulated in other jurisdictions, or have been arbitrarily set" (pg. 22). Despite the recommendations made by the Hazardous Waste Technical Committee, the vast majority of these recommendations have not been implemented by Alberta Environment and Sustainable Resource Development.

In particular, the Report advocates for increasing the permitted levels of toluene in non-toxic leachate waste from 0.5 mg/L to 5 mg/L and deregulating ammonia by removing it from Table 2 in the User Guide for Waste Managers.

The Report argues that there is inadequate evidence to demonstrate the carcinogenicity of toluene in humans and research suggests a lack of carcinogenicity in animals. Moreover, "toluene has low acute and chronic toxicity for both animals and humans" (pg. 55).

The Report also states that "the Toxicity Characteristic Leaching Procedure is not suitable to test ammonia and many of its salts and that these substances are defined as hazardous due to hazardous properties other than leachability" (pg. 52). Moreover, ammonia is highly soluble in water and is rapidly converted to nitrate, which is not a regulated substance in either the Waste Control Regulation or Table 2 of the User Guide for Waste Managers.